

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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July 1, 2011 Volume 35, Issue 27

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 2, to July 1, 2011.

STATE BANKING BOARD OF ILLINOIS

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Hearings for Removal or Prohibition of Directors, Officers, Employees or Agents of a State Bank or a Branch of an Out-of-State Bank, Subsidiary or Holding Company of a State Bank or a Branch of an Out-of-State Bank, or Corporate Fiduciary, Subsidiary or Parent Company of a Corporate Fiduciary
- 2) Code Citation: 38 Ill. Adm. Code 900
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
900.10	Repealed
900.20	Repealed
900.30	Repealed
900.40	Repealed
900.50	Repealed
900.60	Repealed
900.70	Repealed
900.80	Repealed
900.90	Repealed
900.100	Repealed
900.110	Repealed
900.120	Repealed
900.130	Repealed
900.140	Repealed
900.150	Repealed
900.160	Repealed
900.170	Repealed
900.180	Repealed
900.190	Repealed
900.200	Repealed
900.210	Repealed
900.220	Repealed
900.230	Repealed
900.240	Repealed
900.250	Repealed
- 4) Statutory Authority: Implementing Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)], Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6], and Section 6 of the Foreign Bank Representative Office Act [205 ILCS 650/6] and authorized by Section 80(j) of the Illinois Banking Act [205 ILCS 5/80(j)]

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NOTICE OF PROPOSED REPEALER

- 5) A Complete Description of the Subjects and Issues Involved: This Part was originally promulgated to establish a procedural framework for the State Banking Board to review administrative orders issued by the Secretary. Pursuant to PA 96-1163, effective January 1, 2011, the Illinois Banking Act [205 ILCS 5] was amended, eliminating a secondary tier of administrative review before the State Banking Board. Because the State Banking Board no longer has authority to review such matters, this Part is being repealed in its entirety.

In accordance with Section 48(10) of the Act, all final administrative decisions of the Secretary are subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/3].

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

State Banking Board of Illinois
Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

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217/785/0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None, this Part is being repealed.
 - B) Reporting, bookkeeping or other procedures required for compliance: None, this Part is being repealed.
 - C) Types of professional skills necessary for compliance: None, this Part is being repealed.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: PA 96-1766 just became effective on January 1, 2011.

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

STATE BANKING BOARD OF ILLINOIS

NOTICE OF PROPOSED REPEALER

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER VII: STATE BANKING BOARD OF ILLINOIS

PART 900

HEARINGS FOR REMOVAL OR PROHIBITION OF DIRECTORS, OFFICERS,
EMPLOYEES OR AGENTS OF A STATE BANK OR A BRANCH OF AN OUT-OF-STATE
BANK, SUBSIDIARY OR HOLDING COMPANY OF A STATE BANK OR A BRANCH OF
AN OUT-OF-STATE BANK, OR CORPORATE FIDUCIARY, SUBSIDIARY OR PARENT
COMPANY OF A CORPORATE FIDUCIARY **(REPEALED)**

Section

900.10	Applicability
900.20	Definitions
900.30	Request for a Hearing
900.40	Hearing Officer
900.50	Notice of Hearing
900.60	Motions
900.70	Answer to the Order
900.80	Form of Pleadings
900.90	Service
900.100	Appearances
900.110	Consolidation of Hearing Proceedings
900.120	Intervention
900.130	Authority of Hearing Officer
900.140	Prehearing Conferences
900.150	Practice by Telephone or Video Conference Call
900.160	Subpoenas
900.170	Discovery
900.180	Evidence Depositions
900.190	Conduct of a Hearing
900.200	Evidence
900.210	Record of Hearing Proceedings
900.220	Briefs
900.230	Hearing Officer's Findings of Fact and Conclusions of Law
900.240	Board's Determination
900.250	Construction of Rules

AUTHORITY: Implementing Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)],
Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6], and Section 6 of the Foreign

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Bank Representative Office Act [205 ILCS 650/6] and authorized by Section 80(j) of the Illinois Banking Act [205 ILCS 5/80(j)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 15672, effective September 11, 1986, for a maximum of 150 days; chapter number and Part number corrected at 10 Ill. Reg. 20328; adopted at 11 Ill. Reg. 8905, effective April 24, 1987; amended at 12 Ill. Reg. 17074, effective October 11, 1988; amended at 20 Ill. Reg. 11359, effective August 1, 1996; expedited correction at 20 Ill. Reg. 14944, effective August 1, 1996; amended at 22 Ill. Reg. 14934, effective July 28, 1998; amended at 28 Ill. Reg. 2670, effective January 30, 2004; repealed at 35 Ill. Reg. _____, effective _____.

Section 900.10 Applicability

This Part shall apply to hearings conducted under the jurisdiction of the State Banking Board of Illinois pursuant to Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)], Section 3.074(b) of the Illinois Bank Holding Company Act [205 ILCS 10/3.074(b)], and Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6].

Section 900.20 Definitions

For purposes of this Part:

"Board" means the State Banking Board of Illinois.

"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner to act on behalf of the Commissioner.

"Corporate Fiduciary" shall have the meaning ascribed to it in the Corporate Fiduciary Act [205 ILCS 620].

"Hearing Officer" means an attorney actively licensed in the State of Illinois who is the presiding official appointed by the Board to conduct a hearing.

"Holding Company" shall have the meaning ascribed to it in the Illinois Bank Holding Company Act of 1957 [205 ILCS 10].

"Order" means an Order of Removal or an Order of Prohibition pursuant to Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)], Section 3.074(b) of the Illinois Bank Holding Company Act [205 ILCS 10/3.074(b)], and Section 5-6

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of the Corporate Fiduciary Act [205 ILCS 620/5-6].

"Out-of-state bank" means a bank chartered under the laws of a state other than Illinois, a territory of the United States, or the District of Columbia.

"Party" includes:

the Commissioner;

any person named in an Order; and

after the date of a Ruling permitting a party to intervene, any of the following affected by the Order:

a State bank;

a branch of an out-of-state bank;

a corporate fiduciary; or

a subsidiary, parent company or holding company of the State bank, branch of the out-of-state bank, or corporate fiduciary.

"Person" means any director, officer, employee or agent of a foreign bank, State bank, branch of an out-of-state bank, corporate fiduciary or subsidiary, parent company, or holding company of a State bank, branch of an out-of-state bank, or corporate fiduciary.

"Respondent" means the persons named in the Order.

"Ruling" means a direction of the Board or its duly appointed hearing officer made or entered in writing and not included in a judgment.

Section 900.30 Request for a Hearing

A request for a hearing before the Board pursuant to Section 48(7) of the Illinois Banking Act, Section 3.074(b) of the Illinois Bank Holding Company Act of 1957, or Section 5-6 of the Corporate Fiduciary Act shall be in writing and shall be received by the Board within 10 calendar days after receipt of the Order.

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Section 900.40 Hearing Officer

The Board may, in its discretion, appoint a hearing officer to regulate the conduct of hearings under this Part.

Section 900.50 Notice of Hearing

The Board or its duly appointed hearing officer shall send a written notice setting forth the date and the location of the hearing to the parties.

Section 900.60 Motions

- a) All preliminary motions shall be in writing and be served upon every party of record and the Board or its duly appointed hearing officer not later than ten (10) days prior to the date of the hearing. All answers to such motions shall be in writing and be served upon every party of record and the Board or its duly appointed hearing officer not later than five (5) days prior to the date of the hearing.
- b) Oral arguments will be heard on a preliminary motion unless the Board or its duly appointed hearing officer determines that such oral arguments will delay the hearing date.
- c) A preliminary motion will be disposed of by means of a written Ruling, a copy of which shall be sent to all parties of record.
- d) The filing of a preliminary motion or answer to such a motion shall not stay the hearing.

Section 900.70 Answer to the Order

- a) An answer to the Order is not required unless the respondent seeks to contest such Order.
- b) If an order is filed, an answer to the Order shall be filed with the Board or its duly appointed hearing officer and the Commissioner within 20 days after the day on which the Order is served upon the respondent.

STATE BANKING BOARD OF ILLINOIS

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- c) An answer shall contain an explicit admission, denial or appropriate response to each allegation contained within the Order.
- d) Allegations in the Order to which there is no response shall be deemed admitted.

Section 900.80 Form of Pleadings

- a) All pleadings shall clearly show the title and docket number of the proceeding in connection with which the pleadings are filed.
- b) All pleadings shall be typewritten on white 8½ x 11 inch paper.
- c) Three copies of all pleadings shall be filed with the Board or its duly appointed hearing officer.
- d) One of the three copies of each pleading filed shall be signed by the party or by the attorney representing the party and shall contain the address and telephone number of the individual signing the pleadings.
- e) All pleadings required to be filed with the Board or its duly appointed hearing officer shall be sent either by certified mail, return receipt requested, or by personal delivery to the Board at the Commissioner's Springfield office (500 East Monroe Street, Springfield, Illinois 62701-1509) or Chicago office (310 S. Michigan Avenue, Suite 2130, Chicago, Illinois 60604-4278).

Section 900.90 Service

- a) Service of all pleadings shall be made upon every party of record by personal delivery or by certified mail, return receipt requested.
- b) Service upon the agent of a party shall be deemed service upon the party.
- c) Service of pleadings consistent with the Code of Civil Procedure [735 ILCS 5] requirements for personal service shall be deemed compliance with this Section.

Section 900.100 Appearances

- a) A respondent may appear on the respondent's own behalf or may be represented by an attorney.

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- b) An attorney representing a respondent shall file, within 20 days from the day on which on Order has been served upon the respondent, a written notice of appearance with the Board or its duly appointed hearing officer that shall identify the attorney by name, address, e-mail address if applicable, and telephone number.

Section 900.110 Consolidation of Hearing Proceedings

Hearing proceedings may be consolidated when the Board or its duly appointed hearing officer finds and makes an appropriate order that:

- a) the proceedings are of the same nature;
- b) the proceedings arise from the same act or event;
- c) the proceedings involve the same or like issues;
- d) the proceedings depend largely upon the same evidence; or
- e) consolidation would not delay the proceedings or prejudice the parties.

Section 900.120 Intervention

- a) Upon application by the State bank, branch of the out-of-state bank, or corporate fiduciary, or the subsidiary, parent company, or holding company of such State bank, branch of out-of-state bank, or corporate fiduciary, affected by an Order, the Board or its duly appointed hearing officer shall, by written Ruling, permit such bank or corporate fiduciary, or subsidiary, parent company, or holding company of such bank or corporate fiduciary, to intervene in a hearing proceeding, if:
 - 1) the Board or its duly appointed hearing officer finds that the representation of the bank's or corporate fiduciary's interest, or the interest of the subsidiary, parent company, or holding company of such bank or corporate fiduciary's interest, is or may be inadequate; and
 - 2) the intervention would not delay the proceeding or prejudice the parties.
- b) All Petitions for Intervention shall be in writing and shall be served upon every

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party and the Board or its duly appointed hearing officer not later than 10 days prior to the date of the hearing.

Section 900.130 Authority of Hearing Officer

A hearing officer shall have all powers necessary to conduct a hearing including the power to:

- a) Administer oaths and affirmations;
- b) Direct and regulate the course of a hearing, set the time and place for the hearing and provide for the taking of testimony by deposition if necessary;
- c) Examine witnesses and direct witnesses to testify, limit the number of times a witness may testify and limit repetitious or cumulative testimony;
- d) Rule upon offers of proof and admit relevant evidence in accordance with Section 10-40 the Illinois Administrative Procedure Act [5 ILCS 100/10-40];
- e) Issue properly executed subpoenas that require testimony and the production of books, papers, accounts and documents; and
- f) Render proposed findings of fact and conclusions of law for review by the Board.

Section 900.140 Prehearing Conferences

The Board or its duly appointed hearing officer shall direct the parties or their attorneys to appear for a conference prior to the hearing for the purpose of considering stipulations concerning admitted facts, authenticity of documents and the use by either or both parties of matters of record to avoid unnecessary introduction of proof when the parties and the Board can agree on a date for such conference.

Section 900.150 Practice by Telephone or Video Conference Call

Upon request of any party, arguments on preliminary motions may be held by telephone or video conference call, provided that all parties can see and/or hear all other parties. The conference call, however, shall not delay the hearing date.

Section 900.160 Subpoenas

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- a) Upon application to the Board or its duly appointed hearing officer by any party, the Board or its duly appointed hearing officer shall issue a subpoena for attendance of a witness having knowledge of relevant facts at a deposition or hearing and require the production of any relevant books, papers, accounts and documents in the course of and pursuant to any deposition or hearing under Section 48(7) of the Illinois Banking Act, Section 3.074(b) of the Illinois Bank Holding Company Act of 1957, or Section 5-6 of the Corporate Fiduciary Act.
- b) Every subpoena shall state the title and docket number of the hearing and shall command each person to whom it is directed to:
 - 1) give testimony;
 - 2) produce books, papers, accounts and documents at the time and place therein specified; or
 - 3) do both the actions specified in subsections (b)(1) and (2).

Section 900.170 Discovery

Any party, upon written request made to the other party, shall be entitled to:

- a) a list of the names and addresses of witnesses whom the other party intends to call to testify at the hearing; and
- b) inspect all books, papers, accounts and documents which the party proposes to offer into evidence.

Section 900.180 Evidence Depositions

Evidence depositions may be ordered by the Board or its duly appointed hearing officer upon a showing that, at the time of the hearing, the person deposed will not be available to participate in the hearing because of exceptional circumstances such as impending death, illness, imprisonment, or other hardship.

Section 900.190 Conduct of a Hearing

- a) A hearing shall be conducted in the following manner:

STATE BANKING BOARD OF ILLINOIS

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- 1) presentation of agreed stipulations;
 - 2) presentation of opening statements;
 - 3) case in chief of the Commissioner;
 - 4) case in chief of the respondent;
 - 5) closing argument of the Commissioner;
 - 6) closing argument of the respondent;
 - 7) rebuttal argument of the Commissioner; and
 - 8) presentation and argument of all motions prior to final order.
- b) An intervenor's case and argument shall be included at the appropriate time of the hearing as directed by the Board or its duly appointed hearing officer.

Section 900.200 Evidence

The Board or its duly appointed hearing officer shall receive evidence which is admissible under Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40].

Section 900.210 Record of Hearing Proceedings

- a) The Board or its duly appointed hearing officer shall appoint a licensed court reporter to make a stenographic transcript of all hearings.
- b) The record in a hearing shall include:
 - 1) The items listed in Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35].
 - 2) The transcript of a hearing.
- c) The cost of any copy of the transcript requested by any party to the proceeding shall be borne by such party.

STATE BANKING BOARD OF ILLINOIS

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- d) The record shall be made available for examination by a party to the proceeding and the party's attorney at the Commissioner's Springfield office (500 East Monroe Street, Springfield, Illinois 62701-1509) or Chicago office (310 S. Michigan Avenue, Suite 2130, Chicago, Illinois 60604-4278) during regular office hours.

Section 900.220 Briefs

The parties may submit written briefs to the Board or its duly appointed hearing officer within ten (10) days after the close of the hearing.

Section 900.230 Hearing Officer's Findings of Fact and Conclusions of Law

- a) The hearing officer shall prepare written proposed findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence presented at the hearing, including matters officially noticed. Each conclusion of law shall be supported by authority or reasoned opinion.
- b) The hearing officer shall submit the proposed findings of fact and conclusions of law to the Board within 30 days or as soon as reasonably practical after the conclusion of the hearing.

Section 900.240 Board's Determination

- a) If a hearing officer has been appointed, the Board shall review the record.
- b) The Board shall issue a written determination which shall include the conclusions of law and the findings of fact upon which the determination is based. The determination shall be sent to all parties to the proceeding by certified mail, return receipt requested, within 60 days or as soon as reasonably practical after the conclusion of the hearing.
- c) The Board's determination shall become effective on the date it is issued or as otherwise specified in such determination.

Section 900.250 Construction of Rules

- a) No Section headings contained herein shall be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any other

STATE BANKING BOARD OF ILLINOIS

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Section.

- b) If any Section, subsection, sentence or clause of this Part shall be held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining parts thereof.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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 Number: 218.208 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) A complete description of the subjects and issues involved: In comments filed May 16, 2011, in the underlying docket R11-23, the Illinois Environmental Protection Agency (Agency) proposed to amend Sections 218.208 and 219.208 by adding a "small container exemption" for pleasure craft surface coating operations. The Board opened this Subdocket (A) in order to address these two Sections, neither of which had been included in the Board's first-notice opinion and order in R11-23.

For a more detailed description of this rulemaking, see the Board's June 16, 2011, first-notice opinion and order: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218.208 and 219.208. (R11-23(A))

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings 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
- 11)

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
218.105	Amend	35 Ill. Reg. 4910; April 1, 2011
218.187	Amend	35 Ill. Reg. 4910; April 1, 2011
218.204	Amend	35 Ill. Reg. 4910; April 1, 2011
218.207	Amend	35 Ill. Reg. 4910; April 1, 2011

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

218.211	Amend	35 Ill. Reg. 4910; April 1, 2011
218.217	Amend	35 Ill. Reg. 4910; April 1, 2011
218.401	Amend	35 Ill. Reg. 4910; April 1, 2011
218.402	Amend	35 Ill. Reg. 4910; April 1, 2011
218.404	Amend	35 Ill. Reg. 4910; April 1, 2011
218.409	Amend	35 Ill. Reg. 4910; April 1, 2011
218.411	Amend	35 Ill. Reg. 4910; April 1, 2011
218.415	Amend	35 Ill. Reg. 4910; April 1, 2011
218.417	Amend	35 Ill. Reg. 4910; April 1, 2011
218.891	Amend	35 Ill. Reg. 4910; April 1, 2011
218.892	Amend	35 Ill. Reg. 4910; April 1, 2011
218.894	Amend	35 Ill. Reg. 4910; April 1, 2011
218.901	Amend	35 Ill. Reg. 4910; April 1, 2011
218.902	Amend	35 Ill. Reg. 4910; April 1, 2011
218.903	Amend	35 Ill. Reg. 4910; April 1, 2011
218.904	Amend	35 Ill. Reg. 4910; April 1, 2011

- 11) Statement of statewide policy objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-23(A) and be addressed to:

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

Address questions to Tim Fox at 312-814-6085.

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

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- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking will impact any small business, small municipality, and not-for-profit corporation that engages in pleasure craft coating operations subject to the requirements of Section 218.204(q)(5) and meeting the applicability thresholds specified in the proposed rules.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendment adds an exemption that includes recordkeeping requirements now applicable to other sources of VOM emissions.
 - C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control requirements applicable to affected sources will be required.
- 14) Regulatory agenda on which this rulemaking was summarized January 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCESPART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

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218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

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218.185	Compliance Schedule (Repealed)
218.186	Test Methods
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218.204	Emission Limitations
218.205	Daily-Weighted Average Limitations
218.206	Solids Basis Calculation
218.207	Alternative Emission Limitations
218.208	Exemptions from Emission Limitations
218.209	Exemption from General Rule on Use of Organic Material
218.210	Compliance Schedule
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218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating

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Lines

- 218.214 Changing Compliance Methods
- 218.215 Wood Furniture Coating Averaging Approach
- 218.216 Wood Furniture Coating Add-On Control Use
- | 218.217 Wood Furniture Coating and Flat Wood Paneling [Coatingeating](#) Work Practice Standards
- 218.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings
- 218.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

SUBPART G: USE OF ORGANIC MATERIAL

Section

- 218.301 Use of Organic Material
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- 218.303 Fuel Combustion Emission Units
- 218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

- 218.401 Flexographic and Rotogravure Printing
- 218.402 Applicability
- 218.403 Compliance Schedule
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- 218.405 Lithographic Printing: Applicability
- 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
- 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
- 218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
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218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
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218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
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SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

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218.501 Control Requirements for Batch Operations
218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503 Performance and Testing Requirements for Batch Operations
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218.521	Definitions (Repealed)
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218.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

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218.601	Perchloroethylene Dry Cleaners (Repealed)
218.602	Applicability (Repealed)
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218.607	Standards for Petroleum Solvent Dry Cleaners
218.608	Operating Practices for Petroleum Solvent Dry Cleaners
218.609	Program for Inspection and Repair of Leaks
218.610	Testing and Monitoring
218.611	Applicability for Petroleum Solvent Dry Cleaners
218.612	Compliance Dates (Repealed)
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218.630	Clean Up
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Section

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218.688	Testing
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Section

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218.762	Control Requirements
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218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
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218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
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218.883	Special Requirements for Compliance Plan (Repealed)
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218.890	Applicability
218.891	Emission Limitations and Control Requirements
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218.980	Applicability
218.983	Permit Conditions (Repealed)
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Section

218.990	Exempt Emission Units
218.991	Subject Emission Units

218.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C	Reference Methods and Procedures
218.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation

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218.APPENDIX E	List of Affected Marine Terminals
218.APPENDIX G	TRE Index Measurements for SOCFI Reactors and Distillation Units
218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

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

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

SUBPART F: COATING OPERATIONS

Section 218.208 Exemptions from Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 218.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 218.204(b) of this Subpart if the

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combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Prior to May 1, 2012, volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. On and after May 1, 2012, VOM emissions from heavy off-highway vehicle products coating lines shall be combined with VOM emissions from miscellaneous metal parts and products coating lines and plastic parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with 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(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 218.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 218.204 of this Subpart the coating lines are always subject to the limitations in Section 218.204 of this Subpart.

- b) Applicability for wood furniture coating
- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, or BB of this Part, which as a group both:
 - A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used; and
 - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.
 - 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25

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tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and that:

- A) Are not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H, Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part; and
 - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- 3) If a source ceases to fulfill the criteria of subsection (b)(1) or (b)(2) of this Section, the limitations of Section 218.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 218.204(l) of this Subpart.
- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 218.204(b), (d), (f), (g), ~~and (i)~~, and (q)(5) of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 1 (1 quart) per

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eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.

- d) Prior to May 1, 2012, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 218.204(j), (n), and (o) of this Subpart, provided that the source-wide volume of the coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.
- e) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 218.204(b), (d), (f), (g), (i), (j), (n), ~~and (o), and (q)(5)~~ of this Subpart because of the provisions of subsection 218.208(c) or (d) of this section shall:
- 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
 - 2) Perform calculations on a daily basis, and maintain at the source records of such calculations, of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
 - 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations, of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling 12 month period;
 - 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections (e)(1) and (e)(2) of this Section on or before January 31 of the following year;
 - 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection (e) and make such records available to the Agency upon request;
 - 6) Notify the Agency in writing if the use of touch-up and repair coatings at

POLLUTION CONTROL BOARD

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the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling 12 month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and

- 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 218.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

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

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Number: 219.208 Proposed Action: Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28]
- 5) A complete description of the subjects and issues involved: In comments filed May 16, 2011, in the underlying docket R11-23, the Illinois Environmental Protection Agency (Agency) proposed to amend Sections 218.208 and 219.208 by adding a "small container exemption" for pleasure craft surface coating operations. The Board opened this Subdocket (A) in order to address these two Sections, neither of which had been included in the Board's first-notice opinion and order in R11-23.

For a more detailed description of this rulemaking, see the Board's June 16, 2011, first-notice opinion and order: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218.208 and 219.208. (R11-23(A))

- 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 on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation</u>
219.105	Amend	35 Ill. Reg. 5111; April 1, 2011
219.187	Amend	35 Ill. Reg. 5111; April 1, 2011
219.204	Amend	35 Ill. Reg. 5111; April 1, 2011
219.207	Amend	35 Ill. Reg. 5111; April 1, 2011

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219.211	Amend	35 Ill. Reg. 5111; April 1, 2011
219.217	Amend	35 Ill. Reg. 5111; April 1, 2011
219.401	Amend	35 Ill. Reg. 5111; April 1, 2011
219.402	Amend	35 Ill. Reg. 5111; April 1, 2011
219.404	Amend	35 Ill. Reg. 5111; April 1, 2011
219.409	Amend	35 Ill. Reg. 5111; April 1, 2011
219.411	Amend	35 Ill. Reg. 5111; April 1, 2011
219.415	Amend	35 Ill. Reg. 5111; April 1, 2011
219.417	Amend	35 Ill. Reg. 5111; April 1, 2011
219.891	Amend	35 Ill. Reg. 5111; April 1, 2011
219.892	Amend	35 Ill. Reg. 45111; April 1, 2011
219.894	Amend	35 Ill. Reg. 5111; April 1, 2011
219.901	Amend	35 Ill. Reg. 5111; April 1, 2011
219.902	Amend	35 Ill. Reg. 5111; April 1, 2011
219.903	Amend	35 Ill. Reg. 5111; April 1, 2011
219.904	Amend	35 Ill. Reg. 5111; April 1, 2011

- 11) Statement of statewide policy objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-23(A) and be addressed to:

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

Address questions to Tim Fox at 312/814-6085.

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

- 13) Initial regulatory flexibility analysis:

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- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking will impact any small business, small municipality, and not-for-profit corporation that engages in pleasure craft coating operations subject to the requirements of Section 219.204(q)(5) and meeting the applicability thresholds specified in the proposed rules.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendment adds an exemption that includes recordkeeping requirements now applicable to other sources of VOM emissions.
- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control requirements applicable to affected sources will be required.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvent
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates

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- 219.126 Compliance Plan (Repealed)
- 219.127 Testing VOL Operations
- 219.128 Monitoring VOL Operations
- 219.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

- 219.141 Separation Operations
- 219.142 Pumps and Compressors
- 219.143 Vapor Blowdown
- 219.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section

- 219.181 Solvent Cleaning Degreasing Operations
- 219.182 Cold Cleaning
- 219.183 Open Top Vapor Degreasing
- 219.184 Conveyorized Degreasing
- 219.185 Compliance Schedule (Repealed)
- 219.186 Test Methods
- 219.187 Other Industrial Solvent Cleaning Operations

SUBPART F: COATING OPERATIONS

Section

- 219.204 Emission Limitations
- 219.205 Daily-Weighted Average Limitations
- 219.206 Solids Basis Calculation
- 219.207 Alternative Emission Limitations
- 219.208 Exemptions From Emission Limitations
- 219.209 Exemption From General Rule on Use of Organic Material
- 219.210 Compliance Schedule
- 219.211 Recordkeeping and Reporting
- 219.212 Cross-Line Averaging to Establish Compliance for Coating Lines
- 219.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
- 219.214 Changing Compliance Methods

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- 219.215 Wood Furniture Coating Averaging Approach
- 219.216 Wood Furniture Coating Add-On Control Use
- 219.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards
- 219.218 Work Practice Standards for Paper Coatings, Metal Furniture Coatings, and Large Appliance Coatings
- 219.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

SUBPART G: USE OF ORGANIC MATERIAL

- Section
- 219.301 Use of Organic Material
- 219.302 Alternative Standard
- 219.303 Fuel Combustion Emission Units
- 219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

- Section
- 219.401 Flexographic and Rotogravure Printing
- 219.402 Applicability
- 219.403 Compliance Schedule
- 219.404 Recordkeeping and Reporting
- 219.405 Lithographic Printing: Applicability
- 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
- 219.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
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- 219.409 Testing for Lithographic Printing
- 219.410 Monitoring Requirements for Lithographic Printing
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- 219.412 Letterpress Printing Lines: Applicability
- 219.413 Emission Limitations and Control Requirements for Letterpress Printing Lines
- 219.415 Testing for Letterpress Printing Lines
- 219.416 Monitoring Requirements for Letterpress Printing Lines
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POLYMER MANUFACTURING PLANT

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219.421	General Requirements
219.422	Inspection Program Plan for Leaks
219.423	Inspection Program for Leaks
219.424	Repairing Leaks
219.425	Recordkeeping for Leaks
219.426	Report for Leaks
219.427	Alternative Program for Leaks
219.428	Open-Ended Valves
219.429	Standards for Control Devices
219.430	Compliance Date (Repealed)
219.431	Applicability
219.432	Control Requirements
219.433	Performance and Testing Requirements
219.434	Monitoring Requirements
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219.436	Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

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219.441	Petroleum Refinery Waste Gas Disposal
219.442	Vacuum Producing Systems
219.443	Wastewater (Oil/Water) Separator
219.444	Process Unit Turnarounds
219.445	Leaks: General Requirements
219.446	Monitoring Program Plan for Leaks
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219.451	Sealing Device Requirements
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219.453	Compliance Dates (Repealed)

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SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

219.461	Manufacture of Pneumatic Rubber Tires
219.462	Green Tire Spraying Operations
219.463	Alternative Emission Reduction Systems
219.464	Emission Testing
219.465	Compliance Dates (Repealed)
219.466	Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

219.480	Applicability
219.481	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483	Material Storage and Transfer
219.484	In-Process Tanks
219.485	Leaks
219.486	Other Emission Units
219.487	Testing
219.488	Monitoring for Air Pollution Control Equipment
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SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

219.500	Applicability for Batch Operations
219.501	Control Requirements for Batch Operations
219.502	Determination of Uncontrolled Total Annual Mass Emissions and Actual Weighted Average Flow Rate Values for Batch Operations
219.503	Performance and Testing Requirements for Batch Operations
219.504	Monitoring Requirements for Batch Operations
219.505	Reporting and Recordkeeping for Batch Operations
219.506	Compliance Date
219.520	Emission Limitations for Air Oxidation Processes
219.521	Definitions (Repealed)
219.522	Savings Clause

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219.523	Compliance
219.524	Determination of Applicability
219.525	Emission Limitations for Air Oxidation Processes (Renumbered)
219.526	Testing and Monitoring
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SUBPART W: AGRICULTURE

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219.561	Architectural Coatings
219.562	Paving Operations
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Section	
219.581	Bulk Gasoline Plants
219.582	Bulk Gasoline Terminals
219.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
219.584	Gasoline Delivery Vessels
219.585	Gasoline Volatility Standards
219.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section	
219.601	Perchloroethylene Dry Cleaners (Repealed)
219.602	Exemptions (Repealed)
219.603	Leaks (Repealed)
219.604	Compliance Dates (Repealed)
219.605	Compliance Plan (Repealed)
219.606	Exception to Compliance Plan (Repealed)
219.607	Standards for Petroleum Solvent Dry Cleaners
219.608	Operating Practices for Petroleum Solvent Dry Cleaners

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219.609	Program for Inspection and Repair of Leaks
219.610	Testing and Monitoring
219.611	Exemption for Petroleum Solvent Dry Cleaners
219.612	Compliance Dates (Repealed)
219.613	Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section	
219.620	Applicability
219.621	Exemption for Waterbase Material and Heatset-Offset Ink
219.623	Permit Conditions
219.624	Open-Top Mills, Tanks, Vats or Vessels
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219.626	Storage Tanks
219.628	Leaks
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219.636	Compliance Schedule
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SUBPART BB: POLYSTYRENE PLANTS

Section	
219.640	Applicability
219.642	Emissions Limitation at Polystyrene Plants
219.644	Emissions Testing

SUBPART FF: BAKERY OVENS

Section	
219.720	Applicability (Repealed)
219.722	Control Requirements (Repealed)
219.726	Testing (Repealed)
219.727	Monitoring (Repealed)
219.728	Recordkeeping and Reporting (Repealed)
219.729	Compliance Date (Repealed)
219.730	Certification (Repealed)

SUBPART GG: MARINE TERMINALS

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Section	
219.760	Applicability
219.762	Control Requirements
219.764	Compliance Certification
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219.768	Testing and Monitoring
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SUBPART HH: MOTOR VEHICLE REFINISHING

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219.780	Emission Limitations
219.782	Alternative Control Requirements
219.784	Equipment Specifications
219.786	Surface Preparation Materials
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219.788	Testing
219.789	Monitoring and Recordkeeping for Control Devices
219.790	General Recordkeeping and Reporting (Repealed)
219.791	Compliance Date
219.792	Registration
219.875	Applicability of Subpart BB (Renumbered)
219.877	Emissions Limitation at Polystyrene Plants (Renumbered)
219.879	Compliance Date (Repealed)
219.881	Compliance Plan (Repealed)
219.883	Special Requirements for Compliance Plan (Repealed)
219.886	Emissions Testing (Renumbered)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

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219.890	Applicability
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- 219.900 Applicability
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- 219.940 Applicability
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SUBPART TT: OTHER EMISSION UNITS

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219.980	Applicability
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219.986	Control Requirements
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219.990	Exempt Emission Units
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219.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
219.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
219.APPENDIX C	Reference Methods and Procedures
219.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation
219.APPENDIX E	List of Affected Marine Terminals
219.APPENDIX G	TRE Index Measurements for SOCOMI Reactors and Distillation Units
219.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

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

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective

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February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23(A) at 35 Ill. Reg. _____, effective _____.

SUBPART F: COATING OPERATIONS

Section 219.208 Exemptions From Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 219.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 219.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Prior to May 2012, volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. On and after May 1, 2012, VOM emissions from heavy off-highway vehicle products coating lines shall be combined with VOM emissions from miscellaneous metal parts and products coating lines and plastic parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with 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(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 219.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 219.204 of this Part the coating lines are always subject to the limitations in Section 219.204 of this Subpart.
- b) Applicability for wood furniture coating

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- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H (excluding Section 219.405 of this Part), Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:
 - A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
 - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.

- 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and that:
 - A) Are not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H, Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part; and
 - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 3) If a source ceases to fulfill the criteria of subsection (b)(1) or (b)(2) of this Section, the limitations of Section 219.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 219.204(l) of this Subpart.

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- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 219.204(b), (d), (f), (g), ~~and (i), and (q)(5)~~ of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section.
- d) Prior to May 1, 2012, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 219.204(j), (m), and (n) of this Subpart, provided that the source-wide volume of the coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.
- e) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 219.204(b), (d), (f), (g), (i), (j), (m), ~~and (n), and (q)(5)~~ of this Subpart because of the provisions of subsection (c) or (d) of this Section shall:
 - 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per

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eight-hour period and per month;

- 2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
- 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling 12 month period;
- 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections (e)(1) and (e)(2) of this Section on or before January 31 of the following year;
- 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection (e) and make such records available to the Agency upon request;
- 6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling 12 month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and
- 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 219.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

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

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- 1) Heading of the Part: Hospital/Medical/Infectious Waste Incinerators
- 2) Code Citation: 35 Ill. Adm. Code 229
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
229.100	Amend
229.102	Amend
229.104	Amend
229.110	Amend
229.112	Amend
229.115	Amend
229.116	Amend
229.120	Amend
229.125	Amend
229.126	Amend
229.130	Repeal
229.142	Amend
229.146	Amend
229.148	Amend
229.150	Amend
229.152	Amend
229.154	Amend
229.156	Amend
229.158	Amend
229.160	Amend
229.162	Amend
229.166	Amend
229.168	Amend
229.180	Amend
229,182	Amend
229.184	Amend
229.APPENDIX B	Amend
229.APPENDIX C	Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]
- 5) A complete description of the subjects and issues involved: A lengthier description of this rulemaking to date is contained in the Board's first notice opinion and order in

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Amendments to 35 Ill. Adm. Code Part 229: Hospital/Medical/Infectious Waste Incinerators (HMIWI), R11-20 (June 16, 2011). The proposed amendments are based on a proposal filed December 23, 2011 by the Illinois Environmental Protection Agency (IEPA). They reflect amendments adopted by the United States Environmental Protection Agency (USEPA) to tighten up federal air quality standards, including new source performance standards and emissions guidelines.

The proposed amendments are more stringent than existing rules, and have a January 1, 2014 compliance date. The IEPA reports Illinois currently has only one HMIWI facility to which the new rules would apply: the Stericycle, Inc. facility located in Clinton, DeWitt County. The Board has held a hearing on the proposed amendments on June 8, 2011. Stericycle testified that it believed it could come into compliance by the various interim dates set in the rules.

If Illinois does not adopt rules, USEPA will act instead. USEPA adopted its "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators" at 74 Fed. Reg. 51368 (Oct. 6, 2009). Section 129(b)(3) of the federal Clean Air Act (CAA), 42 USC7429(c), requires USEPA to develop a Federal Implementation Plan (FIP) within two years of federal promulgation of rules i.e., by October 6, 2011, unless the states adopt an approvable State Implementation Plan (SIP) revision containing the new incinerator rules.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
- a) Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators; Final Rule. 62 Federal Register 48348, September 15, 1997.
 - b) Sierra Club v. EPA, 167 F.3d 658 (DC Cir. 1999)
 - c) Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators; Final Rule. 74 Federal Register 51368, October 6, 2009.
 - d) Sierra Club v. EPA, 551 F.3d 1019 (DC Circ. 2008) (SSM Exemption). (Docket ID No.: EPA-HQ-OAR-2006-0534).
 - e) Thomas Holloway, January 12, 2007.MACT Performance Data for HMTWI

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Facilities (Docket ID No.: EPA-HQ-OAR-2006-0534)

- f) Thomas Holloway, July 6, 2009. Revised Compliance Costs and Economic Inputs for Existing HMIWI (Docket ID No.: EPA-HQ-OAR-2006-0534)
 - g) Medical Waste Incinerators – Background Information for Proposed Standards and Guidelines: Control Technology Performance Report for New and Existing Facilities U.S. Environmental Protection Agency. July 1994. (Docket ID No. EPA-453/R-94-044a).
 - h) Medical Waste Incinerators – Background Information for Proposed Standards and Guidelines: Model Plant Description and Cost Report for New and Existing Facilities U.S. Environmental Protection Agency. July 1994. (Docket ID No. EPA-453/R-94-045a).
 - i) Stericycle, Inc. Waste Management Plan. Submitted to Illinois EPA as an attachment to annual performance test results.
 - j) Response to Information Collection Request. Stericycle, Inc. December 20, 2007. (Docket ID No. EPA-HQ-OAR-2006-0534)
 - k) Guidelines for Protecting the Safety and Health of Health Care. The National Institute for Occupational Safety and Health (NIOSH). Publication No. 88-119. September 1988.
 - l) Stericycle, Inc. Environmental Responsibility.
<http://www.stericycle.com/medical-waste-disposal/health-safety.html>
Assessed on March 10, 2010.
 - m) Economic Impacts of Revised MACT Standards for Hospital/Medical/Infectious Waste Incinerators. Katherine Heller, et al. July 2009. (Docket ID No. EPA-HQ-OAR-2006-0534)
 - n) Illinois Environmental Protection Act (415 ILCS 5.).
 - o) Clean Air Act (42 USC 7401 et seq.).
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. See 35 Ill. Adm. Code 229.104, Incorporations by Reference
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of statewide policy objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, place, and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of forty-five 45 days after the date of publication in the Illinois Register. Comments should reference Docket R11-20 and be addressed to:

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

The Board will accept oral public comment at the second hearing in this docket, set for: June 28, 2011, at 11:00 at James R. Thompson Center, Room 11-512, 100 W. Randolph St., Chicago IL. Persons interested in testifying should contact the hearing officer, Kathleen Crowley, at 312-814-6929.

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

- 13) Initial regulatory flexibility analysis: IEPA reports that there is only one source affected in Illinois: Stericycle, Inc. in Clinton, DeWitt County. Stericycle does not identify itself as a small business.
- 14) Regulatory agenda on which this rulemaking was summarized: January 2011

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 229
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SUBPART A: GENERAL PROVISIONS

- Section
- 229.100 Abbreviations
- 229.102 Definitions
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SUBPART B: APPLICABILITY

- Section
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- Section
- 229.125 ~~Emissions~~Emission Limits for Small, Medium, and Large HMIWIs
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229.130 Operation During Periods of Startup, Shutdown, or Malfunction (~~Repealed~~)

SUBPART G: METHODS AND PROCEDURES FOR PERFORMANCE TESTING

Section

229.140 Methods and Procedures for Performance Testing

SUBPART H: COMPLIANCE REQUIREMENTS

Section

229.142 Initial Performance Testing and Establishment of Operating Parameters ~~for All HMIWIs~~

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229.150 Compliance with Operating Parameter Values

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229.160 Compliance Requirements for Rural HMIWIs

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229.166 Monitoring Requirements for ~~All Small, Medium, and Large~~ HMIWIs

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Section

- 229.182 Recordkeeping Requirements
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 229.APPENDIX A Toxic Equivalency (TEQ) Factors
 229.APPENDIX B Operating Parameters to Be Monitored and Minimum Measurement and Recording Frequencies
 229.APPENDIX C Reference Test Methods and Procedures for Performance Tests

AUTHORITY: Implementing Sections 10, 39 and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39 and 39.5].

SOURCE: Adopted at 23 Ill. Reg. 6477, effective May 15, 1999; amended in R11-20 at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 229.100 Abbreviations

The following abbreviations have been used in this ~~Part~~ part:

Act	Illinois Environmental Protection Act [415 ILCS 5]
Agency	Illinois Environmental Protection Agency
Board	Illinois Pollution Control Board
Btu	British thermal units
CAAPP	Clean Air Act Permit Program [415 ILCS 5/39.5]

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CEMS	Continuous Emissions Monitoring System
CO	carbon monoxide
Cd	cadmium
dscf	dry standard cubic foot
dscm	dry standard cubic meter
ft³	cubic feet
<u>gr/10³ dscf</u>	<u>grains per thousand dry standard cubic feet</u>
<u>gr/10⁹ dscf</u>	<u>grains per billion dry standard cubic feet</u>
<u>gr/dscf</u>	<u>grains per dry standard cubic foot</u>
HCl	hydrogen chloride
Hg	mercury
HMIWI	hospital/medical/infectious waste incinerator
hr	hour
lb(s)	pound(s)
<u>mg/dscm</u>	<u>milligrams per dry standard cubic meter</u>
<u>mg</u>	<u>milligrams</u>
<u>ng/dscm</u>	<u>nanograms per dry standard cubic meter</u>
NO _x	Nitrogen Oxide
Pb	lead
PM	particulate matter
ppmv	parts per million by volume
SO ₂	Sulfur Dioxide
TEQ	toxic equivalence <u>equivalency</u>
USEPA	United States Environmental Protection Agency

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

Section 229.102 Definitions

The definitions contained in this Section apply only to the provisions of this Part. Unless otherwise defined herein and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall have the meanings specified for those terms in 415 ILCS 5/39.5, 35 Ill. Adm. Code 201.102 or 35 Ill. Adm. Code 211.

"Bag leak detection system" means an instrument that is capable of monitoring PM loadings in the exhaust of a fabric filter in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, lightscattering, light-transmittance, or other effects to monitor relative PM loadings.

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"Batch HMIWI" means an HMIWI that is designed in such a way that neither waste charging nor ash removal can occur during combustion.

"Biologicals" means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

"Body fluids" means liquid emanating or derived from humans and limited to: blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; semen and vaginal secretions.

"Bypass stack" means an alternative stack used for discharging combustion gases to the atmosphere primarily to avoid severe damage to an air pollution control device or other equipment.

"Charge" means the act of placing waste into an HMIWI for incineration.

"Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

"Co-fired combustor" means a unit combusting hospital waste or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, of which 10 percent or less of the weight is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

"Commercial HMIWI" means an HMIWI that offers incineration services for hospital/medical/ infectious waste generated offsite by firms unrelated to the firm that owns the HMIWI.

"Continuous emission monitoring system" or "CEMS" means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

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"Continuous HMIWI" means an HMIWI that is designed to allow waste charging and ash removal during combustion.

"Dioxins/furans" means the total emissions of any tetra- through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23, incorporated by reference in Section 229.104(d) of this Subpart.

"Dry scrubber" means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in an HMIWI exhaust stream, forming a dry powder material.

"Fabric filter" means an add-on air pollution control system that removes PM and nonvaporous metals emissions by passing flue gas through filter bags.

"Facilities manager" means the individual in charge of purchasing, maintaining, and operating an HMIWI, or the owner's or operator's representative responsible for the management of an HMIWI. Alternative titles may include director of facilities or vice president of support services.

"High air phase" means the stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

"Hospital" means any facility that has an organized medical staff, maintaining at least 6 inpatient beds and where the primary function of the facility is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

"Hospital/medical/infectious waste incinerator" or "HMIWI" means any device that combusts any amount of hospital waste or medical/infectious waste.

"Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, or anatomical parts that are intended for interment or cremation.

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"HMIWI operator" means any person who operates, controls, or supervises the day-to-day operation of an HMIWI.

"Infectious agent" means any organism that is capable of being communicated by invasion and multiplication in body tissues and is also capable of causing disease or adverse health impacts in humans.

"Intermittent HMIWI" means an HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

"Large HMIWI" means:

An HMIWI whose maximum design waste burning capacity is more than 500 lbs per hour; or

A continuous or intermittent HMIWI whose maximum charge rate is more than 500 lbs per hour; or

A batch HMIWI whose maximum charge rate is more than 4,000 lbs per day.

"Low-level radioactive waste" means waste that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable Federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 USC 2014(e)(2)).

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or of a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

"Maximum charge rate" means:

For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test

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demonstrating compliance with all applicable emission limits specified in Subpart E of this Part.

For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits specified in Subpart E of this Part.

"Maximum design waste burning capacity" means:

For intermittent and continuous HMIWI:

$$C = \frac{P_v \times 15,000}{8,500}$$

Where:

- C = HMIWI capacity, lb/hr
- P_v = primary chamber volume, ft³
- 15,000 = primary chamber heat release rate factor, Btu/ft³/hr
- 8,500 = standard waste heating value, Btu/lb;

For batch HMIWI:

$$\frac{P_v \times 4.5}{8}$$

Where:

- C = HMIWI capacity, lb/hr
- P_v = primary chamber volume, ft³
- 4.5 = waste density factor, lb/ft³
- 8 = typical hours of operation of a batch HMIWI, hours.

"Maximum fabric filter inlet temperature" means 110 percent of the lowest 3-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable dioxin/furan emission limit specified in Subpart E of this Part.

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"Maximum flue gas temperature" means 110 percent of the lowest 3-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable Hg emission limit specified in Subpart E of this Part.

"Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR 261; household waste, as defined in 40 CFR 261.4(b)(1); and domestic sewage materials identified in 40 CFR 261.4(a)(1). For the purposes of this Part, medical/infectious waste includes:

Cultures and stocks of infectious agents and associated biologicals, including: vaccines and cultures intended for use in diagnosing, immunizing, or treating humans or animals; cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; and discarded live and attenuated vaccines;

Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers;

Human blood, any products derived from human blood, or anything that has been in contact with human blood in any form;

Intravenous bags and associated tubing;

Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, and needles with attached tubing;

Culture dishes, regardless of the presence of infectious agents, and culture dishes and devices used to transfer, inoculate, and mix cultures;

Any type of broken or unbroken glassware that has been in contact with

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infectious agents;

Animal waste, including contaminated animal carcasses, body parts, bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals;

Isolation wastes, including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and

Unused sharps, including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

"Medium HMIWI" means:

An HMIWI whose maximum design waste burning capacity is more than 200 lbs per hour but less than or equal to 500 lbs per hour; or

A continuous or intermittent HMIWI whose maximum charge rate, as set by permit, is more than 200 lbs per hour but less than or equal to 500 lbs per hour; or

A batch HMIWI whose maximum charge rate, as set by permit, is more than 1,600 lbs per day but less than or equal to 4,000 lbs per day.

"Minimum dioxin/furan sorbent flow rate" means 90 percent of the highest 3-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the applicable dioxin/furan emission limit specified in Subpart E of this Part.

"Minimum Hg sorbent flow rate" means 90 percent of the highest 3-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the applicable Hg emission limit specified in Subpart E of this Part.

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"Minimum HCl sorbent flow rate" means 90 percent of the highest 3-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the applicable HCl emission limit specified in Subpart E of this Part.

"Minimum horsepower" or "minimum amperage" means 90 percent of the highest 3-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits specified in Subpart E of this Part.

"Minimum pressure drop across the wet scrubber" means 90 percent of the highest 3-hour average pressure drop across the wet scrubber PM control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable PM emission limit specified in this Subpart E of this Part.

"Minimum reagent flow rate" means 90 percent of the highest 3-hour average reagent flow rate at the inlet to the selective noncatalytic reduction technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable NOx emissions limit specified in Subpart E of this Part.

"Minimum scrubber liquor flow rate" means 90 percent of the highest 3-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits specified in Subpart E of this Part.

"Minimum scrubber liquor pH" means 90 percent of the highest 3-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable HCl emission limit specified in Subpart E of this Part.

"Minimum secondary chamber temperature" means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating

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compliance with the PM, CO, dioxin/furan, and applicable NO_x emissions limits specified in Subpart E of this Part.

"Operating day" means a 24-hour period between 12:00 midnight and the following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in an HMIWI.

"Operation" means any period during which waste is combusted in an HMIWI, excluding periods of startup or shutdown.

"Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, tissue, and the bags or containers used to collect and transport the waste material and associated animal bedding, if applicable.

"Primary chamber" means the chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

"Rural HMIWI" means any HMIWI identified in Section 229.110(a) of this Part, that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area, as defined in OMB Bulletin No. 93-17, incorporated by reference at Section 229.104(b) of this Part, meets the criteria specified in the definition of "small HMIWI" and burns less than 2,000 lbs per week of hospital waste and medical/infectious waste (except the 2,000 lbs per week limitation does not apply during performance testing).

"Secondary chamber" means that component of an HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

"Shutdown" means the period of time after all waste has been combusted in the primary chamber.

"Small HMIWI" means:

An HMIWI whose maximum design waste burning capacity is less than or equal to 200 lbs per hour; or

A continuous or intermittent HMIWI whose maximum charge rate, as set by permit, is less than or equal to 200 lbs per hour; or

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A batch HMIWI whose maximum charge rate, as set by permit, is less than or equal to 1,600 lbs per day.

"Startup" means the period of time between the activation of an HMIWI and the first charge of waste to the unit. For batch HMIWI, startup means the period of time between activation of an HMIWI and ignition of the waste.

"Wet scrubber" means an add-on air pollution control device that utilizes either an alkaline or some other type of scrubbing liquor to collect pollutants and/or neutralize acid gases.

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

Section 229.104 Incorporations by Reference

The following materials are incorporated in this Part by reference. These incorporations by reference do not include any later amendments or editions.

- a) "An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities," American Society for Healthcare Environmental Services, 840 North Lake Shore Drive, Chicago, Illinois, 60611 (1993).
- b) "Revised Statistical Definitions for Metropolitan Areas," OMB Bulletin No. 93-17, Office of Management and Budget, Washington, D.C. (June 30, 1993). [Office of Management and Budget, National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161. \(703\) 487-4600.](#)
- c) 40 CFR 60.8.
- d) 40 CFR 60, ~~appendix~~[Appendix](#) A, Methods 1, 2, 3, 3A, 5, 9, 10, 10B, 23, 26, 26A, 29.
- e) 40 CFR 60, ~~appendices~~[Appendices](#) B and F.
- f) [40 CFR appendix A, Methods 3B, 6, 6C, 7, 7E, 22 \(2010\).](#)
- g) [40 CFR 60, subpart Ce and Ec \(2010\).](#)

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- h) ANSI/ASME PTC19.10-1981, Flue and Gas Analyses [Part 10, Instruments and Apparatus]. American National Standards Institute (ANSI), Attn: Customer Service Department, 25 West 43rd Street, 4th Floor, New York, NY 10036. (212) 642-4980.
- i) ASTM D6784-02, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method). American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, PO Box C70, West Conshohocken, PA 19428-2959. (610) 832-9585.
- j) "Fabric Filter Bag Leak Detection Guidance", U.S. Environmental Protection Agency. (EPA-454/R-98-015, September 1997). Superintendent of Documents, U.S. Government Printing Office (GPO), P979050, St. Louis, MO 63197-9000.

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

SUBPART B: APPLICABILITY

Section 229.110 General Applicability

- a) Except as provided for in subsections (b), (c), (d) and (e) of this Section and Section 229.112 of this Subpart, this Part applies to all HMIWIs for which:
 - 1) Construction commenced either on or before June 20, 1996, or modification was commenced either on or before March 16, 1998; or
 - 2) Construction commenced either after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after March 16, 1998 but no later than April 6, 2010. This Part applies to all HMIWIs for which construction commenced either on or before June 20, 1996, except as provided for in subsections (b), (c), (d) and (e) of this Section and Section 229.112 of this Subpart.
- b) An HMIWI otherwise subject to the emission limits in this Part is only subject to the recordkeeping requirements set forth in Section 229.182(b), (f) and (g) of this Part during those periods when it combusts only pathological waste, low-level radioactive waste, or chemotherapeutic waste, provided the owner or operator of the HMIWI notifies the Agency of its intention to operate pursuant to this

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operating scenario in its CAAPP application submitted in accordance with either Section 229.115(b)(1), Subpart D of this Part, or Section 39.5 of the Act.

- c) An HMIWI that combusts only pathological waste, low-level radioactive waste, or chemotherapeutic waste is subject to only the recordkeeping requirements set forth in Section Sections 229.182(c), (f) and (g) of this Part provided that the owner or operator of an HMIWI provides, by December 15, 1999, both the Agency and the USEPA with a written certification of its status as an HMIWI burning only the wastes listed in this subsection.
- d) A co-fired combustor is subject only to the recordkeeping requirements set forth in Section Sections 229.182(d), (f) and (g) of this Part, provided that the owner or operator of the combustor is subject to a permit condition limiting its fuel feed stream to co-fired combustor status, provides, by December 15, 1999, both the Agency and USEPA with a written certification of its status as a co-fired combustor, including an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or waste combusted at the facility.
- e) Any hospital that does not operate an HMIWI but that sends any of its hospital waste or medical/infectious waste to an off-site HMIWI is subject only to the waste management plan provisions set forth at Section 229.178 of this Part.
- f) Before January 1, 2014, each owner or operator of an HMIWI as defined in subsection (a)(1) of this Section, subject to the emissions limits under Section 229.125(a) or Section 229.126(a), shall comply with all the applicable provisions of this Part.
- g) On and after January 1, 2014, an HMIWI as defined in subsection (a)(1) of this Section is no longer subject to the emissions limits under Section 229.125(a) or Section 229.126(a) of this Part, but is subject to the emissions limits under Section 229.125(c) or Section 229.126(c), and shall comply with all the applicable provisions of this Part.
- h) On and after January 1, 2014, each owner and operator of an HMIWI as defined in subsection (a)(2) of this Section is no longer subject to the provisions under New Source Performance Standards for Hospital/Medical/Infectious Waste Incinerators (40 CFR 60, subpart Ec), but is subject to the emissions limits under Section 229.125(c) or Section 229.126(c), and shall comply with all the applicable provisions of this Part.

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

Section 229.112 Exemptions

Notwithstanding other provisions of this Part, the following emission units are exempt from the requirements of this Part:

- a) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act, 42 ~~USCU.S.C~~ 6925;
- b) Any municipal waste combustor that meets the applicability provisions for municipal waste combustors under Subparts Cb, Ea or Eb of 40 CFR 60;
- c) Any pyrolysis unit (i.e., a unit that uses endothermic gasification to treat hospital waste or medical/infectious waste in order to render such waste harmless);
- d) Any cement kiln firing hospital waste or medical/infectious waste; or
- e) Any HMIWI that meets the applicability provisions for Standards of Performance for Hospital/Medical/Infectious Waste Incinerators under subpart Ec of 40 CFR 60.
- e) ~~Any HMIWI subject to the Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, contained in Subpart Ec of 40 CFR 60.50e.~~

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

SUBPART C: COMPLIANCE SCHEDULES

Section 229.115 Compliance Schedules for HMIWIs That Will Continue to Operate

- a) Before January 1, 2014, each owner or operator of an HMIWI as defined in Section 229.110(a)(1) of this Part, subject to the emissions limits under Section 229.125(a) or Section 229.126(a) of this Part, shall comply with all the applicable provisions of this Part according to the following schedules:
 - 1a) Except as provided in subsection ~~(a)(2)(b)~~ of this Section and unless

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another date is specified in the provisions of this Part, all owners or operators of HMIWIs shall be in compliance with all of the provisions of this Part by September 15, 2000.

- 2b) Except as provided in subsection ~~(a)(3)(e)~~ of this Section, the owner or operator of an HMIWI may have up to September 15, 2002, to come into compliance with this Part. To avail themselves of this extended compliance timeframe, the owner or operator of an HMIWI shall:
- A+) Submit its CAAPP application to the Agency, on or before November 15, 1999, requesting an extended compliance schedule, pursuant to Section 39.5(5)(d) of the Act, [415 ILCS 5/39.5(5)(d)]. This compliance schedule shall include documentation supporting the need for an extension, a final control plan for the HMIWI and incremental steps to be taken toward compliance with this Part that, at a minimum, meet the increments of progress specified in subsection ~~(a)(2)(B)(b)(2)~~ of this Section;
 - B2) Meet the following increments of progress by the dates indicated:
 - iA) Finalize all contracts for the purchase of either pollution control equipment, process modification or control systems by February 29, 2000;
 - iiB) Commence the implementation of either the process modifications or the necessary construction or installation of air pollution control devices for the HMIWI by November 30, 2000;
 - iiiC) Complete either the process modifications or the installation or construction of the new air pollution control equipment by August 31, 2001;
 - ivD) Perform initial startup of the retrofitted HMIWI by January 15, 2002; and
 - vE) Complete the initial performance test in accordance with Section 229.142 of this Part within 180 days after initial startup.

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- 3e) Any owner or operator of an HMIWI that fails to demonstrate compliance with this Part by September 15, 2002, shall cease operation of the HMIWI until compliance with the provisions of this Part is achieved.
- 4d) Notwithstanding subsection (a)(2)(b) of this Section, all owners or operators of HMIWIs shall be in full compliance with all of the HMIWI operator provisions of Subpart J of this Part by September 15, 2000.
- b) On and after January 1, 2014, each owner or operator of an HMIWI, as defined in Section 229.110(a)(1) or (a)(2) of this Part, and subject to the emissions limits under Section 229.125(c) of this Part as applicable, or Section 229.126(c) of this Part, shall comply with the applicable provisions of this Part according to the following schedules:
- 1) Except as provided in subsection (b)(2) of this Section and unless another date is specified in the provisions of this Part, all owners or operators of HMIWIs shall comply with all of the provisions of this Part by January 1, 2014.
- 2) Except as provided in subsection (b)(4) of this Section, the owner or operator of an HMIWI may have until October 6, 2014 to come into compliance with the emissions limits under Section 229.125(c) or 229.126(c) of this Part. To avail itself of this extended compliance timeframe, the owner or operator of an HMIWI shall:
- A) Submit its CAAPP application and construction permit to the Agency, on or before January 1, 2012, requesting an extended compliance schedule, pursuant to Section 39.5(5)(d) of the Act [415 ILCS 5/39.5(5)(d)]. This compliance schedule shall include documentation supporting the need for an extension, a final control plan for the HMIWI and incremental steps to be taken toward compliance with this Part that, at a minimum, meet the increments of progress specified in subsection (b)(2)(B) of this Section;
- B) Meet the following increments of progress by the dates indicated:

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- i) Finalize all contracts for the purchase of pollution control equipment, process modification or control systems by August 1, 2012;
 - ii) Commence the implementation of either the process modifications or the necessary construction or installation of air pollution control devices for the HMIWI by March 1, 2013;
 - iii) Complete either the process modifications or the installation or construction of the new air pollution control equipment by September 1, 2013;
 - iv) Achieve final compliance, which includes incorporating all process changes and/or completing retrofit construction as described in the final control plan, connecting the air pollution control equipment or process changes so that the unit is brought on line, and ensuring that all necessary process changes and air pollution control equipment are operating properly, no later than June 1, 2014;
 - v) Complete the initial performance test in accordance with Section 229.142 of this Part no later than October 6, 2014;
 - vi) Submit the results of the initial performance test and revised waste management plan to the Agency no later than 60 days following the initial performance test; and
 - vii) Submit notification to the Agency within 10 business days after completing (or failing to complete by the applicable date) each of the increments of progress specified in subsection (b)(2)(B) of this Section. The notification must be signed by the owner's or operator's representative responsible for the management of the HMIWI.
- 3) If a petition for compliance extension is granted, the owner or operator of an HMIWI, as defined in Section 229.110(a)(1) or (a)(2), must continue to comply with the provisions of its current CAAPP permit during the interim.

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- 4) Any owner or operator of an HMIWI that fails to demonstrate compliance with this Part by October 6, 2014 shall cease operation of the HMIWI until compliance with the provisions of this Part is achieved.
- 5) Notwithstanding subsection (b)(2) of this Section, all owners or operators of HMIWIs shall be in full compliance with all of the HMIWI operator provisions of Subpart J of this Part before January 1, 2014.

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

Section 229.116 Compliance Schedules for HMIWIs That Will Shut Down

All owners or operators of HMIWIs that intend to permanently shut down their HMIWI as a means of complying with this Part shall:

- a) Provide the Agency with written notice of their intention to permanently shut down their HMIWI, as follows:
 - 1) On or before November 15, 1999, for an HMIWI as defined in Section 229.110(a)(1) of this Part, subject to the emissions limits under Section 229.125(a) or Section 229.126(a) of this Part;
 - 2) On or before January 1, 2013, except as provided for in Section 229.116(c), for an HMIWI as defined in Section 229.110(a)(2) of this Part, subject to the emissions limits under Section 229.125(c), as applicable, or Section 229.126(c) of this Part.
- b) Take the following affirmative steps to demonstrate that the HMIWI has been rendered permanently inoperable by September 15, 2000, for an HMIWI as defined in Section 229.110(a)(1), or by January 1, 2014 for an HMIWI as defined in Sections 229.110(a)(2) of this Part:
 - a) ~~Provide the Agency with written notice of their intention to permanently shut down their HMIWI on or before November 15, 1999; and~~
 - b) ~~Take the following affirmative steps to demonstrate that the HMIWI has been rendered permanently inoperable by September 15, 2000:~~

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- 1) Weld the primary chamber door shut;
- 2) Dismantle the HMIWI; or
- 3) Other means that reasonably demonstrate that the HMIWI is no longer functional.

c) Except as provided in subsection (c)(5) of this Section, owners or operators may have up to October 6, 2014 to shut down their HMIWIs to avoid being subject to compliance with the emissions limits under Section 229.125(c) or 229.126(c). To avail themselves of this extended compliance timeframe, the owner or operator of an HMIWI shall:

- 1) Submit its application to the Agency by July 1, 2013 requesting an extended compliance schedule, pursuant to Section 39.5(5)(d) of the Act [415 ILCS 5/39.5(5)(d)]. This compliance schedule shall include documentation of the analysis undertaken to support the need for an extension, including an explanation of why the timeframe up to October 6, 2014 is sufficient while the timeframe up to January 1, 2014 is not sufficient, and incremental steps to be taken toward compliance with applicable requirements of this Part.
- 2) If an onsite alternative waste treatment technology is needed to be installed before the HMIWI is shut down, an application for compliance extension shall include the following elements of increments of progress and completion date for each step of progress:
 - A) Finalize contract with an alternative waste treatment technology vendor;
 - B) Initiate onsite construction or installation of alternative waste treatment technology;
 - C) Complete onsite construction or installation of alternative waste treatment technology; and
 - D) Take the steps described under subsection (b) of this Section to demonstrate that the HMIWI has been rendered permanently inoperable.

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- 3) If an onsite alternative waste treatment technology is not needed to be installed before an HMIWI is shut down, an application for compliance extension shall include a plan for shut down. The plan for shut down shall include steps described under subsection (b) of this Section to demonstrate that the HMIWI has been rendered permanently inoperable.
- 4) If a petition for compliance extension is granted, the owner or operator of an HMIWI, as defined in Section 229.110(a)(1) or (a)(2), must continue to comply with the provisions of its current CAAPP permit during the interim.
- 5) Any owner or operator of an HMIWI that fails to demonstrate compliance with this Part by October 6, 2014 shall cease operation of the HMIWI until compliance with the provisions of this Part is achieved.
- 6) Notwithstanding subsection (c)(1) of this Section, all owners or operators of HMIWIs shall be in full compliance with all of the HMIWI operator provisions of Subpart J of this Part by January 1, 2014.

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

SUBPART D: CAAPP PERMIT REQUIREMENTS

Section 229.120 CAAPP Permit Requirements

- a) All HMIWIs subject to the emissions limits in this Part shall operate pursuant to a CAAPP permit, as follows:
 - 1) By September 15, 2000, for an HMIWI as defined in Section 229.110(a)(1) of this Part; and
 - 2) By January 1, 2014, for an HMIWI as defined in Section 229.110(a)(1) or (a)(2) of this Part.
- b) For any HMIWI subject to the emission limits in this Part that is first required to obtain a CAAPP permit because it is subject to the emission limits in this Part, the owner or operator shall submit a complete application for a CAAPP permit, as follows:

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- 1) By September 15, 2000, except as provided for in Section 229.115(a)(2)(A) of this Part, for an HMIWI as defined in Section 229.110(a)(1) of this Part; or
 - 2) By January 1, 2014, except as provided for in Section 229.115(b)(2)(A) of this Part, for an HMIWI as defined in Section 229.110(a)(1) or (a)(2) of this Part.
- a) ~~All HMIWIs subject to the emissions limits in this Part shall operate pursuant to a CAAPP permit by September 15, 2000.~~
 - b) ~~For any HMIWI subject to the emission limits in this Part that is first required to obtain a CAAPP permit because it is subject to the emission limits in this Part, the owner or operator shall submit a complete application for a CAAPP permit by September 15, 2000, except as provided for in Section 229.115(b)(1) of this Part.~~
 - c) Upon submittal of a timely and complete CAAPP application, the owner or operator of an HMIWI shall not be in violation of the requirement, specified in subsection (a) of this Section, to have a CAAPP permit, to the extent provided in Section 39.5(5)(h) of the Act [415 ILCS 5/39.5(5)(h)].
 - d) For any HMIWI that currently has a CAAPP permit, the following conditions apply:
 - 1) If the CAAPP permit has 3 or more years remaining on the permit term, the owner or operator of an HMIWI shall apply for revision to the CAAPP permit to incorporate the applicable requirements of this Part, as follows:
~~on or before November 15, 1999; or~~
 - A) On or before November 15, 1999, for an HMIWI as defined in Section 229.110(a)(1) of this Part; and
 - B) On or before January 1, 2013, for an HMIWI as defined in Section 229.110 (a)(1) or (a)(2) of this Part; or
 - 2) If the CAAPP permit has less than 3 years remaining on the permit term, the CAAPP permit shall be revised to incorporate the applicable requirements of this Part, upon renewal of the permit.

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

SUBPART E: ~~EMISSION~~ EMISSION LIMITS

Section 229.125 ~~Emissions~~ Emission Limits for Small, Medium, and Large HMIWIs

a) The emission limits in this Section shall apply at all times to HMIWIs identified in Section 229.110(a) ~~at all times~~, except as provided in Section 229.110(b) of this Part ~~and~~; Section 229.126 of this Subpart ~~and Subpart F of this Part~~.

- a) Before January 1, 2014, each owner or operator of a small, medium, or large HMIWI as defined in Section 229.110(a)(1) of this Part shall comply with the following emissions limits:
- b) ~~The emission limits for small, medium, and large HMIWIs are as follows:~~

<u>Pollutant</u>	<u>Units</u> (7% oxygen, dry basis)	<u>HMIWI EMISSIONS LIMITS</u>		
		<u>Small</u>	<u>Medium</u>	<u>Large</u>
<u>Particulate matter</u>	<u>Milligrams per dry standard cubic meter (mg/dscm) (grains per dry standard cubic foot (gr/dscf))</u>	<u>115 (0.05)</u>	<u>69 (0.03)</u>	<u>34 (0.015)</u>
<u>Carbon monoxide</u>	<u>Parts per million by volume (ppmv)</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Dioxins/furans</u>	<u>Nanograms per dry standard cubic meter total dioxins/furans (ng/dscm) (grains per billion dry standard cubic feet (gr/10⁹ dscf)) or ng/dscm TEQ (gr/10⁹ dscf)</u>	<u>125 (55) or 2.3 (1.0)</u>	<u>125 (55) or 2.3 (1.0)</u>	<u>125 (55) or 2.3 (1.0)</u>

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<u>Hydrogen chloride</u>	<u>(ppmv) or percent reduction</u>	<u>100 or 93%</u>	<u>100 or 93%</u>	<u>100 or 93%</u>
<u>Sulfur dioxide</u>	<u>(ppmv)</u>	<u>55</u>	<u>55</u>	<u>55</u>
<u>Nitrogen oxides</u>	<u>(ppmv)</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Lead</u>	<u>mg/dscm (grains per thousand dry standard cubic feet (gr/10³ dscf)) or percent reduction</u>	<u>1.2 (0.52) or 70%</u>	<u>1.2 (0.52) or 70%</u>	<u>1.2 (0.52) or 70%</u>
<u>Cadmium</u>	<u>mg/dscm (gr/10³ dscf) or percent reduction</u>	<u>0.16 (0.07) or 65%</u>	<u>0.16 (0.07) or 65%</u>	<u>0.16 (0.07) or 65%</u>
<u>Mercury</u>	<u>mg/dscm (gr/10³ dscf) or percent reduction</u>	<u>0.55 (0.24) or 85%</u>	<u>0.55 (0.24) or 85%</u>	<u>0.55 (0.24) or 85%</u>

HMIWI EMISSION LIMITS				
Pollutant	Units (7% oxygen, dry basis)	Small	Medium	Large
PM	mg per dsem (grains per dsef)	115 (0.05)	69 (0.03)	34 (0.015)
CO	ppmv	40	40	40
Dioxins/Furans	Nanograms per dsem, total dioxins/furans (grains per billion dsef), or nanograms per dsem TEQ (grains per billion dsef)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
HCl	ppmv or percent reduction	100 or 93%	100 or 93%	100 or 93%
SO ₂	ppmv	55	55	55
NO _x	ppmv	250	250	250
Pb	mg per dsem	1.2 (0.52) or	1.2 (0.52) or	1.2 (0.52) or

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	(grains per thousand dscf) or percent reduction	70%	or 70%	70%
Cd	mg per dscm (grains per thousand dscf) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Hg	mg per dscm (grains per thousand dscf) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%

- b) ~~No owner or operator of a small, medium, or large HMIWI subject to emissions limits listed under subsection (a) of this Section shall cause or allow any emissions that cause greater than 10 percent opacity, as measured on a 6-minute block average, according to Method 9, 40 CFR 60, appendix A, incorporated by reference in Section 229.104(d) of this Part, from any stack used by an HMIWI.~~
- c) ~~On and after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, each owner or operator of a small, medium, or large HMIWI, as defined in Section 229.110(a)(1) and (a)(2) of this Part, shall comply with the following emissions limits, as applicable:~~
- e) ~~No owner or operator of a small, medium, or large HMIWI shall cause or allow any emissions that cause greater than 10 percent opacity, as measured on a 6 minute block average, according to Method 9, 40 CFR 60, Appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.~~

<u>Pollutant</u>	<u>Units</u> (7% oxygen, dry basis)	<u>HMIWI EMISSIONS LIMITS</u>		
		<u>Small</u>	<u>Medium</u>	<u>Large</u>
<u>Particulate matter</u>	<u>Milligrams per dry standard cubic meter (mg/dscm) (grains per dry standard cubic foot (gr/dscf))</u>	<u>66 (0.029)</u>	<u>46 (0.020)^a 34 (0.015)^b</u>	<u>25 (0.011)</u>

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<u>Carbon monoxide</u>	<u>Parts per million by volume (ppmv)</u>	<u>20</u>	<u>5.5</u>	<u>11</u>
<u>Dioxins/furans</u>	<u>Nanograms per dry standard cubic meter total dioxins/furans (ng/dscm) (grains per billion dry standard cubic feet (gr/10⁹ dscf)) or ng/dscm TEQ (gr/10⁹ dscf)</u>	<u>16 (7.0) or 0.013 (0.0057)</u>	<u>0.85 (0.37) or 0.020 (0.0087)</u>	<u>9.3 (4.1) or 0.054 (0.024)</u>
<u>Hydrogen chloride</u>	<u>(ppmv)</u>	<u>44^a 15^b</u>	<u>7.7</u>	<u>6.6</u>
<u>Sulfur dioxide</u>	<u>(ppmv)</u>	<u>4.2</u>	<u>4.2</u>	<u>9.0</u>
<u>Nitrogen oxides</u>	<u>(ppmv)</u>	<u>190</u>	<u>190</u>	<u>140</u>
<u>Lead</u>	<u>mg/dscm (grains per thousand dry standard cubic feet (gr/10³ dscf))</u>	<u>0.31 (0.14)</u>	<u>0.018 (0.0079)</u>	<u>0.036 (0.016)</u>
<u>Cadmium</u>	<u>mg/dscm (gr/10³ dscf)</u>	<u>0.017 (0.0074)</u>	<u>0.013 (0.0057)</u>	<u>0.0092 (0.0040)</u>
<u>Mercury</u>	<u>mg/dscm (gr/10³ dscf)</u>	<u>0.014 (0.0061)</u>	<u>0.025 (0.011)</u>	<u>0.018 (0.0079)</u>

^a Emissions limits for HMIWIs as defined in Section 229.110(a)(1) of this Part.

^b Emissions limits for HMIWIs as defined in Section 229.110(a)(2) of this Part.

- d) No owner or operator of a small, medium, or large HMIWI subject to emission limits listed under subsection (c) of this Section shall cause or allow any emissions that cause greater than 6 percent opacity, as measured on a 6-minute block average, according to Method 9, 40 CFR 60, appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.
- e) On and after the date on which the initial performance test is completed or required to be completed under Section 229.142 of this Part, whichever date

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comes first, no owner or operator of an HMIWI, as defined in Section 229.110 (a)(1) or (a)(2) of this Part and subject to the emissions limits under subsection (c) of this Section, shall cause to be discharged into the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points), enclosures of ash conveying systems, buildings, or other sources in excess of 5 percent of the observation period of 9 minutes per 3-hour period, according to Method 22, 40 CFR 60, appendix A, incorporated by reference in Section 229.104(d) of this Part, except as provided by the following exclusions:

- 1) Visible emissions discharged inside buildings or enclosures of ash conveying systems; or
- 2) During maintenance and repair of ash conveying systems. Maintenance and/or repair shall not exceed 10 operating days per calendar quarter unless the owner or operator of an HMIWI makes a request to the Agency in writing for a longer period of time to complete maintenance and/or repair, and the Agency approves the owner's or operator's request in writing.

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

Section 229.126 ~~Emissions~~ ~~Emission~~ Limits For Rural HMIWIs

~~a)~~ Notwithstanding the ~~emission~~ ~~emission~~ limits set out in Section 229.125 of this Part, any rural HMIWI shall comply with the ~~emission~~ ~~emission~~ limits set out in subsection (a) or (c) ~~(b)~~ of this Section. The ~~emission~~ ~~emission~~ limits under this Section shall apply at all times, except as provided for in Section 229.110(b) ~~and Subpart F of this Part~~.

- a) Before January 1, 2014, a rural HMIWI as defined in Section 229.110(a)(1) shall comply with the following emissions limits:
- b) The ~~emission~~ limits for rural HMIWI are as follows:

<u>Pollutant</u>	<u>Units</u> (7% oxygen, dry basis)	<u>EMISSION LIMITS</u>
<u>Particulate matter</u>	<u>mg/dscm</u> <u>(gr/dscf)</u>	<u>197</u> <u>(0.086)</u>
<u>Carbon monoxide</u>	<u>ppmv</u>	<u>40</u>

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<u>Dioxins/furans</u>	<u>ng/dscm total dioxins/furans (gr/10⁹ dscf) or ng/dscm TEQ (gr/10⁹ dscf)</u>	<u>800 (350) or 15 (6.6)</u>
<u>Hydrogen chloride</u>	<u>ppmv</u>	<u>3100</u>
<u>Sulfur dioxide</u>	<u>ppmv</u>	<u>55</u>
<u>Nitrogen oxides</u>	<u>ppmv</u>	<u>250</u>
<u>Lead</u>	<u>mg/dscm (gr/10³ dscf)</u>	<u>10 (4.4)</u>
<u>Cadmium</u>	<u>mg/dscm (gr/10³ dscf)</u>	<u>4 (1.7)</u>
<u>Mercury</u>	<u>mg/dscm (gr/10³ dscf)</u>	<u>7.5 (3.3)</u>

Pollutant	Units (7% oxygen, dry basis)	EMISSION LIMITS
PM	mg per dsem (grains per dsef)	197 (0.086)
CO	ppmv	40
Dioxin/Furans	nanograms per dsem total dioxins/furans (grains per billion dsef), or nanograms per dsem TEQ (grains per billion dsef)	800 (350) or 15 (6.6)
HCl	ppmv	3100
SO ₂	ppmv	55
Nox	ppmv	250
Pb	mg per dsem (grains per thousand dsef)	10 (4.4)
Cd	mg per dsem (grains per thousand dsef)	4 (1.7)
Hg	mg per dsem (grains per thousand dsef)	7.5 (3.3)

- b) No owner or operator of a rural HMIWI subject to emissions limits listed under subsection (a) of this Section shall cause or allow any emissions that cause greater than 10 percent opacity, as measured on a 6-minute block average, according to Method 9, 40 CFR 60, appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.
- c) On and after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, a rural HMIWI, as defined in Section

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229.110(a)(1) or (a)(2) of this Part, shall comply with the following emissions limits:

<u>Pollutant</u>	<u>Units</u> (7% oxygen, dry basis)	<u>EMISSION LIMITS</u>
<u>Particulate matter</u>	<u>mg/dscm</u> (<u>gr/dscf</u>)	<u>87</u> (<u>0.038</u>)
<u>Carbon monoxide</u>	<u>ppmv</u>	<u>20</u>
<u>Dioxins/furans</u>	<u>ng/dscm total dioxins/furans</u> (<u>gr/10⁹ dscf</u>) or <u>ng/dscm TEQ</u> (<u>gr/10⁹ dscf</u>)	<u>240 (100) or 5.1 (2.2)</u>
<u>Hydrogen chloride</u>	<u>ppmv</u>	<u>810</u>
<u>Sulfur dioxide</u>	<u>ppmv</u>	<u>55</u>
<u>Nitrogen oxides</u>	<u>ppmv</u>	<u>130</u>
<u>Lead</u>	<u>mg/dscm</u> (<u>gr/10³ dscf</u>)	<u>0.50</u> (<u>0.22</u>)
<u>Cadmium</u>	<u>mg/dscm</u> (<u>gr/10³ dscf</u>)	<u>0.11</u> (<u>0.048</u>)
<u>Mercury</u>	<u>mg/dscm</u> (<u>gr/10³ dscf</u>)	<u>0.0051</u> (<u>0.0022</u>)

- d) No owner or operator of a rural HMIWI subject to emissions limits listed under subsection (c) of this Section shall cause or allow any emissions that cause greater than 6 percent opacity, as measured on a 6 minute block average, according to Method 9, 40 CFR 60, appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.
- e) On and after the date on which the initial performance test is completed or required to be completed under Section 229.142 of this Part, whichever date comes first, no owner or operator of a rural HMIWI, as defined in Section 229.110(a)(1) or (a)(2) of this Part, subject to the emissions limits under subsection (c) of this Section, shall cause to be discharged into the atmosphere visible emissions of combustion ash from ash conveying system (including conveyor transfer points), enclosures of ash conveying systems, buildings, or other sources in excess of 5 percent of the observation period of 9 minutes per 3-hour period, according to Method 22, 40 CFR 60, appendix A, incorporated by reference at Section 229.104(d) of this Part, except as provided by the following exclusions:

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- 1) Visible emissions discharged inside buildings or enclosures of ash conveying systems; or
 - 2) During maintenance and repair of ash conveying systems. Maintenance and/or repair shall not exceed 10 operating days per calendar quarter, unless the owner or operator of an HMIWI makes a request to the Agency in writing for a longer period of time to complete maintenance and/or repair, and the Agency approves the owner's or operator's request in writing.
- e) ~~No owner or operator of a rural HMIWI shall cause or allow any emissions that cause greater than 10 percent opacity, as measured on a 6 minute block average, according to Method 9, 40 CFR 60, Appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.~~

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

SUBPART F: EXCEPTIONS FROM EMISSION LIMITS

Section 229.130 Operation During Periods of Startup, Shutdown, or Malfunction**(Repealed)**

- a) ~~The emission limits specified in Subpart E of this Part do not apply to an HMIWI during periods of startup, shutdown or malfunction, if the requirements provided in subsections (b), (c) and (d) of this Section are met.~~
- b) ~~No waste shall be charged to an HMIWI during periods of startup, shutdown or malfunction.~~
- e) ~~The shutdown of any HMIWI shall proceed according to the following requirements:~~
 - 1) ~~For continuous HMIWIs, shutdown may commence no less than 2 hours after the last charge to an HMIWI;~~
 - 2) ~~For intermittent HMIWIs, shutdown may commence no less than 4 hours after the last charge to an HMIWI; and~~
 - 3) ~~For batch HMIWIs, shutdown may commence no less than 5 hours after~~

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~~the high air phase of combustion has been completed.~~

- d) ~~During periods of malfunction, the owner or operator of an HMIWI shall do all of the following:~~
- 1) ~~Take all reasonable steps to ensure that an HMIWI operates within the parameters established for that HMIWI and to minimize excess emissions;~~
 - 2) ~~Continue monitoring all applicable parameters; and~~
 - 3) ~~Take appropriate corrective actions prior to resuming the charging of any waste to an HMIWI.~~

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

SUBPART H: COMPLIANCE REQUIREMENTS

Section 229.142 Initial Performance Testing and Establishment of Operating Parameters for All HMIWIs

- a) Before January 1, 2014, each owner or operator of an HMIWI as defined in Section 229.110(a)(1) of this Part, subject to the emissions limits under Section 229.125(a) or Section 229.126(a) of this Part, shall comply with the following requirements:

~~The owner or operator of an HMIWI subject to the emissions limits under this Part shall comply with the following requirements:~~

- 1a) Except as provided in Section ~~229.115(a)(2)(B)(v)~~229.115(b)(2)(E) of this Part, conduct an initial performance test on their HMIWI by September 15, 2000.;
- 2b) Except as provided in subsection ~~(a)(3)(e)~~ of this Section, in the initial performance test, test for all pollutants limited pursuant to Subpart E of this Part.;
- 3e) During the initial performance test, rural HMIWIs are not required to test for HCl, Pb or Cd.;

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- ~~4d~~) If an HMIWI is equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber, or a selective noncatalytic reduction system, establish the appropriate maximum and minimum operating parameter values indicated in Appendix B of this Part for the relevant control system during the initial performance test, provided that the performance test demonstrates compliance with the emission limits specified in Section 229.125 of this Part.
- ~~5e~~) If air pollution control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber, ~~a~~ dry scrubber followed by a fabric filter and a wet scrubber, or a selective noncatalytic reduction system is used to comply with the emission limits under Section 229.125 of this Part, the initial performance test may not be conducted until site-specific operating parameters that will be monitored to demonstrate compliance with this Part have been established by the Agency in a construction permit and approved by USEPA.
- ~~6f~~) For rural HMIWI, establish the maximum charge rate and minimum secondary chamber temperature as site-specific parameters during the initial performance test, provided that the performance test demonstrates that the HMIWI is in compliance with the emission limits specified in Section 229.126 of this Part.
- b) On and after January 1, 2014, each owner or operator of an HMIWI, as defined in Section 229.110(a)(1) or (a)(2) of this Part, and subject to the emissions limits under Section 229.125(c) as applicable, or Section 229.126(c) of this Part, shall comply with the following requirements:
- 1) Except as provided in Section 229.115(a)(2)(B)(v) of this Part, conduct an initial performance test on its HMIWI by January 1, 2014.
 - 2) Except as provided for in subsection (b)(6), in the initial performance test, test for all pollutants to demonstrate compliance with Section 229.125(c) or Section 229.126(c) emissions limits, as applicable, pursuant to Subpart E of this Part.
 - 3) If an HMIWI is equipped with a dry scrubber followed by a fabric filter, a wet scrubber, a dry scrubber followed by a fabric filter and wet scrubber,

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or a selective noncatalytic reduction system, establish the appropriate maximum and minimum operating parameter values indicated in Appendix B of this Part for the relevant control system during the initial performance test, provided that the performance test demonstrates compliance with the emission limits specified in Section 229.125 or 229.126 of this Part.

- 4) If an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, a dry scrubber followed by a fabric filter and a wet scrubber, or a selective noncatalytic reduction system is used to comply with the emission limits under Section 229.125 or Section 229.126 of this Part, the initial performance test may not be conducted until site-specific operating parameters that will be monitored to demonstrate compliance with this Part have been established by the Agency in a construction permit and approved by USEPA.
- 5) For a rural HMIWI that is not equipped with an air pollution control device, establish the maximum charge rate and minimum secondary chamber temperature as site-specific parameters during the initial performance test, provided that the performance test demonstrates that the HMIWI is in compliance with the emission limits specified in Section 229.126(c) of this Part.
- 6) The owner or operator of an HMIWI may use results of previous performance tests for initial compliance demonstration with the applicable emissions limits, provided the following conditions are met:
 - A) The previous emissions tests were conducted using procedures and test methods listed in Section 229.140 of this Part or USEPA-accepted voluntary consensus standards;
 - B) The test results are certified as representative of current operations; and
 - C) The previous emissions tests were conducted no earlier than 1996.
- 7) The owner or operator of an HMIWI that cannot certify and/or whose previous performance test results do not demonstrate compliance with one

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or more of the revised emission limits must conduct another performance test for those pollutants.

- 8) The owner or operator of an HMIWI, as defined in Section 229.110(a)(1) or (a)(2) of this Part, and subject to the emissions limits under Section 229.125(c) as applicable, or Section 229.126(c) of this Part, as applicable, shall determine compliance with the visible emissions limit for fugitive emissions from ash handling in Sections 229.125(g) and 229.126(e) by conducting an initial performance test using Method 22, at 40 CFR 60, appendix A, incorporated by reference at Section 229.104(d) of this Part.

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

Section 229.146 Annual Testing for Opacity

Following the date on which the initial performance test is completed, as required by Section 229.142 of this Section, the owners or operators of all HMIWIs shall conduct an annual opacity test, in accordance with Section 229.140 of this Part. The opacity test schedules are as follows;
by September 15 of each year.

- a) By September 15 of each year for an HMIWI as defined in Section 229.110(a)(1) of this Part and subject to the emissions limits under Section 229.125(a) or Section 229.126(a) of this Part; and
- b) By January 1 of each year for an HMIWI, as defined in Section 229.110(a)(1) or (a)(2) of this Part, and subject to the emissions limits under Section 229.125(c) as applicable, or Section 229.126(c) of this Part.

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

Section 229.148 Annual Performance Testing for ~~All Small, Medium and Large~~ HMIWIs

Following the date on which the initial performance test is completed, as required by Section 229.142 of this Part, each owner or operator of an HMIWI, as applicable, all owners or operators of small, medium, or large HMIWIs shall conduct an annual performance test, by September 15 of each year to determine compliance with the applicable PM, CO and HCl emission limits specified in Section 229.125 or 229.126(b) of this Part, using the applicable test procedures and methods specified in Section 229.140 of this Part.

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- a) Annual performance test schedules are as follows:
- 1) Before January 1, 2014, each owner or operator of a small, medium, or large HMIWI as defined in Section 229.110(a)(1), subject to the emissions limits under Section 229.125(a) of this Part, shall complete an annual performance test by September 15 of each year; and
 - 2) On and after January 1, 2014, an owner or operator of a small, rural, medium, or large HMIWI, as defined in Section 229.110(a)(1) or (a)(2), subject to the emissions limits under Section 229.125(c) as applicable, or in Section 229.126(c) of this Part, shall complete an annual performance test by January 1 of each year.
- ba) If all 3 annual performance tests over a 3-year period indicate compliance with the applicable emission limits for PM, CO, or HCl specified in Section 229.125~~(b)~~ of this Part, the owner or operator of an HMIWI may forego a performance test for that pollutant during the next 2 years. If the next performance test conducted every third year indicates compliance with the emission limits for PM, CO, or HCl specified in Section 229.125~~(b)~~ of this Part, the owner or operator of an HMIWI may forego a performance test for that pollutant for an additional 2 years from the date of the previous performance test.
- cb) If any performance test indicates noncompliance with the respective emission limit, the owner or operator of an HMIWI shall conduct a performance test for that pollutant annually until all annual performance tests over a 3-year period indicate compliance with the respective emission limits.
- d) The owner or operator of an HMIWI may use any of the following types of continuous emission monitoring systems (CEMS), as provided in Section 229.152 of this Part, to substitute for annual performance tests and parameter monitoring to demonstrate compliance with applicable emissions limits:
- 1) PM CEMS: replace annual PM testing and opacity testing and monitoring of pressure drop across the wet scrubber, if applicable;
 - 2) CO CEMS: replace annual CO testing and monitoring of minimum secondary chamber temperature;
 - 3) HCl CEMS: replace annual HCl testing and monitoring of minimum HCl

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sorbent flow rate and minimum scrubber liquor pH.

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

Section 229.150 Compliance with Operating Parameter Values

- a) Following the date on which the initial performance test is completed, or is required to be completed under as provided in Section 229.142 of this Subpart, whichever date comes first~~Part~~, an HMIWI, using a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits of this Part~~;~~ shall not operate above any of the applicable maximum or below any of the applicable minimum operating ~~parameters~~parameter values specified in Appendix B of this Part. All operating parameters shall be measured as a 3-hour rolling average (calculated each hour as a 3-hour rolling average of the previous 3 operating hours) at all times~~, except during periods of startup, shutdown, and malfunction (calculated each hour as a 3-hour rolling average of the previous 3 operating hours)~~. For batch HMIWIs, the charge rate shall be measured on a per batch basis.
- b) Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a selective noncatalytic reduction system, operation of the HMIWI above the maximum charge rate, below the minimum secondary chamber temperature, and below the minimum reagent flow rate simultaneously shall constitute a violation of the NO_x emissions limit.
- ~~cb~~) For HMIWIs using air pollution control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber, or dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under Section 229.125 or Section 229.126 of this Part, following the date on which the initial performance test is completed, as provided in Section 229.142 of this Part, an HMIWI shall not operate above any applicable maximum or below any applicable minimum operating parameter values established in its CAAPP permit.
- ~~de~~) Operating parameter limits do not apply during performance tests.

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

Section 229.152 Compliance Requirements for HMIWIs using CEMS

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The owner or operator of an HMIWI may use a CEMS to demonstrate compliance with any of the emission limits under Section 229.125 or Section 229.126(b) of this Part, if provided for in its permit. ~~Any HMIWI that is allowed to use a CEMS to demonstrate compliance with the emission limits of this Part shall:~~

- a) Any HMIWI that is allowed to use a CEMS to demonstrate compliance with the emission limits of this Part shall:
- 1a) Determine compliance with the applicable emission limits using a 12-hour rolling average, calculated each hour as the average of the previous 12 operating hours, ~~not including startup, shutdown, or malfunction~~; and
- 2b) Operate all CEMS in accordance with the applicable procedures under ~~appendices~~Appendices B and F of 40 CFR 60, incorporated by reference at Section 229.104(e) of this Part.
- b) In the case of CEMS for which USEPA has not published performance specifications, the option to use the CEMS takes effect on the date of publication of the performance specifications in the Federal Register or after site-specific operating parameters used to demonstrate compliance with this Part have been established by the Agency in a construction permit and approved by USEPA.

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

Section 229.154 Violations by HMIWIs Equipped with a Dry Scrubber Followed by a Fabric Filter

Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a dry scrubber followed by a fabric filter:

- a) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) shall be a violation of the CO ~~emission~~emission limit;
- b) Simultaneous operation of an HMIWI above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a 3-hour rolling average) shall be a violation of the dioxin/furan ~~emission~~emission limit;

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- c) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum HCl sorbent flow rate (each measured on a 3-hour rolling average) shall be a violation of the HCl ~~emission~~ ~~emission~~ limit;
- d) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a 3-hour rolling average) shall be a violation of the Hg ~~emission~~ ~~emission~~ limit; ~~or~~
- e) Use of the bypass stack at any time during operation of an HMIWI ~~(except during startup, shutdown or malfunction)~~ is a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg ~~emission~~ ~~emission~~ limits;:-
- f) If a CO CEMS is used to determine compliance with a CO emissions limit, operation of the HMIWI above the CO emissions limit as measured by the CO CEMS shall be a violation of the emissions limit;
- g) If a bag leak detection system is used, failure to initiate corrective action within one hour after the bag leak detection system alarm, or failure to operate and maintain the fabric filter so that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period, shall be a violation of the PM emissions limit;
- h) If a bag leak detection system is used to demonstrate compliance with the opacity limit, failure to initiate corrective action within one hour after the bag leak detection system alarm shall be a violation of the opacity emissions limit;
- i) If a CEMS is used to determine compliance with a PM, HCl, Pb, Cd, and/or Hg emissions limit, operation of the HMIWI above the applicable emissions limit as measured by the CEMS shall be a violation of the emissions limit;
- j) If a continuous automated sampling system is used, operation of the HMIWI above the dioxin/furan emissions limit as measured by the continuous automated sampling system shall be a violation of the dioxin/furan emissions limit; or
- k) If a continuous automated sampling system is used, operation of the HMIWI above the Hg emissions limit as measured by the continuous automated sampling system shall be a violation of the Hg emissions limit.

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

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Section 229.156 Violations by HMIWIs Equipped with a Wet Scrubber

Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a wet scrubber:

- a) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a 3-hour rolling average) is a violation of the PM ~~emission~~ ~~emission~~ limit;
- b) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) is a violation of the CO ~~emission~~ ~~emission~~ limit;
- c) Simultaneous operation of an HMIWI above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum scrubber liquor flow rate (each measured on a 3-hour rolling average) is a violation of the dioxin/furan ~~emission~~ ~~emission~~ limit;
- d) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a 3-hour rolling average) is a violation of the HCl ~~emission~~ ~~emission~~ limit;
- e) Simultaneous operation of an HMIWI above the maximum flue gas temperature and above the maximum charge rate (each measured on a 3-hour rolling average) is a violation of the Hg ~~emission~~ ~~emission~~ limit; ~~or~~
- f) Use of the bypass stack at any time during operation of an HMIWI ~~(except during startup, shutdown, or malfunction)~~ is a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg ~~emission~~ ~~emission~~ limits; ~~-~~
- g) If a CO CEMS is used to determine compliance with a CO emissions limit, operation of the HMIWI above the CO emissions limit as measured by the CO CEMS shall be a violation of the emissions limit;
- h) If a CEMS is used to determine compliance with a PM, HCl, Pb, Cd, and/or Hg emissions limit, operation of the HMIWI above the applicable emissions limit as measured by the CEMS shall be a violation of the emissions limit;

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- i) If a continuous automated sampling system is used, operation of the HMIWI above the dioxin/furan emissions limit as measured by the continuous automated sampling system shall be a violation of the dioxin/furan emissions limit; or
- j) If a continuous automated sampling system is used, operation of the HMIWI above the Hg emissions limit as measured by the continuous automated sampling system shall be a violation of the Hg emissions limit.

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

Section 229.158 Violations by HMIWIs Equipped with a Dry Scrubber Followed by a Fabric Filter and a Wet Scrubber

Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a dry scrubber followed by a fabric filter and a wet scrubber:

- a) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) is a violation of the CO ~~emission~~ limit;
- b) Simultaneous operation of an HMIWI above the maximum fabric filter inlet temperature, above the maximum charge rate and below the minimum dioxin/furan sorbent flow rate (each measured on a 3-hour rolling average) is a violation of the dioxin/furan ~~emission~~ limit;
- c) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a 3-hour rolling average) is a violation of the HCl ~~emission~~ limit;
- d) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a 3-hour rolling average) is a violation of the Hg ~~emission~~ limit; or
- e) Use of the bypass stack at any time during operation of an HMIWI~~(except during startup, shutdown, or malfunction)~~ is a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg ~~emission~~ limits;-

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- f) If CO CEMS is used to determine compliance with a CO emissions limit, operation of the HMIWI above the CO emissions limit as measured by the CO CEMS shall be a violation of the emissions limit;
- g) If a bag leak detection system is used, failure to initiate corrective action within one hour after the bag leak detection system alarm, or failure to operate and maintain the fabric filter so that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period, shall be a violation of the PM emissions limit;
- h) If a bag leak detection system is used to demonstrate compliance with the opacity limit, failure to initiate corrective action within one hour after the bag leak detection system alarm shall be a violation of the opacity emissions limit;
- i) If CEMS is used to determine compliance with a PM, HCl, Pb, Cd, and/or Hg emissions limit, operation of the HMIWI above the applicable emissions limit as measured by the CEMS shall be a violation of the emissions limit;
- j) If a continuous automated sampling system is used, operation of the HMIWI above the dioxin/furan emissions limit as measured by the continuous automated sampling system shall be a violation of the dioxin/furan emissions limit; or
- k) If a continuous automated sampling system is used, operation of the HMIWI above the Hg emissions limit as measured by the continuous automated sampling system shall be a violation of the Hg emissions limit.

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

Section 229.160 Compliance Requirements for Rural HMIWIs

- a) Prior to January 1, 2014, the requirements set forth in subsections (c) through (e) of this Section shall apply to all rural HMIWIs subject to the emissions limits under Section 229.126 of this Part.
- b) On and after January 1, 2014, the requirements set forth in subsections (c) through (e) of this Section shall apply to all rural HMIWIs that are not equipped with an air pollution control device and that are subject to the emissions limits under Section 229.126 of this Part.

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- ca) Following the date on which the initial performance test is completed or is required to be completed under Section 229.142 of this Subpart, whichever date comes first, the owners or operators of rural HMIWI shall not operate their HMIWI either above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages at all times, except during periods of startup or shutdown (calculated each hour as a 3-hour rolling the average of the previous 3 operating hours) at all times.
- d) Operating parameter limits do not apply during performance tests.
- eb) Except as provided in Section 229.164 of this Subpart, the simultaneous operation of a rural HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (calculated as a 3-hour rolling average) shall constitute a violation of the PM, CO and dioxin/furan emission limits.

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

Section 229.162 Inspection Requirements for All Rural HMIWIs

- a) Before January 1, 2014, each owner or operator of a rural HMIWI subject to the emission limits under Section 229.126 of this Part shall inspect the HMIWI according to the following schedule. Each owner or operator of a rural HMIWI shall inspect the HMIWI according to the following schedule:
- 1) An initial inspection shall be conducted by September 15, 2000; and
 - 2) An annual inspection shall be conducted by September 15 of each year thereafter.
- b) Each equipment inspection shall be conducted to ensure the proper operation of the ~~rural~~ HMIWI and, at a minimum, shall consist of the following steps:
- 1) An inspection of all burners, pilot assemblies, and pilot sensing devices, cleaning the pilot flame sensor, as necessary;
 - 2) An inspection of the primary and secondary chamber combustion air flow, adjusting, as necessary;
 - 3) An inspection of the hinges and door latches, lubricating, as necessary;

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- 4) An inspection of dampers, fans, and blowers;
 - 5) An inspection of the HMIWI door and door gaskets;
 - 6) An inspection of all HMIWI motors;
 - 7) An inspection of the primary chamber refractory lining, cleaning, repairing or replacing the lining, as necessary;
 - 8) An inspection of the incinerator shell for corrosion or hot spots;
 - 9) An inspection of the secondary/tertiary chamber and stack, cleaning as necessary;
 - 10) Where applicable, an inspection of the mechanical loader, including limit switches;
 - 11) A visual inspection of the waste bed (grates), repairing or sealing, as necessary;
 - 12) Where applicable, an inspection of air pollution control devices to ensure their proper operation;
 - 13) Where applicable, an inspection of the waste heat boiler systems;
 - 14) An inspection of all bypass stack components;
 - 15) Calibration of thermocouples, sorbent feed systems and monitoring equipment; and
 - 16) A general inspection of all equipment to ensure that it is maintained in good operating condition.
- | c) The owner or operator of ~~ana-rural~~ HMIWI shall document that, during the burn cycle immediately following the inspection required by this Section, the HMIWI is operating properly and make any necessary adjustments.
- | d) All maintenance, adjustments, or repairs identified during the equipment

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inspection required under this Section shall be completed within 10 days after the inspection. The owner or operator of an HMIWI may have a longer period of time in which to complete any repairs identified as a result of the inspection required by this Section, provided that it makes this request to the Agency in writing, and the Agency approves the owner or operator of an HMIWI's request in writing.

- e) The owner or operator of a small, rural, medium, or large HMIWI subject to the emission limits under Section 229.125(c) as applicable, or Section 229.126 of this Part, shall inspect the HMIWI as outlined in subsection (b) of this Section, according to the following schedule:
- 1) An initial equipment inspection shall be conducted by January 1, 2014; and
 - 2) An annual equipment inspection shall be conducted by January 1 of each year thereafter.
- f) The owner or operator of an HMIWI subject to the emissions limits under Section 229.125(c) as applicable, or Section 229.126(c) of this Part, shall inspect the air pollution control devices, according to the following schedule:
- 1) An initial air pollution control device inspection shall be conducted by January 1, 2014; and
 - 2) An annual air pollution control device inspection shall be conducted by January 1 of each year thereafter.
- g) Each air pollution control device inspection, as applicable, shall be conducted to ensure the proper operation of the device and, at a minimum, shall consist of the following steps:
- 1) Where applicable, an inspection of the thermocouples, sorbent feed systems, and any other monitoring equipment, adjusting applicable calibrations, as necessary; and
 - 2) A general inspection of the equipment to ensure that it is maintained in good operating condition.

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- h) All maintenance, adjustments, or repairs identified during an air pollution control device inspection required under this Section shall be completed within 10 days after the inspection. The owner or operator of an HMIWI may have a longer period of time in which to complete any repairs identified as a result of the inspection required by this Section, provided that it makes this request to the Agency in writing and the Agency approves the request in writing.

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

SUBPART I: MONITORING REQUIREMENTS

Section 229.166 Monitoring Requirements for All Small, Medium, and Large HMIWIs

- a) Each owner or operator of an HMIWI subject to the emissions limits under Section 229.125(c) as applicable, or Section 229.126(c) of this Part, shall comply with requirements of this Section according to the following schedule:
- 1) Before January 1, 2014, for a small, medium or large HMIWI;
 - 2) On and after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), for a small, medium or large HMIWI and a rural HMIWI that is equipped with an air pollution control device.
- ba) Once the initial performance test required by Section 229.142 of this Part has been performed, and the site-specific minimum and maximum operating parameter values have been established, the owner or operator of ana-small, medium or large HMIWI, as applicable, shall continuously monitor those parameters.
- cb) The owner or operator of ana-small, medium or large HMIWI, as applicable, shall comply with the following monitoring requirements:
- 1) Install, calibrate according to manufacturer's specifications, maintain, and operate devices or establish methods for monitoring the applicable maximum and minimum operating parameters specified in Appendix B of this Part (unless CEMS are used as a substitute for certain parameters as specified) ~~so such~~ that these devices or methods measure and record values for these operating parameters at the frequencies indicated in Appendix B

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of this Part at all times, ~~except during periods of startup and shutdown;~~

- 2) Install, calibrate according to manufacturer's specifications, maintain, and operate a device or establish a method for identifying the use of the bypass stack, including date, time, and duration of use;
- 3) If control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber, ~~or~~ a dry scrubber followed by a fabric filter and a wet scrubber, or a selective noncatalytic reduction system is used to comply with the ~~applicable emission~~ emission limits under Section ~~229.125(c)~~ 229.125(b) as applicable, or Section 229.126(c) of this Part, install, calibrate according to manufacturer's specifications, maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed and approved pursuant to Section 229.142(a)(5) or (b)(5) ~~Section 229.142(e)~~ of this Part; and
- 4) Record monitoring data at all times during HMIWI operation, except during the periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be recorded for 75 percent of the operating hours per day ~~and~~ for 90 percent of the operating days per calendar quarter that an HMIWI is combusting hospital waste or medical/infectious waste.

d) If an HMIWI is equipped with an air pollution control device that includes a fabric filter and a PM CEMS is not used to demonstrate compliance, the owner or operator of the HMIWI may use a bag leak detection system to determine compliance with the PM emissions limit. The owner or operator shall meet the following requirements for each bag leak detection system installed:

- 1) Each triboelectric bag leak detection system may be installed, calibrated, operated, and maintained according to the "Fabric Filter Bag Leak Detection Guidance," as incorporated by reference in Section 229.104;
- 2) The bag leak detection system shall be certified by the manufacturer as being capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less;

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- 3) The bag leak detection system sensor shall provide an output of relative PM loadings;
- 4) The bag leak detection system shall be equipped with a device to continuously record the output signal from the sensor;
- 5) The bag leak detection system shall be equipped with an audible alarm system that sounds automatically when an increase in relative PM emissions over a preset level is detected. The alarm shall be located where it is easily heard by plant operating personnel;
- 6) For positive pressure fabric filter systems, a bag leak detector shall be installed in each baghouse compartment or cell;
- 7) For negative pressure or induced air fabric filters, a bag leak detector shall be installed downstream of the fabric filter;
- 8) If multiple bag leak detectors are required, the bag leak detection system's instrumentation and alarm may be shared among detectors;
- 9) The baseline output shall be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the "Fabric Filter Bag Leak Detection Guidance," as incorporated by reference in Section 229.104;
- 10) Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points, or alarm delay time may not be adjusted. Increasing the sensitivity by more than 100 percent or decreasing by more than 50 percent over a 365-day period is a violation, unless the adjustment follows a complete fabric filter inspection that demonstrates that the fabric filter is in good operating condition. Each adjustment shall be recorded;
- 11) Records of the results of each inspection, calibration, and validation check shall be maintained; and
- 12) The fabric filter must be operated and maintained so that the bag leak detection system alarm is not engaged for more than 5 percent of the total

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operating time in a 6-month block reporting period; however, corrective action must be initiated within 1 hour after the alarm.

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

Section 229.168 Monitoring Requirements for Rural HMIWIs

- a) Each owner or operator of a rural HMIWI subject to the emissions limits under Section 229.126 of this Part shall comply with requirements of this Section according to the following schedule:
- 1) Before January 1, 2014, for a rural HMIWI; and
 - 2) On and after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), for a rural HMIWI that is not equipped with an air pollution control device.
- b) The owner or operator of each rural HMIWI shall comply with the following monitoring requirements:
- 1a) Install, calibrate according to manufacturer's specifications, maintain and operate a device measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute of operation;
 - 2b) Install, calibrate according to manufacturer's specifications, maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into an HMIWI; and
 - 3e) Record monitoring data at all times during HMIWI operation, except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be recorded for 75 percent of the operating hours per day ~~and~~ for 90 percent of the operating hours per calendar quarter that an HMIWI is combusting hospital waste or medical/infectious waste.

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

SUBPART K: WASTE MANAGEMENT PLAN REQUIREMENTS

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Section 229.180 Waste Management Requirements for Commercial HMIWIs ~~Accepting Waste Generated Off-Site~~

- a) The owner or operator of any commercial HMIWI that accepts hospital waste or medical/infectious waste generated off-site shall:
- 1) Provide hospital, medical or infectious waste customers with written information at least once a year concerning the availability of waste management practices for reducing the volume and toxicity of waste to be incinerated; ~~and~~
 - 2) Conduct training and education programs in waste segregation for each of the company's waste generator customers;
 - 3) Ensure that each waste generator customer prepares its own waste management plan that includes, at a minimum, the following elements:
 - A) Segregation of recyclable wastes such as paper products, glass, batteries and metals;
 - B) Segregation of non-recyclable wastes such as polyvinyl chloride plastics, pharmaceutical waste, and mercury-containing waste; and
 - C) Purchasing recycled or recyclable products;
 - 42) Submit a waste management plan to the Agency, in accordance with Section 229.184(b) of this Part, that outlines the efforts that will be undertaken to implement the requirements ~~distribute information as~~ specified in ~~subsections~~ subsection (a)(1) through (a)(3) of this Section ~~and identifies the information that will be distributed.~~
- b) Paper or electronic copies of the materials disseminated under this Section shall be made available to the Agency upon written request.

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

SUBPART L: RECORDKEEPING AND REPORTING REQUIREMENTS

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Section 229.182 Recordkeeping Requirements

- a) The owner or operator of an HMIWI subject to the ~~emission~~~~emission~~ limits under Subpart E of this Part shall maintain records of the following information:
- 1) The calendar date of each record;
 - 2) The following data, where applicable:
 - A) Concentrations of all applicable pollutants listed in Section 229.125(a) or (c), or in Section 229.126(a) or (c) of this Part (as determined by the CEMS, if applicable), and any measurements of opacity as required under Section 229.125(b), (d), or (f) or Section 229.126(b) or (d);~~Concentrations of all applicable pollutants listed in Section 229.125(b) or 229.126(b) of this Part (as determined by the CEMS, if applicable) and any measurements of opacity as required under Section 229.125(e) or 229.126(e);~~
 - B) HMIWI charge dates, times and weights, and hourly charge rates;
 - C) If a fabric filter is used, the fabric filter inlet temperatures during each minute of operation;
 - D) The amount and type of dioxin/furan sorbent used during each hour of operation;
 - E) The amount and type of Hg sorbent used during each hour of operation;
 - F) The amount and type of HCl sorbent used during each hour of operation;
 - G) If a selective noncatalytic reduction system is used to comply, the amount and type of NO_x reagent used during each hour of operation;
 - H) If a selective noncatalytic reduction system is used to comply, the minimum secondary chamber temperature recorded during each minute of operation;

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- ~~I~~G) The secondary chamber temperatures recorded during each minute of operation;
- ~~J~~H) The liquor flow rate to the wet scrubber inlet during each minute of operation;
- ~~K~~I) The horsepower or amperage to the wet scrubber during each minute of operation;
- ~~L~~J) Any pressure drop across the wet scrubber system during each minute of operation;
- ~~M~~K) The temperature at the outlet from the wet scrubber during each minute of operation;
- ~~N~~L) The pH at the inlet to the wet scrubber during each minute of operation;
- ~~O~~M) Identification of any use of the bypass stack, including dates, times, and the duration of such use; ~~and~~
- ~~P~~N) For sources complying with Section 229.166(c)(b)(3) of this Part, all operating parameter data ~~collected~~monitored; ~~and~~
- ~~Q~~) If a bag leak detection system is used, maintain records of the system alarm, the time of the alarm, the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken, as applicable;
- 3) Identification of any calendar days for which data on ~~emission~~emission rates or operating parameters specified under subsection (a)(2) of this Section have not been obtained, with an identification of the ~~emission~~emission rates or operating parameters not measured, reasons for not obtaining data, and a description of the corrective actions taken;
- 4) Identification of any malfunctions, including the calendar date, the time and duration, and a description of the malfunction and of the corrective action taken to remedy it;

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- 5) Identification of calendar days for which data on emissionsemission rates or operating parameters specified under subsection (a)(2) of this Section exceeded the applicable limits, with a description of the exceedences, reasons for such exceedences, and a description of the corrective actions taken;
- 6) The results of the initial, annual, and any other subsequent performance tests conducted to determine compliance with the applicable emissions limits and/or to establish or re-establish operating parameters, as applicable, and a description, including sample calculations, of how the operating parameters were established or re-established, if applicable;
- 7) Records of calibration of any monitoring devices as required under Sections 229.166(c)(b)(1), (2) and (3) and 229.168(a) and (b)(1) and (2) of this Part; and
- 8) Identification of the names of all HMIWI operators who have met the criteria for qualification under Section 229.170 of this Part, including:
 - A) Documentation of training and the dates of the training; and
 - B) The date of the initial review and all subsequent annual reviews of the information specified in Section 229.172(a) of this Part, as required by Section 229.172(b) of this Part.
- b) The owner or operator of an HMIWI claiming an exemption from the emissionsemission limits in this Part pursuant to Section 229.110(b) of this Part shall keep contemporaneous records identifying each period of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, including the calendar date and duration of such periods.
- c) The owner or operator of an HMIWI claiming an exemption pursuant to Section 229.110(c) of this Part shall keep records on a calendar quarter basis demonstrating that only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
- d) The owner or operator of a co-fired combustor claiming an exemption from the emissionsemission limits under Section 229.110(d) of this Part shall maintain

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records on a calendar quarter basis of the relative weight of hospital waste and/or medical/infectious waste, and of all other fuels or waste combusted.

- e) The owner or operator of each HMIWI subject to the emissions limits under Section 229.125(c) or Section 229.126 of this Part shall maintain records of the annual equipment inspection required under Section 229.162 of this Part.
- f) The owner or operator of each HMIWI subject to the emissions limits under Section 229.125(c) or 229.126(c) of this Part shall maintain records of the annual air pollution control device inspection required under Section 229.162 of this Part.
- e) ~~The owner or operator of each rural HMIWI shall maintain records of the annual equipment inspections required under Section 229.162 of this Part, any required maintenance, and any repairs not completed within 10 days after an inspection or the time frame established by the Agency.~~
- g) If a bag leak detection system is used, the owner or operator shall maintain records of the system alarm, the time of the alarm, the time corrective action was initiated and completed, a brief description of the cause of the alarm and the corrective action taken, as applicable.
- h) The owner or operator of each HMIWI, when applicable, shall maintain records of any required maintenance, adjustments, or repairs identified during an inspection required under Section 229.162 of this Part not completed within 10 days after the inspection or the timeframe approved in writing by the Agency.
- if) All records required under this Section shall be maintained onsite for a period of 5 years, in either paper copy or electronic format, unless an alternative format has been approved by the Agency in a permit condition.
- ig) All records required to be maintained pursuant to this Section shall be made available to the Agency upon request.

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

Section 229.184 Reporting Requirements

- a) The facilities manager and the responsible official for the affected source shall certify each report required under this Section.

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- b) The owner or operator of an HMIWI shall submit to the Agency the results of any performance test conducted on the HMIWI within 60 days after conducting the performance test. The information submitted with the initial performance test required by Section 229.142 of this Part shall include:
- 1) Before January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, the test data and values for the site-specific operating parameters established pursuant to Section 229.142(a)(4), (5) or (6), as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test for an HMIWI subject to the emissions limits under Section 229.125(a) or 229.126(a) of this Part; ~~The test data and values for the site-specific operating parameters established for an HMIWI pursuant to either Section 229.142(d), (e) or (f) of this Part, as applicable; and~~
 - 2) On and after January 1, 2014, the test data and values for the site-specific operating parameters established pursuant to Section 229.142(b)(3), (4) or (5), as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test for an HMIWI subject to the emissions limits under Section 229.125(c) or Section 229.126(c) of this Part;
 - 3) If a bag leak detection system is used, analysis and supporting documentation demonstrating conformance with guidance and specifications for bag leak detection systems in Section 229.166(d)(1); and
 - 4) A copy of the waste management plan required under Subpart K of this Part.
- c) All owners or operators of HMIWIs shall submit the information specified under this subsection (c) to the Agency, as follows:~~All owners or operators of HMIWIs shall submit the information specified under this subsection (c) to the Agency by September 15, 2001 and by September 15 of each year thereafter. Once an HMIWI is issued a CAAPP permit, the owner or operator of an HMIWI shall submit these reports semi-annually, in accordance with subsection (d) of this Section. The annual report shall include the following information:~~

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- 1) By September 15, 2001, and by September 15 of each year thereafter, for an HMIWI subject to the emissions limits under Section 229.125(a) or 229.126(a) of this Part;
- 2) By January 1, 2014, and by January 1 of each year thereafter, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, for an HMIWI subject to the emissions limits under Section 229.125(c) or (e) or Section 229.126(c) of this Part; and
- 3) The annual report required under subsection (c)(1) or (2) of this Section shall include the following information:
 - A+) Before January 1, 2014, the values for site-specific operating parameters established pursuant to Section 229.142(a)(4), (5) or (6) of this Part, as applicable;The values for site-specific operating parameters established pursuant to either Section 229.142(d), (e) or (f) of this Part;
 - B) On and after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, the values for site-specific operating parameters established pursuant to Section 229.142(b)(3), (4) or (5) of this Part, as applicable;
 - C2) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter, recorded for the calendar year being reported pursuant to Section 229.142(a)(4), (5) or (6), or Section 229.142(b)(3), (4) or (5) of this Part, as applicable;-and for the calendar year preceding the year being reported;
 - D) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded pursuant to Section 229.142(a)(4), (5) or (6) or Section 229.142(b)(3), (4) or (5) of this Part, as applicable, for the calendar year preceding the year being reported, in order to provide the Agency with a summary of the performance of the affected facility over a 2-year period;
 - E3) Any information recorded pursuant to Section 229.182(a)(3)

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through (5) of this Subpart for the calendar year being reported and for the calendar year preceding the year being reported;

- F4) If no exceedences or malfunctions were recorded under Section 229.182(a)(3) through (a)(5) of this Subpart for the calendar year being reported, a statement that no exceedences occurred during the reporting period; and
- G5) Any use of the bypass stack, the duration of use, the reason for malfunction, and the corrective actions taken.
- d) ~~Once an HMIWI is issued a CAAPP permit, the owner or operator of the HMIWI shall submit the reports required under subsection (c) of this Section semiannually. The semiannual reports must be submitted within 60 days following the end of the reporting period. The first semiannual reporting period ends on June 30 of each year and the second semiannual reporting period ends on December 31 of each year. Once the owner or operator of an HMIWI is required to submit semiannual reports, these reports must be submitted within 60 days following the end of the reporting period. The first semiannual reporting period ends on March 15 of each year and the second semiannual reporting period ends on September 15 of each year.~~
- e) The owner or operator of each rural HMIWI subject to the ~~emission~~emission limits under Section 229.126(b) of this Part, shall submit an annual report containing all information listed in subsections (b) and (c) of this Section by no later than 60 days following the year in which the data was collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report. Once the unit is subject to permitting requirements under the CAAPP, the owner or operator shall submit these reports semiannually in accordance with the schedule specified in subsection (d) of this Section.

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

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Section 229.APPENDIX B Operating Parameters to be Monitored and Minimum Measurement and Recording Frequencies

An "X" in any box in this matrix means that measurement of that parameter is required.

<u>MINIMUM FREQUENCY</u>			<u>CONTROL SYSTEM</u>			
<u>Operating Parameters</u>	<u>Data Measurement</u>	<u>Data Recording</u>	<u>Dry Scrubber Followed by Fabric Filter</u>	<u>Wet Scrubber</u>	<u>Dry Scrubber Followed by Fabric Filter and Wet Scrubber</u>	<u>Selective Noncatalytic Reduction System</u>
<u>Maximum Charge Rate¹</u>	<u>Continuous</u>	<u>Once per hour</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Maximum Fabric Filter Inlet Temperature</u>	<u>Continuous</u>	<u>Once per minute</u>	<u>X</u>		<u>X</u>	
<u>Maximum Flue Gas Temperature</u>	<u>Continuous</u>	<u>Once per minute</u>	<u>X</u>	<u>X</u>		
<u>Minimum Secondary Chamber Temperature</u>	<u>Continuous</u>	<u>Once per minute</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Minimum Dioxin/Furan Sorbent Flow Rate</u>	<u>Hourly</u>	<u>Once per hour</u>	<u>X</u>		<u>X</u>	
<u>Minimum HCl Sorbent Flow Rate</u>	<u>Hourly</u>	<u>Once per hour</u>	<u>X</u>		<u>X</u>	
<u>Minimum Reagent Flow Rate</u>	<u>Hourly</u>	<u>Once per hour</u>				<u>X</u>
<u>Minimum Hg Sorbent</u>	<u>Hourly</u>	<u>Once per hour</u>	<u>X</u>		<u>X</u>	

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<u>Flow Rate</u>						
<u>Minimum Pressure Drop Across the Wet Scrubber or Minimum Horsepower or Amperage to Wet Scrubber</u>	<u>Continuous</u>	<u>Once per minute</u>		<u>X</u>	<u>X</u>	
<u>Minimum Scrubber Liquor Flow Rate</u>	<u>Continuous</u>	<u>Once per hour</u>		<u>X</u>	<u>X</u>	
<u>Minimum Scrubber Liquor pH</u>	<u>Continuous</u>	<u>Once per hour</u>		<u>X</u>	<u>X</u>	

¹For batch HMIWIs, record the charge per batch.

MINIMUM FREQUENCY			CONTROL SYSTEM		
Operating Parameters	Data Measurement	Data Recording	Dry Scrubber Followed by Fabric Filter	Wet Scrubber	Dry Scrubber Followed by Fabric Filter and Wet Scrubber
Maximum ⁺ Charge Rate	Continuous	Once per hour	X	X	X
Maximum Fabric Filter Inlet Temperature	Continuous	Once per minute	X		X
Maximum flue gas temperature	Continuous	Once per minute	X	X	
Minimum secondary	Continuous	Once per minute	X	X	X

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chamber temperature					
Minimum Dioxin/Furan Sorbent Flow Rate	Hourly	Once per hour	X		X
Minimum HCl Sorbent Flow Rate	Hourly	Once per hour	X		X
Minimum Hg Sorbent Flow Rate	Hourly	Once per hour	X		X
Minimum Pressure Drop Across the Wet Scrubber or Minimum Horsepower or Amperage to Wet Scrubber	Continuous	Once per minute		X	X
Minimum Scrubber Liquor Flow Rate	Continuous	Once per minute		X	X
Minimum Scrubber Liquor pH	Continuous	Once per minute		X	X

[†]For batch HMIWIs, record the charge per batch.

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

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Section 229.APPENDIX C Reference Test Methods and Procedures for Performance Tests

The following test methods and procedures shall be used as specified in Section 229.140(e) of this Part, when conducting any performance test for the purpose of demonstrating compliance with the ~~emission~~emission limits established under this Part.

- a) All performance tests shall consist of a minimum of 3 test runs conducted under representative operating conditions. The minimum sample time of 1 hour per test run shall be used unless otherwise indicated. In order to demonstrate compliance with the ~~emission~~emission limits set forth in Subpart E of this Part, the arithmetic average of all 3 performance test runs shall be used.
- b) Method 1, at 40 CFR 60, incorporated by reference at Section 229.104(d) of this Part, shall be used to select the sampling location and number of traverse points.
- c) Method 2, at 40 CFR 60, shall be used to determine average gas density, as well as to measure gas velocity.
- d) Method 3, 3A, or 3B, at 40 CFR 60, shall be used for gas composition analysis, including measurement of oxygen concentration. Method 3, 3A or 3B, at 40 CFR 60, shall be used simultaneously with each of the other reference methods. As an alternative to Method 3B, ASME PTC-19-10-1981-Part 10 may be used.
- ~~d) Method 3 or 3A, at 40 CFR 60 shall be used for gas composition analysis, including measurement of oxygen concentration. Method 3 or 3A, at 40 CFR 60, shall be used simultaneously with each reference method.~~
- e) The pollutant concentrations shall be adjusted to 7 percent oxygen using the following equation:

$$C_{\text{adj}} = C_{\text{meas}} (20.9-7)/(20.9-\%O_2)$$

Where:

- C_{adj} = pollutant concentration adjusted to 7 percent oxygen;
 C_{meas} = pollutant concentration measured on a dry basis

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- (20.9-7) = 20.9 percent oxygen - 7 percent oxygen (defined oxygen corrective basis);
- 20.9 = oxygen concentration in air, percent; and
- %O₂ = oxygen concentration measured on a dry basis, percent.

- f) Method 5, 26A, or 29, at 40 CFR 60, shall be used to measure PM emissions. As an alternative, a PM CEMS may be used in determining compliance with PM emissions using a 12-hour rolling average, calculated each hour as the average of the previous 12 operating hours.
- ~~f) Method 5 or 29, at 40 CFR 60 shall be used to measure particulate matter emissions.~~
- g) Method 7 or 7E, at 40 CFR 60, shall be used to measure NO_x emissions.
- h) Method 6 or 6C, at 40 CFR 60, shall be used to measure SO₂ emissions.
- ig) Method 9, at 40 CFR 60, shall be used to measure stack opacity. As an alternative, the use of a bag leak detection system or a PM CEMS to demonstrate compliance with the PM standards is considered demonstrative of compliance with the opacity requirements.
- jh) Method 10 or 10B, at 40 CFR 60, shall be used to measure CO emissions. As an alternative, a CO CEMS may be used to measure CO emissions.
- k) Method 22, at 40 CFR 60, shall be used to measure fugitive ash emissions.
- li) Method 23, at 40 CFR 60, shall be used to measure total dioxin/furan emissions. As an alternative, the facility may elect to sample total dioxins/furans by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring dioxin/furan emissions. The minimum sample time for Method 23 sampling shall be 4 hours per test run. If the affected facility has selected the TEQ for dioxin/furans (set out in Appendix A of this Part), as provided under Section 229.125(b) or 229.126(b) of this Part, whichever is applicable, the following procedures shall be used to determine compliance:
- 1) Measure the concentration of each dioxin/furan tetra-through-octa-congener emitted using Method 23;

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- 2) For each dioxin/furan congener measured in accordance with subsection (i)(1) of this Section, multiply the congener concentration by its corresponding TEQ factor specified in Appendix A of this Part; and
- 3) Sum the products calculated in accordance with subsection (i)(2) of this Section to obtain the total concentration of dioxin/furans emitted in terms of TEQ.

mj) Method 26 or 26A, at 40 CFR 60, shall be used to measure HCl emissions. As an alternative, an HCl CEMS may be used to measure HCl emissions. Before January 1, 2014, if the affected facility has selected the percentage reduction standard for HCl as provided under Section 229.125(a)(b) or 229.126(a)(b) of this Part, whichever is applicable, the percentage reduction in HCl emissions (%R_{HCl}) is computed using the following formula:

$$(\%R_{HCl}) = ((E_i - E_o) / E_i) \times 100$$

Where:

- %R_{HCl} = percentage reduction of HCl emissions achieved;
- E_i = HCl emissions concentration measured at the control device inlet, corrected to 7 percent oxygen (dry basis); and
- E_o = metal emissions concentration (Pb, Cd, or Hg) measured at the control device outlet, corrected to 7 percent oxygen (dry basis).

nk) Method 29, at 40 CFR 60, shall be used to measure Pb, Cd, and Hg emissions. As an alternative, ASTM D6784-02 may be used to measure Hg emissions; a multi-metals CEMS or Hg CEMS may be used to measure Pb, Cd, and Hg emissions; or the facility may elect to sample Hg by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring Hg emissions. Before January 1, 2014, if the affected facility has selected the percentage reduction standards for metals as provided in Section 229.125(a)(b) or 229.126(a)(b) of this Part, whichever is applicable, the percentage reduction in emissions (%R_{metal}) is computed using the following formula:

$$(\%R_{metal}) = ((E_i - E_o) / E_i) \times 100$$

Where:

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| $\%R_{\text{METAL}}$ = percentage reduction of metal emissions (Pb, Cd, or Hg) achieved;

| E_i = metal emissions concentration (Pb, Cd, or Hg) measured at the control device inlet, corrected to 7 percent oxygen (dry basis); and

| E_o = metal emissions concentration (Pb, Cd, or Hg) measured at the control device outlet, corrected to 7 percent oxygen (dry basis).

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

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small business corporations that are required to file their federal returns electronically will also be required to file their Illinois income tax returns electronically. Municipalities and non-for-profit corporations that are not engaged in a business are not affected by this rulemaking.
 - 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: January 2011

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 760

ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section	
760.100	Electronic Returns
760.110	Exclusions from Electronic Filing
760.120	Where to Send Electronic Returns (Repealed)
760.200	Ways to Participate in Electronic Filing
760.210	Enrollment in the Electronic Filing Program
760.220	Electronic Payment Required
760.230	Electronic Signatures
760.240	Due Dates and Date Received
760.300	Responsibilities of Electronic Filers
760.310	Filing Acknowledgments
760.320	Electronic Payment Acknowledgments
760.330	Termination of Voluntary Participants

AUTHORITY: Implementing and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 22 Ill. Reg. 14905, effective August 3, 1998; amended at 27 Ill. Reg. 14636, effective August 26, 2003; amended at 30 Ill. Reg. 11590, effective June 26, 2006; amended at 35 Ill. Reg. 529, effective December 21, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 760.100 Electronic Returns

- a) The Department has mandatory electronic filing programs and voluntary programs for certain returns and other documents that are required to be filed with the Department. Upon acceptance into the program, the returns, schedules, and other documents listed in this Section may be electronically filed with the Department.
- b) An electronic return or other document consists of data transmitted to the Department electronically, and may include paper documents that contain information that cannot be electronically transmitted or are requested for

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verification. In total, electronic returns must contain the same information as traditionally filed paper documents.

- c) Mandatory Programs
- 1) Beginning January 1, 2003, telecommunications providers who have average monthly tax billings for the immediately preceding calendar year that exceed \$1000 must file their tax returns and supporting schedules electronically. Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. The following circumstances require paper documentation:
 - A) When a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) When a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) When the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.
 - 2) Beginning January 1, 2003, cigarette distributors with 30 or more invoice transactions per month and who are not voluntarily filing returns and schedules by electronic means are required to file supporting schedule data with the Department on computer-generated magnetic media in a format prescribed by the Department.
 - 3) Beginning with calendar year 2011, each income tax return preparer who is required during the calendar year to file by electronic means any federal income tax return for any individual or individuals and who prepared more than 100 Illinois income tax returns for individuals during the preceding calendar year is required during the calendar year to file by electronic means any Illinois income tax returns he or she prepares for the same individual or individuals for the same taxable year for which the preparer

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filed a federal income tax return during that calendar year. This subsection (c)(3) does not require electronic filing of amended returns or of returns of trusts or estates, or of any return the Department has announced cannot be filed by electronic means.

4) Beginning with returns required to be filed for taxable years ending on or after December 31, 2011, any taxpayer required to file its federal income tax return by electronic means is required to file its equivalent Illinois income tax return for the same taxable year by electronic means. This subsection (c)(4) does not require electronic filing of amended returns or of returns of individuals or estates, or to any return the Department has announced cannot be filed by electronic means.

d) Voluntary Programs

- 1) Taxpayers may volunteer to participate in any electronic filing program currently in effect for mandatory electronic filers.
- 2) Form ST-1, Sales and Use Tax Return, and Form ST-2, Multiple Site attachment for Form ST-1, can be transmitted electronically under the provisions of this Part.
- 3) Beginning January 1, 2003, original or amended liquor tax returns and schedules for Liquor Tax participants may be filed electronically under the provisions of this Part.
 - A) Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. They include:
 - i) Copies of schedules, invoices or bills of lading requested for verification in accordance with Section 8-2 of the Liquor Control Act of 1934 [235 ILCS 5/8-2].
 - ii) Non-Beverage User permits.
 - B) Beginning January 1, 2003, persons filing liquor tax returns and schedules electronically must also make payments by means of electronic funds transfer. See Section 760.220 of this Part. By

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doing so, the taxpayer is entitled to a discount of 1.75% of the tax due, or \$1,250, whichever is less, provided that the electronic return and payment are made timely in accordance with this Part.

- C) Liquor tax participants may file their returns and schedules using magnetic media in a format prescribed by the Department. Liquor tax participants that file returns and schedules on magnetic media are not entitled to the discount provided for in subsection (d)(3)(B) of this Section.
- 4) Beginning January 1, 2003, original or amended cigarette tax returns and schedules for Cigarette Tax participants may be filed electronically under the provisions of this Part.
 - 5) Illustrations of When Paper Documents Must Be Filed
 - A) In the event a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) In the event a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) In the event the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.

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

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- 1) Heading of the Part: Office of the Inspector General
- 2) Code Citation: 2 Ill. Adm. Code 3430
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3430.10	New
3430.20	New
3430.30	New
3430.40	New
3430.50	New
3430.60	New
3430.70	New
3430.80	New
3430.90	New
3430.100	New
3430.110	New
3430.120	New
3430.130	New
3430.140	New
3430.150	New
- a) Statutory Authority: 605 ILCS 110/8.5
- b) A Complete Description of the Subjects and Issues Involved: Criteria for initiating, conducting and completing investigations by the Office of Inspector General for the Illinois State Toll Highway Authority (OIG); a description of the OIG's interaction with law enforcement and other agencies including multi-jurisdictional investigations; a description of the OIG's summary reports, written statements, recommendations and responses to the recommendations and the process for making summary reports and responses public.
- 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 rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: No effect on local units of government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Illinois State Toll Highway Authority
Office of Inspector General
Attn: Inspector General James W. Wagner
2700 Ogden Avenue
Downers Grove, Illinois 60515
- 630/241-6800 ext. 1300
- 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 it was not anticipated.

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

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NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXIV: ILLINOIS STATE TOLL HIGHWAY AUTHORITY

PART 3430
OFFICE OF THE INSPECTOR GENERAL

Section

- 3430.10 Definitions
- 3430.20 Jurisdiction
- 3430.30 Statute of Limitations
- 3430.40 Collective Bargaining
- 3430.50 Cooperation
- 3430.60 Confidentiality Requirements
- 3430.70 Initiating an Investigation
- 3430.80 Investigations
- 3430.90 Interaction with Law Enforcement and Other Agencies
- 3430.100 Summary Reports
- 3430.110 Written Statements
- 3430.120 Recommendations
- 3430.130 Responses
- 3430.140 Release of Summary Reports and Responses
- 3430.150 Bi-Annual Summary of Reports and Investigations

AUTHORITY: Implementing and authorized by Section 8.5 of the Toll Highway Act [605 ILCS 10/8.5].

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

Section 3430.10 Definitions

"Act" means the Toll Highway Act [605 ILCS 10].

"Appropriate Authority" means:

The Authority's Executive Director and the Board of Directors for investigations not involving the Board.

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The Chair of the Board and the Governor for investigations of any Board member other than the Chair of the Board.

The Governor for investigations of the Chair of the Board (see 605 ILCS 10/8.5(f)(3)).

"Authority" means the Illinois State Toll Highway Authority as defined by Section 3 of the Act.

"Board of the Authority" or "Board" or "Board members" means the directors of the Authority as defined by Section 3 of the Act.

"Business Day" means any calendar day except Saturday, Sunday or a State holiday, in which event the period runs to the end of the next business day.

"Chair of the Board" means the appointed chairperson of the Board of the Authority as defined by Section 4 of the Act.

"Day" means any calendar day.

"Employee of the Authority" means any person employed full-time, part-time or pursuant to a contract with the Authority.

"Ethics Officer" means the person appointed by the Executive Director of the Authority pursuant to Section 20-23 of the State Officials and Employees Ethics Act [5 ILCS 430/20-23].

"Executive Director" means the Executive Director of the Authority.

"Fraudulent Concealment" means *an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred* [605 ILCS 10/8.5(d)].

"Inspector General" means the Toll Highway Inspector General appointed under Section 8.5 of the Act.

"Officers of the Authority" means the Executive Staff of the Authority.

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"OEIG" means the Office of the Governor's Executive Inspector General as defined by Section 20-10 of the State Officials and Employees Ethics Act [5 ILCS 430/20-10].

"OIG" means the Office of Inspector General for the Authority and includes the Inspector General, investigators, employees and agents of the Office.

Section 3430.20 Jurisdiction

The OIG *shall have jurisdiction over the Authority and all Board members, officers, and employees of, and vendors, subcontractors, and others doing business with, the Authority* [605 ILCS 10/8.5(d)]. However, the jurisdiction to investigate alleged violations of the State Officials and Employees Ethics Act [5 ILCS 430] shall remain with the OEIG.

Section 3430.30 Statute of Limitations

An investigation may not be initiated more than five years after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred [605 ILCS 10/8.5(d)].

Section 3430.40 Collective Bargaining

All preliminary investigations, inquiries, investigations and recommendations of discipline or other action against any employee shall be conducted in compliance with the provisions of the applicable collective bargaining agreement.

Section 3430.50 Cooperation

- a) *All Board members, officers and employees of the Authority have a duty to cooperate with the Toll Highway Inspector General and employees of the Office of the Toll Highway Inspector General in any investigation undertaken pursuant to this Section* [605 ILCS 10/8.5(j)].
- b) The Inspector General shall *have access to all information and personnel necessary to perform the duties of the office* [605 ILCS 10/8.5(f)(1)].
- c) Any Authority employee who knowingly files a false complaint or files a complaint with reckless disregard for the truthfulness of the underlying facts may be subject to discipline (see 605 ILCS 10/8.5(f)(9)).

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Section 3430.60 Confidentiality Requirements

- a) *The identity of any individual providing information or reporting any possible or alleged misconduct to the Toll Highway Inspector General shall be kept confidential and may not be disclosed without the consent of that individual [605 ILCS 10/8.5(k)(1)].*
- b) *The confidentiality requirements do not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation [605 ILCS 10/8.5(k)(1)].*
- c) *The identity of an individual providing information or reporting any possible or alleged misconduct may be disclosed if otherwise required by law (see 605 ILCS 10/8.5(k)(1)).*
- d) *Subject to the provisions of this Part, the OIG shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act [5 ILCS 140] or by this Act [605 ILCS 10/8.5(k)(2)].*
- e) *The results of OEIG investigations reported to the OIG shall remain subject to any applicable confidentiality provisions in the State Officials and Employees Ethics Act [605 ILCS 10/8.5(d)].*

Section 3430.70 Initiating an Investigation

- a) *Investigations may be based on complaints from any source, including anonymous sources, and may be self-initiated, without a complaint [605 ILCS 10/8.5(d)].*
 - 1) *The OIG shall receive and investigate complaints or information from an employee of the Authority concerning the possible existence of an activity constituting a violation of law, rules or regulations, mismanagement, abuse of authority, or substantial and specific danger to the public health and safety [605 ILCS 10/8.5(f)(9)].*
 - 2) *The OIG also investigates allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance [605 ILCS 10/8(e)(1)].*

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- 3) The OIG shall *review hiring and employment files of the Authority to ensure compliance with Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990), and with all applicable employment laws [605 ILCS 10/8.5(f)(7)].*
- b) Within 30 business days after the receipt of the complaint, allegation, or information, the OIG shall conduct a preliminary investigation to determine if it suggests possible misconduct or violation of any rule, regulation, policy or law.
- c) The minimum requirements for initiating an investigation include, but are not limited to, the following:
 - 1) Jurisdiction.
 - 2) Statute of limitations.
 - 3) Whether the allegations can be independently verified through investigation.
- d) After conducting the preliminary investigation and considering the minimum requirements for initiating an investigation and any other relevant information, the Inspector General shall determine whether the OIG shall:
 - 1) Not conduct an investigation.
 - 2) Open an investigation.
 - 3) Refer the complaint, allegation or information to the appropriate agency, individual or entity.
 - 4) Consolidate the matter with a pending investigation of a similar nature.
 - 5) Suspend opening an investigation pending an external investigation or legal proceeding by law enforcement, prosecutorial entity, or other governmental entity.

Section 3430.80 Investigations

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- a) Once an investigation has been opened, it shall be assigned a unique tracking number and the Inspector General shall assign an investigator to conduct the investigation.
- b) At a minimum, all investigations are required to be conducted autonomously, independent of direction from the Authority, impartially, and in a professional and timely manner. Investigations shall be properly documented to ensure the appropriate handling and correct recording of all investigations.
- c) Possible methods of investigation include, but are not limited to, the following:
 - 1) Site visits.
 - 2) Telephone contacts.
 - 3) Personal interviews.
 - 4) Requests for written responses.
 - 5) Voluntary production of documents and/or information.
 - 6) Seizure and analysis of State, vendor or subcontractor property and documents, including electronic files and databases.
 - 7) Document requests.
 - 8) Subpoenas for records and/or testimony.
- d) Determining which method of investigation is appropriate will vary depending on the nature of the allegation and the balancing of various criteria that include, but are not limited to, the following:
 - 1) Maintaining the confidentiality of the complainant and/or source of the information and other confidentiality requirements.
 - 2) The efficient use of OIG time and resources.
 - 3) The type of information being sought.

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- 4) Whether the allegation is ongoing and/or involves possible danger to the health or safety of employees or the public.
 - 5) Whether the destruction or altering of evidence is possible and/or likely.
 - 6) Availability of potential witnesses and/or information.
- e) Minimum investigatory requirements for completing an investigation:
- 1) An investigation will be sustained if the Inspector General *determines that reasonable cause exists to believe that fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance has occurred* [605 ILCS 10/8.5(e)(1)].
 - 2) An investigation will be closed if the Inspector General *concludes that there is insufficient evidence that a violation has occurred* [605 ILCS 10/8.5(e)(4)]. The Inspector General may close an investigation if, during the course of the investigation, the OIG determines that the events under investigation took place outside of the applicable statute of limitations, that the subjects of the investigation are not under the OIG's jurisdiction, or if the investigation is referred elsewhere.
 - 3) A complete OIG investigation consists of the retrieval of relevant records, review of all relevant documentation, and interviews of all relevant persons.
- f) Subpoena Powers
- 1) *The Inspector General shall have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation* [605 ILCS 10/8.5(f)(2)].
 - 2) Only the Inspector General may issue a subpoena, not members of the Inspector General's staff. (See 605 ILCS 10/8.5(f)(2).)
 - 3) The Inspector General may not subpoena a *person or documents of a labor organization or its representatives insofar as the person or documents of a labor organization relate to the function of representing an employee subject to investigation under this Section* [605 ILCS 10/8.5(f)(2)].

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- 4) *Subject to a person's privilege against self-incrimination, any person who fails to appear in response to a subpoena, answer any question, or produce any books or papers pertinent to an investigation under this Section, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Section is guilty of a Class A misdemeanor [605 ILCS 10/8.5(f)(2)].*

Section 3430.90 Interaction with Law Enforcement and Other Agencies

- a) *The OIG shall participate in or conduct, when appropriate, multi-jurisdictional investigations provided the investigation involves the Authority in some way, including, but not limited to, joint investigations with the Office of the Governor's Executive Inspector General, or with State, local, or federal law enforcement authorities [605 ILCS 10/8.5(f)(5)].*
- b) *The Inspector General shall serve as the Authority's primary liaison with law enforcement, investigatory, and prosecutorial agencies [605 ILCS 10/8.5(f)(6)].*
 - 1) *As such, Authority employees shall report all known or suspected criminal acts impacting or resulting from the duties of employees to the Inspector General, who will coordinate with the relevant local, State, or federal law enforcement authorities.*
 - 2) *The Inspector General may render investigative assistance to law enforcement, investigatory and prosecutorial agencies, the OEIG, Authority personnel, or other State agencies. The assistance may include multi-jurisdictional investigations or the Inspector General may pursue an investigation independently.*
 - 3) *As the liaison, the Inspector General may request any information or assistance that may be necessary for carrying out his or her duties and responsibilities from any local, State or federal governmental agency or unit thereof [605 ILCS 10/8.5(f)(6)].*

Section 3430.100 Summary Reports

- a) *If the Toll Highway Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that fraud, waste, abuse,*

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mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance has occurred, then the Toll Highway Inspector General shall issue a summary report of the investigation [605 ILCS 10/8.5(e)(1)].

- b) *The summary report of the investigation shall include the following:*
- 1) The unique tracking number assigned to the investigation.
 - 2) A summary of the investigative steps taken. The OIG need not disclose any confidential investigatory techniques.
 - 3) *A description of any allegations or other information received by the Toll Highway Inspector General pertinent to the investigation.*
 - 4) *A description of any alleged misconduct discovered in the course of the investigation.*
 - 5) *Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.*
 - 6) *Other information the Toll Highway Inspector General deems relevant to the investigation or resulting recommendations [605 ILCS 10/8.5(e)(2)].*

Section 3430.110 Written Statements

The Inspector General shall provide the appropriate authority with a written statement of his or her decision to close an investigation *when the Toll Highway Inspector General concludes that there is insufficient evidence that a violation has occurred [605 ILCS 10/8.5(e)(4)].*

Section 3430.120 Recommendations

- a) After completing an investigation, the Inspector General may make recommendations to the appropriate authority.
- b) Examples of the types of recommendations that may be made include, but are not limited to:

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- 1) Corrective or remedial action against any person or entity that falls under the OIG's jurisdiction.
 - 2) Suspension or debarment of a contractor, vendor, subcontractor or others doing business with the Authority.
 - 3) Discipline up to and including discharge.
 - 4) Methods and procedures to increase the integrity of the Authority and/or prevent fraud, corruption, waste and mismanagement in the Authority.
 - 5) Coordination, reform, review or creation of policies, practices, methods or procedures.
 - 6) Case-specific action.
- c) Recommendations may be made in a summary report or in conjunction with a written statement.

Section 3430.130 Responses

- a) The appropriate authority shall determine, and state in its response, whether to accept, reject or request a modification of each recommendation.
- 1) If the recommendation is accepted, the appropriate authority shall describe how it will be implemented and the expected timeframe for a final disposition of the recommendation.
 - 2) If the recommendation is rejected, the appropriate authority shall explain its rationale for the rejection.
 - 3) If a modification of the recommendation is requested, the appropriate authority shall explain its rationale for the request and propose an alternate recommendation.
 - 4) The appropriate authority may include any other relevant information it deems necessary to explain and/or describe its response.

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- b) The Inspector General may request additional information and/or updates to a response from the appropriate authority.

Section 3430.140 Release of Summary Reports and Responses

- a) *Summary reports shall be delivered to the appropriate authority, which shall have 20 days to respond to the report [605 ILCS 10/8.5(e)(1)].*
- b) If the Inspector General intends to make a summary report public, the summary report and response shall be redacted for information that may reveal the identity of witnesses, complainants or informants or other information the Inspector General believes should not be made public (see 605 ILCS 10/8.5(e)(3)).
- c) The redacted summary report and documents to be made public shall be forwarded to the appropriate authority and the respondent. Each may offer, within 15 days, suggestions for redaction or provide a response that shall be made public with the summary report. The Inspector General has *the sole and final authority to decide what redactions should be made* [605 ILCS 10/8.5(e)(3)].
- d) After considering the suggestions for redaction, if any, the OIG shall reassess what should be made public and may post the summary report and response on the Authority's website.
- e) Summary reports that result in a 3 day suspension or greater or the termination of the employee shall be made public by presenting the report to the Board of the Authority and posting it on the Authority's website within 60 days after issuance of the summary report (see 605 ILCS 10/8.5(e)(3)).
- f) The Inspector General *may make available to the public any other summary report and any such responses or a redacted version of the report and responses* [605 ILCS 10/8.5(e)(3)]. This includes any communications regarding requests for additional information and/or updates to responses between the OIG and the appropriate authority.

Section 3430.150 Bi-Annual Summary of Reports and Investigations

The Toll Highway Inspector General shall provide to the Governor, the Board of the Authority, and the General Assembly a summary of reports and investigations made under this Section no later than March 31 and September 30 of each year.

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- a) *The summaries shall detail the final disposition of the Inspector General's recommendations.*
- b) *The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations.*
- c) *The summaries shall also include detailed, recommended administrative actions and matters for consideration by the Governor, the Board of the Authority, and the General Assembly [605 ILCS 10/8.5(m)].*

DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Hearing Instrument Consumer Protection Code
- 2) Code Citation: 77 Ill. Adm. Code 682
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
682.100	Amended
682.105	Amended
682.110	Amended
682.115	Amended
682.120	Amended
682.130	Amended
682.140	Amended
682.150	Amended
682.160	Amended
682.170	Amended
682.180	Amended
682.185	Amended
682.190	Amended
682.200	Amended
682.215	Amended
682.230	Amended
682.250	Amended
682.260	Amended
682.300	Amended
682.320	Amended
682.330	Amended
682.360	Amended
682.420	Amended
682.430	Amended
682.500	Amended
682.510	Amended
682.600	Amended
- 4) Statutory Authority: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50]
- 5) Effective Date of Rulemaking: June 17, 2011
- 6) Does this rulemaking contain an automatic repeal date? No

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- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: January 28, 2011; 35 Ill. Reg. 1508
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:
1. In Section 682.100, a definition of "Reciprocity" was added as follows:
"Reciprocity" means the licensing of a disperser who holds a current license in another State that determines competency through the International Institute for Hearing Instrument Studies (IHHIS) International Licensing Examination (ILE).
 2. In Section 682.100, the definition of "Reciprocity Fee," "682.600(c)" was changed to "682.200(a)(3)".
 3. In Section 682.115(a)(1), "(insert date)" was stricken.
 4. In Section 682.155(b), "(Insert name of the Purchaser)" was stricken.
 5. In Section 682.180(b) "A" was added at the beginning of the subsection.
 6. In Section 682.180(c), " 262.200(c)" was changed to " 282.200(a)(3)".
- In addition, various typographical, grammatical, and form changes were made in response to Second Notice comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: Over the years, hearing aid technology has changed dramatically. The licensing examination for competency testing of dispensers has not changed since its inception in 1985. Nor have the fees for testing or licensure changed since 1985. The accepted standard of care has changed and the verbiage is different. These issues constitute the need to update several Sections of Part 682. The Illinois Hearing Aid Society, the State dispenser organization, also asked for and received, in amended law, new language addressing a "trainee" license and licensing by reciprocity. These issues are not addressed in the current rule. The changes resulted in these adopted amendments.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
e-mail: dph.rules@illinois.gov

217/782-2043

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: VISION AND HEARING

PART 682
HEARING INSTRUMENT CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
682.100	Definitions
682.105	Incorporated and Referenced Materials
682.110	Information Required for Hearing Instrument Users
682.115	Thirty-Business-Day Return Privilege
682.120	Description of Hearing Instruments
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.185	In-Office Sales Promotions
682.190	Liability Insurance
682.195	Required Forms

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section	
682.200	Application Procedures
682.210	Issuance of a Temporary License (Repealed)
682.215	Supervision of Students
682.220	Duplication of a License
682.230	Place of Business
682.240	Display of License
682.250	Expiration of Licenses and License Renewals
682.260	Inactive Status Request

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

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Section

- 682.300 Established Test Procedures
- 682.310 Period of Time Tests Are Valid
- 682.320 Tests Performed by Others
- 682.330 Hearing Instrument Selection: Persons Eligible to Recommend
- 682.340 Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons
- 682.350 Audiometric Tests for Replacement Hearing Instrument
- 682.360 Equipment Needed

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section

- 682.400 Administration of the Examination
- 682.410 Identification Needed to Take the Examination
- 682.420 Examination: Written and Practical
- 682.430 Notification of Examination Results
- 682.440 Temporary License Expiration (Repealed)
- 682.450 Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section

- 682.500 Dishonest, Unethical, and Unprofessional Conduct
- 682.510 Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section

- 682.600 Administrative Hearings
- 682.610 Disciplinary Action
- 682.620 Restoration of Revoked or Suspended Licenses

SUBPART G: CONTINUING EDUCATION

Section

- 682.700 Continuing Education

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APPENDIX A	Application Form (Repealed)
APPENDIX B	Supervision and Training Agreement Form (Repealed)
APPENDIX C	License Authorization Form (Repealed)
APPENDIX D	Certificate of Insurance (Repealed)
APPENDIX E	Surety Penal Bond (Repealed)
APPENDIX F	Inactive Status Request (Repealed)
APPENDIX G	Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnership, Trust, Association or Other Entity (Repealed)
APPENDIX H	License Renewal Form (Repealed)
APPENDIX I	Audiometer Calibration Form (Repealed)
APPENDIX J	License Correction Form (Repealed)

AUTHORITY: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill. Reg. 10447, effective June 18, 1990; amended at 17 Ill. Reg. 8825, effective June 10, 1993; amended at 21 Ill. Reg. 4799, effective April 1, 1997; amended at 26 Ill. Reg. 11995, effective July 22, 2002; amended at 35 Ill. Reg. 10312, effective June 17, 2011.

SUBPART A: GENERAL PROVISIONS

Section 682.100 Definitions

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means the Hearing Instrument Consumer Protection Act [225 ILCS 50].

"Advertisement" means any printed or spoken information that is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing instruments or by persons engaged in these activities.

"Audiometric ~~Test Tests~~" means any test, ~~using~~~~utilizing~~ calibrated audiometric equipment, to determine the status of the hearing system.

"Board" means the Hearing Instrument Consumer Protection Board. (Section 3(~~h~~) of the Act)

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~~"Clinical Fellowship Year" (CFY) means post-graduate, supervised professional experience in the practice of audiology as defined in Section 3 of the Illinois Speech-Language Pathology and Audiology Practice Act. For purposes of this definition, supervision of CFY candidates requires direct supervision as defined in Section 1465.35 of the Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465.35).~~

"Cost" means any expense resulting from activities mandated by the Hearing Instrument Consumer Protection Act or this Part.

"Decibel" or "dB" means a numerical expression of the relative intensity of a sound.

"Department" means the Department of Public Health. (Section 3(a) of the Act)

"Direct Supervision" means that the licensed hearing instrument dispenser/audiologist designated as supervisor of a licensed trainee shall give final approval to all work performed by the trainee, shall sign off on all progress notes and contracts, and shall be physically present 100 percent of the time while the trainee has contact with the client. (Section 9.5 of the Act)

"Director" means the Director of the Department of Public Health. (Section 3(b) of the Act)

"Disposable Hearing Instrument" or "Disposable Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing that uses a self-contained, non-renewable, non-replaceable battery of limited life span.

~~"Entity"~~"Entity" means a person or group of persons engaged in dispensing activities. ~~(Section 3 of the Act)~~

"Fund" means the Hearing Instrument Dispenser Examining and Disciplinary Fund. (Section 3 of the Act)

"Hearing Care Professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician. (Section 3 of the Act)

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"Hearing Instrument" or "Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing and any parts, attachments, or accessories, including earmold. Batteries, cords, and individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded. (Section 3(i) of the Act)

"Hearing Instrument Dispenser" or "[Dispenser](#)" means a person who is a hearing care professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, or servicing of hearing instruments or the testing for means of hearing instrument selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, or selling of hearing instruments. (Section 3 of the Act)

["IHS" means the International Hearing Society.](#)

["IIHIS" means the International Institute of Hearing Instrument Studies, a part of IHS.](#)

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

"License" means a license issued by the State under ~~the~~ [the](#) Act to a hearing instrument dispenser. (Section 3 of the Act)

"Licensed Audiologist" means a person licensed as an audiologist under the Illinois Speech-Language Pathology and Audiology [Practice Act \[225 ILCS 110\]](#) (Section 3 of the Act)

"Licensed [Hearing Instrument Dispenser](#)" or "[Licensee](#)" means a hearing instrument dispenser who has met the educational requirements, has passed the Department's required Hearing Instrument Dispenser Examinations, and has paid the appropriate fees for the license.

"Licensed Physician" or "[Physician](#)" means a physician licensed [in Illinois to practice medicine in all of its branches, pursuant to the Medical Practice Act of 1987 \[225 ILCS 60\]](#). (Section 3(~~g~~) of the Act)

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"Masking" means the process by which a second sound stimulus is introduced to the ~~non-test~~ ear to isolate the response of the test ear from that of the ~~non-test~~ ear.

"Medical Evaluation" means *a written statement, signed by a licensed physician, licensed to practice medicine in all of its branches by the Department of Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60], which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing instrument. The medical evaluation must have taken place within 6 months immediately preceding the date of the sale of the hearing instrument to the prospective hearing instrument user.* (Section 4 of the Act)

"Most Comfortable Loudness" or "~~MCL~~" (~~MCL~~) means a level at which sound is most comfortable for the client, that is, loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

"National Board Certified Hearing Instrument Specialist" means *a person who has had at least 2 years in practice as a hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences.* (Section 3 of the Act)

"Observer" means a licensed hearing instrument dispenser/audiologist who directly observes students or licensed trainees engaged in dispensing activities described in Section 682.215(d).

"Place of Business" means a location where hearing instruments are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing instrument purchaser can have personal contact and counsel with the licensed hearing instrument dispenser/audiologist and obtain service during the firm's business hours; where the licensed hearing instrument dispenser/audiologist maintains a depository of all client records; where the licensee normally conducts business; and that is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

"Practice of ~~Fitting~~, ~~Dispensing~~ or ~~Servicing~~ of ~~Hearing Instruments~~" means *the measurement of human hearing with*

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an audiometer, calibrated to the current American National Standard Institute standards, for the purpose of making selections, recommendations, ~~adaptations~~^{adoptions}, services, or sales of hearing instruments including the making of earmolds as part of the hearing instrument. (Section 3(~~j~~) of the Act)

"Reciprocity" means the licensing of a dispenser who holds a current license in another State that determines competency through the International Institute for Hearing Instrument Studies (IIHIS) International Licensing Examination (ILE).

"Reciprocity Fee" means a fee equivalent to the fee for one entire administration of the licensing competency examination (see Section 682.200(a)(3)).

"Sell" or "Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers. (Section 3(~~k~~) of the Act)

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing ~~two~~² syllables that are pronounced with equal emphasis.

"Student" means any ~~non-licensed~~^{nonlicensed} individual, involved in supervised hearing instrument dispensing activities, who is enrolled full-time in a graduate program of audiology in an accredited college or university. (Section 11 of the Act)

"Supervisor" means the licensed hearing instrument dispenser or audiologist, with at least two years of practice dispensing hearing aids, who is responsible for the hearing instrument dispensing activities of a student or trainee. The licensed hearing instrument dispenser/audiologist is responsible for all of the work that is performed by the trainee or student.

"Trainee" means a person who is licensed to perform the functions of a hearing instrument dispenser in accordance with this Part and only under the direct supervision of a hearing instrument dispenser or audiologist who is licensed in this State. (Section 3 of the Act)

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"Uncomfortable Loudness Level" or "UCL"(~~UCL~~) means the level at which the client indicates that sound is uncomfortably loud.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.105 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

a) The following materials are incorporated in this Part:

- 1) ANSI S3.6-~~20041996 (ASA 81)~~
Specifications for Audiometers
American National Standards Institute
1430 Broadway
New York, New York 10018, or
ASA Standards Distribution Center
1650 Bluegrass Lakes Parkway
P.O. Box 6996
Alpharetta GA 30239-6996
(See Sections 682.170(c), 682.170(e)(4), 682.300(b) and 682.300(d))
- 2) ANSI S3.21-~~20041996 (ASA 19)~~
Methods for Pure Tone Threshold Audiometry
Audiometry
American National Standards Institute
1430 Broadway
New York, New York 10018
(See Section 682.300(a))
- 3) ANSI S3.1-~~20041996 (ASA 99)~~
Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms
Noise Levels for Audiometric Test Rooms
American National Standards Institute
1430 Broadway
New York, New York 10018
(See Section 682.300)

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- b) The following federal regulations are incorporated in this Part: ~~21 CFR 801.420 and 801.421 (2001).~~
- 1) [21 CFR 801.420: Food and Drug Administration: Hearing aid devices: professional and patient labeling \(April 1, 2010\);](#)
 - 2) [21 CFR 801.421: Food and Drug Administration: Hearing aid devices: conditions for sale \(April 1, 2010\).](#)
- c) The following State rules and State ~~statutes~~[law](#) are referenced in this Part:
- 1) ~~Rules of~~ Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100);
 - 2) [Hearing Aid Consumer Protection Continuing Education Requirements \(77 Ill. Adm. Code 3000\);](#)
 - 32) Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505];
 - 43) Hearing Instrument Consumer Protection Act [225 ILCS 50]; and
 - 54) Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
- d) All incorporations by reference [of federal regulations and the standards of nationally recognized organizations](#) refer to the ~~regulations and standards~~[materials](#) on the date specified and do not include any ~~amendments or editions~~[additions or deletions](#) subsequent to the date specified.
- ~~e) All citations to federal regulations in this Part concern the specified regulation in the 2001 Code of Federal Regulations, unless another date is specified.~~
- ~~ef)~~ Copies of all incorporated materials are available for [public](#) inspection and duplication ~~by the public~~ at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.110 Information Required for Hearing Instrument Users

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- a) *Whenever a sale or service of one or more hearing instruments involving \$50 or more is made or contracted to be made, whether under a single contract or under multiple contracts, at the time of the transaction, the licensed hearing instrument dispenser/audiologist shall furnish the consumer with a fully completed receipt or contract pertaining to that transaction, in substantially the same language as that used in the oral presentation to the consumer. The receipt or contract provided to the consumer shall contain the dispenser's/audiologist's name, license number, business address, business phone number, and signature; the name, address and signature of the hearing instrument consumer; and the name and signature of the purchaser if the consumer and the purchaser are not the same; the hearing instrument manufacturer's name, and the model and serial numbers; the date of purchase; and the charges required to complete the terms of the sale fully and clearly stated. When the hearing instrument is delivered to the consumer or purchaser, the serial number shall be written on the original receipt or contract and a copy shall be given to the consumer or purchaser. If a used hearing instrument is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned", whichever is applicable, with terms of guarantee, if any. (Section 4 of the Act)*
- b) If a medical evaluation is not obtained, a copy of the medical waiver shall be presented to the consumer for his/her signature, and a copy of this document shall be attached to the consumer's copy of the contract/receipt. The medical waiver shall be a separate document from the contract/receipt.
- c) In the sale of disposable hearing instruments, lot numbers may be substituted on the contract if serial numbers are not designated on instruments.
- d) Whenever a sale of one or more disposable hearing instruments is made or contracted to be made, whether under a single contract or under multiple contracts, hearing instruments may be reissued without retesting, additional medical waivers, or additional contracts for a period of no more than one year from the date of the original sale; however, providing that the replacement hearing instruments shall beare of the same make, model, and specifications as the originally sold instruments. In the case of disposable hearing instruments, the 30-business-day return privilege applies to the first 30 business days from initial dispensing date regardless of the number of instruments or term of the contract.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

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Section 682.115 Thirty-Business-Day Return Privilege

- a) *All hearing instruments offered for sale must be accompanied by a 30-business-day return privilege. (Section 4 of the Act)*
- 1) At the time the hearing instrument is delivered, the licensed hearing instrument dispenser/audiologist shall~~must~~ furnish the consumer with a fully completed receipt or copy of the contract pertaining to the sale that contains a statement informing the consumer that he or she may return the hearing instrument for a refund within 30 business days, beginning on the date of delivery. In immediate proximity to the space reserved in the contract for the signature of the consumer, there shall be a statement, in bold 10-point type, in substantially the following form:
- "You, the buyer, may request a refund within 30 business days ~~after~~of the delivery of the hearing instrument. This refund period extends to (insert date)."
(date)
- 2) If a nonrefundable fee will be withheld from the consumer in the event of return, the dollar amount shall~~must~~ be clearly stated in 10-point bold type on the face of the receipt or contract provided to the consumer.
- b) If ~~during the 30-business-day refund period~~, the hearing ~~instruments~~instrument and/or accessories are returned to the manufacturer/supplier for adjustment or repair during the 30-business-day refund period, the refund period will be extended by the number of days that the hearing instrument is not in the possession of the consumer, affording the consumer the remainder of the refund period. The extension shall be provided to the consumer in writing in substantially the following form:

_____ "(Insert name of the Purchaser) is
(Purchaser)
being afforded an extended refund period through _____ (insert date)
(date)

on the hearing instruments with the following serial numbers:

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Signed: _____
(Licensed Dispenser/[Audiologist](#))^u

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.120 Description of Hearing Instruments

No terms or combination of terms may be used, either written or verbal other than "new," "used" or "reconditioned." (~~Section 4 of the Act~~)

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.130 Consumer Complaint Notification Cards

a) A consumer complaint notification form and poster, provided by the Department of ~~Public Health~~, shall be ~~used~~~~utilized~~ as specified in Section 4 of the Act. The poster shall always be displayed wherever ~~hearing instruments~~~~Hearing Instruments~~ are dispensed, except for "in home" sales.

b) All persons purchasing hearing instruments shall be provided with a written statement in a minimum of 10-point bold type, on the face of the contract or purchase agreement, indicating that formal complaints regarding hearing instrument goods and/or services may be made to the Department. The statement shall give the address of the Department's Hearing Instrument Consumer Protection Program and the hotline telephone number of the Department. The purchaser shall initial the statement at the time of purchase.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.140 Consumer Records

Required consumer records for licensed hearing instrument dispensers/[audiologists](#) shall be copies of medical evaluations, medical waivers, all contracts, receipts, and audiometric test results (audiograms).

a) The full name of the licensed hearing instrument dispenser/[audiologist](#) and the

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date of the test shall be recorded on the audiogram.

- b) When a hearing instrument is sold, as defined in Section 3 of the Act, copies of all records that are ~~required set forth~~ in this Section shall be retained at the place of business shown on the contract for a minimum of 36 months. (See 21 CFR 801.421(d) and Section 4 of the Act.)

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.150 Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity

Each corporation, partnership, trust, association or other entity engaging in the business of testing, fitting, servicing, selecting, dispensing, selling, or offering for sale hearing instruments at retail shall file, with the Department, prior to doing business in this State and by July 1 of each calendar year thereafter, ~~on forms prescribed by the Department~~, a list of all licensed hearing instrument ~~dispensers/audiologists~~~~dispensers~~ employed by it; the business name, address, county, and phone number; and the name of the owner and/or manager; ~~on forms prescribed by the Department~~ and a statement attesting that it complies with ~~the~~~~this~~ Act and ~~this Part~~~~the rules promulgated under it~~ and the regulations of the Federal Food and Drug Administration (21 CFR 801.420 et seq.) ~~insofar as they are applicable~~. (Section 5 of the Act)

The Department shall be notified, in writing, of any changes to the information provided.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.160 Inspections

The Department shall inspect places of business where Illinois licensed hearing instrument dispensers/~~audiologists~~ are employed ~~at least once every 3 years~~. The following shall be inspected: display of the Department ~~poster~~~~Poster~~; possession of the Department's Consumer Complaint Notification Form; audiometer calibration data sheet; Notice of Cancellation Forms, contracts/receipts and medical waiver forms that the licensed hearing instrument dispenser/~~audiologist~~ uses. Individual client records shall not be inspected without the written consent of the client or guardian.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.170 Audiometer Calibrations

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An annual calibration shall be conducted on each audiometer used in dispensing hearing instruments~~Hearing Instruments~~.

- a) Audiometer calibration data sheets shall be kept on file, at the licensed hearing instrument dispenser's/audiologist's~~Hearing Instrument Dispenser's~~ place of business, for four years after the date of calibration.
- b) The audiometer calibration data sheet shall include the following:
 - 1) Audiometer identification, consisting of make, model, and serial number;
 - 2) The calibrator's identification, consisting of the company name, the company address, and the name of the individual who conducted the calibration;
 - 3) Audiometer calibration readings for air and bone conduction, speech, rise and decay time, and masking;
 - 4) The calibrator's~~Calibrator's~~ certification that the audiometer meets or exceeds American National Standards~~Standard~~ Institute (ANSI) standards. (~~see~~See Section 682.105(a)(1)); and
 - 5) Date of calibration.
- c) Calibration shall be accomplished by the manufacturer or a person equipped with instruments for calibrating audiometers.
- d) Calibration of audiometers shall be in accordance with the standards~~Standards~~ set by ANSI~~the American National Standard Institute~~. (~~see~~See Section 682.105(a)(1)).
- e) The licensed hearing instrument dispenser/audiologist~~Hearing Instrument Dispenser~~ shall indicate the make of the audiometer, the model, serial number, and the date of the last ANSI calibration, for each audiometer used in hearing instrument~~Hearing Instrument~~ dispensing activities on the Audiometer Calibration Form. The Form, which shall be signed and shall be presented to the Department upon request~~sent to the Department, by December 1, each year~~.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

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Section 682.180 Mail Order Sales

Businesses located in Illinois and engaged in the mail order/internet sale of hearing instruments shall submit the following to the Department, by January 1 of each year.~~Hearing Instruments shall submit a "Disclosure Statement" as specified (Section 6 of the Act)~~

- a) ~~A~~ and a statement that ~~thesuch~~ organization employs only Illinois licensed hearing instrument dispensers/audiologists~~individuals~~ in the dispensing of hearing instruments;
- b) ~~A~~ and files with the Department, by January 1 of each year, a list of all licensed hearing instrument dispensers/audiologists employed by it (Section 6 of the Act); and-
- c) The required fee (see Section 282.200(a)(3)).

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.185 In-Office Sales Promotions

~~Hearing~~Unlicensed hearing instrument manufacturer representatives, who are not Illinois licensed hearing instrument dispensers ~~or Illinois licensed~~/audiologists, conducting in-office sales promotions, are prohibited from consumer contact prior to the testing of hearing and recommendation of a specific hearing instrument by an Illinois licensed~~a~~ hearing instrument dispenser/~~or~~ audiologist, licensed in Illinois. The testing or evaluation of a consumer, using electro-acoustic~~utilizing electroacoustic~~ equipment, by a manufacturer's representative who is not an Illinois~~not~~ licensed ~~as a~~ hearing instrument dispenser/~~or~~ audiologist, ~~in Illinois~~, is prohibited.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.190 Liability Insurance

- a) All persons licensed~~Licensed~~ under ~~the~~this Act shall maintain liability insurance (malpractice). (Section 4 of the Act) Ongoing liability insurance coverage shall be maintained for all claims that might be brought on account of the licensee's professional activities.
- b) If a licensed hearing instrument dispenser/audiologist~~Hearing Instrument~~

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~~Dispenser who~~ possesses liability insurance ~~that, which~~ provides coverage only while the licensed ~~individual Hearing Instrument Dispenser~~ is dispensing for a particular employer, ~~the licensed hearing instrument dispenser/audiologist~~ shall not dispense ~~hearing instruments~~ ~~Hearing Instruments~~ as a self-employee or for another employer without obtaining separate liability insurance coverage ~~for the Hearing Instrument dispensing activities while self-employed or dispensing for the other employer(s).~~

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section 682.200 Application Procedures

- a) Applicants for licensure shall submit to the Department the following forms and fees that are required for license application:
- 1a) Application processing fee ~~—~~ ~~\$80~~ ~~\$40~~;
- 2b) Application form that ~~provides~~ ~~requests~~ the following information:
- A1) ~~Name~~ ~~name~~ of applicant, ~~date of birth, gender, birthdate, sex,~~ home mailing address, home phone number, business or agency name, business mailing address, e-mail address (if available), business phone, preferred mailing address, highest level of education completed, any university attended, educational degrees awarded, professional certificates held, number of years applicant has dispensed hearing instruments, previous convictions or disciplinary actions against the applicant, citizenship status, indication that ~~the~~ applicant is free ~~from~~ ~~of~~ infectious disease, and a Hearing Instrument Consumer Protection Act compliance statement with the signature of ~~the~~ applicant;
- B2) *Verification of the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in a U.S. Department of Education accredited institution consisting of three semester hours of anatomy and physiology of the speech and hearing mechanism, three semester hours of hearing science, three semester hours of introduction to audiology, and three semester*

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~~hours of aural rehabilitation or the quarter hour equivalent; and beginning January 1, 2003, verification of the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the speech and hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent;~~

~~C3)~~ Official transcripts from an accredited institution of higher education that is recognized by the U.S. Department of Education~~an accredited institution of higher education~~ verifying a minimum of an associate degree pursuant to Section 8(e) of the Act.; (Section 8(e) of the Act)

~~3e)~~ License Fee ~~--\$200\$115~~ (two~~2~~ year);
~~CFY one-year license fee--\$60 (non-renewable);~~
 Duplicate/Additional License Fee ~~--\$20\$10~~ (each);
Six-month trainee license fee -- \$100;
Annual licensing fee for organizations registered pursuant to Section 6(a) of the Act (mail order sales) -- \$200;
Reciprocity fee -- \$500.

~~4d)~~ Proof of liability insurance, ~~which that~~ shall give the name and address of the agency; ~~the~~ names and addresses of the applicants insured; ~~the~~ name of the company affording coverage; ~~the~~ type of insurance (malpractice); ~~the~~ policy number; policy expiration date; limits of liability in thousands; and any cancellation clauses and the address of the Department as the agency to be notified if the policy is cancelled or expires.; ~~and~~

b) Applicants for a six-month trainee dispenser license shall submit a letter of verification from the licensed supervisor and a completed trainee form signed by the supervisor.

c) Before a trainee license will be issued, the trainee shall show documentation of successful completion of the required courses as outlined in Section 8(e) of the Act and subsection (a)(2)(B) of this Section, or their equivalent as determined by the Department, and pay the trainee license fee.

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- d) Applicants pursuing a hearing instrument dispenser license pursuant to Section 6.1 of the Act (reciprocity) shall show proof of having:
- 1) Met requirements of subsections (a) through (d) of this Section;
 - 2) Met the requirements of Section 8(b) of the Act;
 - 3) Met the academic requirements of Section 8(e) of the Act;
 - 4) Obtained a valid license as a hearing instrument dispenser, or its equivalent, from another state that has an examination that is comparable to the examination required under the Act;
 - 5) Practiced as a hearing instrument dispenser for at least three months, or possessing current certification by the National Board for Certification in Hearing Instrument Sciences; and
 - 6) Paid the required fees (application, licensing, and reciprocity fees set forth in this Section).
- e) ~~Applicants for a one-year CFY dispenser license must submit a letter of verification from the CFY supervisor of the CFY term of employment.~~

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.215 Supervision of Students

- a) *Full-time graduate students enrolled in a program of audiology in a U.S. Department of Education recognized~~an~~ accredited college or university may engage in the dispensing of hearing instruments without a license as a part of an academic program of audiology under the supervision of a licensed audiologist.* (Section 11 of the Act)
- b) At least 50% of each hearing instrument dispensing activity by a student ~~shall~~must be observed directly by a licensed audiologist responsible for the supervision of the student.
- c) Until ~~the time when~~ the student has obtained a Hearing Instrument Dispenser License or becomes a licensed audiologist, dispensing of hearing instruments off

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campus is limited to sites or programs affiliated with, or operated under, the auspices and approval of the program of audiology in the college or university in which the student is enrolled.

- d) One supervisor may supervise a limit of three trainees at any point in time.
- e) A licensed trainee shall perform the functions of a hearing instrument dispenser in accordance with this Part and only under direct supervision by the designated licensed supervisor.
- f) The designated licensed hearing instrument dispenser or audiologist is responsible for all of the work that is performed by the trainee. (Section 9.5 of the Act)
- g) A licensed hearing instrument dispenser/audiologist shall directly observe 100 percent of each hearing instrument dispensing activity by a licensed trainee.
- h) Contracts signed by a licensed trainee shall also be signed by the designated supervisor.
- i) Until the licensed trainee has obtained a Hearing Instrument Dispenser License or becomes a licensed audiologist, dispensing of hearing instruments is limited to sites where the designated supervisor observes 100 percent of the time that the trainee has client contact.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.230 Place of Business

- a) On the application form, each applicant shall indicate his or her name and the name, address, county and phone number of all places of business from which hearing instruments~~Hearing Instruments~~ will be dispensed.
- b) If the place of business of a licensee is changed from the addresses provided on any Hearing Instrument Dispenser License and/or changed from the preferred mailing address provided to the Department; on the application, the licensee shall file written notice ~~thereof~~ with the Department via the License Correction Form within 10 working days after the change. The licensee shall provide the following information ~~shall be provided by the licensed hearing instrument dispenser~~: the

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~~licensee's licensed hearing instrument dispenser's~~ corrected business address, phone and business county, and an indication if the correction is for a duplicate Hearing Instrument Dispenser License, for a new Hearing Instrument Dispenser License (a new business address), for the deletion of a current Hearing Instrument Dispenser License business address or for a change in the preferred mailing address. The Department shall confirm in writing to the ~~licensee licensed hearing instrument dispenser~~ that the changes have been made in the ~~licensee's hearing instrument dispenser's~~ records.

- c) Except at those places of business where the consumer can receive hearing instrument services via another licensed hearing instrument dispenser/~~audiologist or licensed audiologist~~, who can be contacted at the dispenser's/~~audiologist's~~ former business address and phone number, ~~licensed~~ hearing instrument dispensers/~~audiologists~~ who ~~make a change in~~ their business location shall leave a forwarding address, with the post office, for at least one year and ~~shall leave a~~ forwarding phone number, with the phone company, for at least ~~four~~4 months, so that consumers and the Department can contact the licensed hearing instrument dispenser/~~audiologist~~.
- d) Prior to the closing of a business, the licensed hearing instrument dispenser/~~audiologist shall~~is required to place an advertisement in a local or area newspaper, advising the public of the closing, and ~~shall~~ arrange for the transfer of records upon consumer request.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.250 Expiration of Licenses and License Renewals

- a) Hearing Instrument Dispenser Licenses shall be valid for ~~two~~2 years.
- 1) The fee for renewal of the Hearing Instrument Dispenser License shall be ~~\$200~~\$115 for the next ~~two~~2 year period. The licensee shall send a completed License Renewal Form and the ~~license renewal fee~~Licensed ~~Renewal Fee~~ to the Department, postmarked no later than 30 days prior to the expiration date on the Hearing Instrument Dispenser License. Failure to receive a notice to renew shall not relieve the ~~licensee licensed hearing instrument dispenser~~ of the obligation to pay the renewal fee 30 days prior to the expiration date on the Hearing Instrument Dispenser License.

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- 2) The Department shall send renewal and expiration notices to the licensee.
 - 3) The fee for each additional/duplicate Hearing Instrument Dispenser License is ~~\$20~~\$10.
 - 4) ~~The trainee license is valid for six months and is non-renewable and non-transferrable. The fee for a trainee license is \$100. The fee for a one-year CFY Hearing Instrument Dispenser License is \$60.~~
- b) Individuals who meet the educational requirements and who pass the hearing instrument dispenser examinations, or who meet requirements for licensure under reciprocity, shall complete the application form and pay an initial application fee of ~~\$80~~\$40. These individuals shall also pay ~~\$200~~~~\$115~~ Hearing Instrument Dispenser License fee for the issuance of a Hearing Instrument Dispenser License plus ~~\$20~~\$10 for each additional Hearing Instrument Dispenser License. Individuals applying under reciprocity shall also pay the reciprocity fee of \$500. This Hearing Instrument Dispenser License shall be valid for ~~two~~2 years.
 - c) If the Hearing Instrument Dispenser License has expired and the ~~licensee~~~~hearing instrument dispenser~~ cannot show evidence of having practiced in the ~~previous two~~~~last 2~~ years, the ~~licensee shall~~~~hearing instrument dispenser must~~ successfully complete the Department's hearing instrument dispenser examinations (written and practicum), or meet the current criteria for licensure under reciprocity, and shall meet all current eligibility requirements, including educational requirements, and pay all of the required fees.
 - d) A license that has expired may be renewed within 90 days after expiration by payment of the license renewal fee (see subsection (b)) and a late fee in the same amount as the license renewal fee.
 - e) A license that has been expired for more than 90 days but ~~fewer~~~~less~~ than 180 days may be renewed by the payment of ~~\$100~~~~\$50~~ plus the license renewal fee and a late fee in the same amount as the license renewal fee and by meeting the continuing education requirements (i.e., 20 CEUs per lapsed two-year renewal period plus five additional CEUs for each six-month lapse period or part thereof).
 - f) A license that has been expired for more than 180 days but less than ~~two~~2 years may be renewed by the payment of ~~\$150~~~~\$50~~ plus the license renewal fee (see subsection (b)) plus a late fee in the same amount as the license renewal fee and

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by meeting the continuing education requirements (i.e., 20 CEUs per lapsed renewal period plus five additional CEUs per six-month period or part thereof past the expiration date).

- g) A license that has been expired for more than 2 years may be reinstated by the payment of ~~\$200~~~~\$100~~ plus the license renewal fee (see subsection (b)) plus a late fee in the same amount as the license renewal fee, by meeting the continuing education requirements (i.e., 20 CEUs per lapsed renewal period plus five additional CEUs per six-month period or part thereof past the expiration date) and by meeting the requirements of subsection (c) of this Section, if applicable.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.260 Inactive Status Request

A licensed hearing instrument dispenser who notifies the Department on the prescribed forms may place his or her license on inactive status. If such period of inactive status is more than 2 years, the hearing instrument dispenser shall also provide the Department with sworn evidence certifying to active practice in another jurisdiction that is satisfactory to the Department. If that person has not practiced in any jurisdiction for 2 years or more, he or she shall be required to restore his or her license by retaking and passing the examinations required in Section 8 of the Act or by applying for licensure under the provisions of reciprocity. Any hearing instrument dispenser whose license is on inactive status shall not practice in Illinois. (Section 20 of the Act)

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

Section 682.300 Established Test Procedures

These established tests and instrumentations shall be employed in the selection of hearing instrumentsHearing Instruments, except for children or persons with developmental disabilities or physical disabilities. The test results and instrumentation used in the selection of hearing instrumentsHearing Instruments shall be recorded for all persons. The ambient noise conditions within the room under which these tests results are obtained shall be described, i.e., any noise source that will influence the test results.

- a) Air and bone conduction test results shall be obtained for each client in the manner specified in the ANSIAmerican National Standard Institute Methods for

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Pure Tone Threshold Audiometry (see Section 682.105(a)(2)).

- b) Masking shall be applied to the ~~non-test~~non-test ear whenever the test stimulus, which is delivered to the test ear, arrives at and/or is likely to be perceived in the ~~non-test~~non-test ear.
- c) Speech reception threshold shall be accomplished with a speech audiometer as defined in and calibrated to the ~~ANSI American National Standards Institute~~ANSI American National Standards Institute Specifications for Audiometers (see Section 682.105(a)(1)). The spondaic words shall be presented by recording or live voice. The results from either recorded or live voice testing shall be in decibels ~~(dB)~~ hearing level (dBHL).
- d) Speech discrimination/identification tests shall be administered ~~using~~utilizing a speech audiometer as defined in and calibrated to the ~~ANSI American National Standards Institute~~ANSI American National Standards Institute Specifications for Audiometers (see Section 682.105(a)(1)). The results shall be recorded as the percentage of the total number of words correctly identified at a specified presentation level.
- e) "Most Comfortable Loudness" shall be obtained using sound or speech via recorded or live voice presentation and shall be measured and recorded in ~~decibels (dB) hearing threshold level~~dBHL.
- f) "Uncomfortable loudness level" (~~UCL~~) shall be obtained using sound or speech via recorded or live voice presentation and shall be measured and recorded in ~~decibels (dB) hearing threshold level~~dBHL.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.320 Tests Performed by Others

Audiometric tests performed, within the previous six months, by another licensed hearing instrument dispenser/audiologist~~licensed Hearing Instrument Dispenser or Licensed Audiologist~~ can be used to ~~select~~make a hearing instrument~~Hearing Instrument selection~~ (see Section 682.330); however, ~~it is the responsibility of~~ the licensed hearing instrument dispenser/audiologist~~licensed Hearing Instrument Dispenser~~ who sells the hearing instruments~~shall~~Hearing Instrument to ensure that all tests required by this Part have been conducted prior to dispensing the hearing instruments~~a Hearing Instrument~~. The seller is also responsible for the hearing instruments that are~~Hearing Instrument which is~~ dispensed.

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(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.330 Hearing Instrument Selection: Persons Eligible to Recommend

Possession of a Department Hearing Instrument Dispenser License is required for any person, unless the person is exempt under Section 7 of the Act or holds a current trainee license, who recommends that a consumer~~makes the recommendation that a person~~ obtain a specific or generic hearing instrument by make and model or specification.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.360 Equipment Needed

Each licensed hearing instrument dispenser/audiologist~~Hearing Instrument Dispenser~~ shall have equipment capable of performing the tests described in Section 682.300(a), (b), (c), (d), (e) and (f) of this Part.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests. ~~The written and practical tests shall be~~ administered by the Department or its designee. The examinations given, both written and practical, shall be the Uniform Written and Practical Examinations for Hearing Instrument Dispensers from the International Institute for Hearing Instrument Studies, International Hearing Society (IIHS, IHS). These tests shall be administered at least once every two months.~~once every two months. (Section 11 of the Act)~~

- a) The written examination shall cover those areas of knowledge specified in Section 9 of the Act. ~~The examination shall also cover knowledge of the provisions of the Act and this Part.~~ A passing grade, for the written examination, shall be that recommended by IIHS~~a minimum score of 53 correct answers out of 75 questions.~~
- 1) An applicant who fails the written examination may retake the examination. ~~The~~An examination fee shall~~must~~ be paid for each administration of the examination.

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- 2) An individual candidate may take the written examination no more than twice in any consecutive 12-month period. There shall be no limit on the number of times the written test can be retaken.
 - 3) The fee for the written examination shall be \$200 per candidate per administration.
- b) The practical examination shall cover those areas of knowledge specified in Section 9 of the Act. A passing grade for the practical examination shall be that recommended by IHHS. The practical examination shall consist of 4 areas:
- 1) There is no limit on the number of times that the practicum may be taken. The examination fee shall be paid for each administration of the examination.
 - 1) Ear Mold Impressions: the candidate shall explain, to an examiner, the purpose for preparing the ear mold impression; describe the procedures followed in preparing the ear mold impressions; demonstrate preparation of the ear mold impression materials and make an acceptable ear mold impression.
 - 2) Pure Tone Audiometry: The candidate shall instruct an examiner before looking in the ear with an otoscope; look in the examiner's ear with an otoscope and identify the landmarks and findings of the ear examination; instruct the examiner prior to conducting pure tone audiometry; place the ear phone and bone conduction vibrator on the examiner; and obtain the air conduction and bone conduction hearing threshold at 1000Hz and 2000Hz for both right and left ear and record the results on an audiogram.
 - 3) Speech Audiometry: The candidate shall set up an audiometer for speech audiometric testing; instruct the examiner prior to conducting speech reception threshold (SRT) measurements; compute and record the speech reception threshold; instruct the examiner prior to conducting speech discrimination measurement; compute and record the speech discrimination score; instruct the examiner for obtaining the most comfortable loudness level and uncomfortable loudness level.
 - 4) Hearing Instrument: The candidate shall use a battery tester; test eight

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~~Hearing Instrument batteries and identify the weak or dead batteries; examine seven malfunctioning Hearing Instruments; and correctly identify the problem areas in those Hearing Instruments.~~

- e) ~~The minimum passing scores for each area shall be as follows: Ear Mold Impression 15 points out of 18, Pure Tone Audiometry 58 points out of 69, Speech Audiometry 14 points out of 19 and Hearing Instruments 11 points out of 15.~~
- 2d) The fee for the ~~full practical examination~~ exam shall be ~~\$300~~\$200. The fee for retaking each failed area of the ~~examination~~ exam shall be ~~\$75~~\$50 per area. The fee shall be paid for each administration of the examination.
- 3e) The written and practical examinations will be scored independently of each other. If the applicant chooses to retake the practical examination, all of the areas failed must be retaken on the same date and contiguously.
- f) ~~There shall be no limit on the number of times the practical test can be retaken.~~

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.430 Notification of Examination Results

~~The Department will issue a~~ written notification of examination results ~~will be issued by the Department,~~ within 60 days after the examination date; to all persons who take either the written or practical ~~hearing instrument dispenser~~Hearing Instrument Dispenser examination.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

SUBPART E: ETHICAL PRACTICE

Section 682.500 Dishonest, Unethical, and Unprofessional Conduct

Dishonest, unethical, and unprofessional conduct shall include the activities set forth in Section 18 of the Act as well as the following actions:

- a) Stating or implying, verbally or in writing, that the use of a hearing instrument will restore normal hearing, ~~or~~ preserve hearing, ~~or~~ prevent or retard progression of hearing impairment;

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- b) Physically abusing clients;
- c) Falsifying records;
- d) Representing, advertising, or implying that a hearing instrument is guaranteed without providing full disclosure of the identity of the guarantor ~~and~~; the nature, ~~the~~ extent, and duration of the guarantee; including the existence of conditions or limitations;
- e) ~~Using~~ ~~When a deposit of \$50 or more is given to a licensed hearing instrument dispenser, it shall be considered unethical conduct for the licensed hearing instrument dispenser to use~~ a contract/receipt that does not specify the time limit between the signing of the contract and the time of the delivery of the hearing instruments, ~~when a deposit of \$50 or more is given to a licensed hearing instrument dispenser/audiologist~~. The time limit shall not exceed 45 calendar days and ~~it~~ shall be prominently displayed in 10-point type on the contract/receipt. If the hearing ~~instruments are~~ ~~instrument is~~ not available for delivery to the consumer/purchaser ~~within~~ 45 calendar days after the date ~~that~~ the contract/receipt was signed, the consumer/purchaser, in writing, shall be given the opportunity to have all ~~of~~ his/her money refunded, less the itemized cost of the examination and/or any custom-made parts already received by the licensed hearing instrument dispenser/~~audiologist~~ that had been cost itemized on the contract/receipt when it was signed;
- f) *Representing that the service of a ~~licensed physician~~ ~~physician licensed to practice medicine in all of its branches~~ will be used or made available in the fitting, adjustment, maintenance or repair of hearing instruments ~~when that is not true, or using the words "doctor", "audiologist", "clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State licensed", "State certified", when that is not true, or using the words "Doctor", "Audiologist", "Clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State Licensed", "State Certified", "Hearing Care Professional", "Licensed Hearing Instrument Dispenser", "Licensed Hearing Aid Dispenser", "National Board Certified Hearing Instrument Specialist", "Hearing Instrument Specialist", "Licensed Audiologist", or any other term, abbreviation or symbol that would give the impression that service is being provided by persons who are licensed or awarded a degree or title, or that the person's service who is holding the ~~license~~ ~~License~~ has been recommended by a governmental agency or health provider, when~~*

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~~such this impression is not actually the case-~~ (Section 18(u) of the Act);

- g) ~~Failing to specify, in any~~ Any money-back guarantee provision contained in a contract/receipt provided to the consumer for the sale of a hearing instrument, ~~that fails to specify~~ the duration of the guarantee and the maximum amount of time within which money will be refunded after a timely request for refund is made; ~~failing to~~ specify in the contract/receipt the procedure that must be followed to exercise one's rights under the guarantee; and ~~failing to~~ specify and itemize in dollar amounts any and all limitations or deductions that will be subtracted from a refund, including, but not limited to: testing fees, service charges, custom earmolds, or rental charges for wear and tear; ~~are prohibited.~~
- h) Cheating or dishonesty by an applicant on the examination, ~~which shall~~ be considered grounds for automatic failure and disciplinary action as specified in Section 18 of the Act;:-
- i) ~~Submitting~~ ~~Submission of~~ a check to the Department or a consumer for payment of fees or a refund when there are insufficient funds in the account upon which the check is drawn to cover the amount of the check. The return of the check to the endorsee with the indication of insufficient funds is evidence that this violation has occurred;:-
- j) Dispensing hearing instruments without liability insurance;:-
- k) Assigning the financial note for a hearing instruments sale to a third party (i.e., finance company) prior to the expiration of the 30-business-day trial period; and
- l) Failing or refusing to honor any valid three-day notice of cancellation on in-home sales by a consumer within 10 business days after the receipt of the cancellation notice (see Section 28 of the Consumer Fraud and Deceptive Practices Act [815 ILCS 505]).

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

Section 682.510 Advertising or Promotion

- a) Licensed hearing instrument dispensers/audiologists ~~Licensees~~ who possess a doctor's degree or possess any degree or title that contains the word "doctor" shall indicate, in any advertisement regarding their qualifications, the abbreviation for

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that degree or title and the area of study for which the degree or title "doctor" was given.

- b) [Licensed hearing instrument dispensers/audiologists](#)~~Licensees~~ advertising in the State of Illinois relative to hearing instruments shall indicate a company name, permanent business address (place of business), and telephone number in the advertisement.
- c) Advertising a price for a "used" or "reconditioned" hearing instrument without indicating that the advertised price is for a "used" or "reconditioned" hearing instrument is prohibited.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

SUBPART F: DISCIPLINARY ACTIONS

Section 682.600 Administrative Hearings

All administrative hearings shall be conducted in accordance with Sections 18 and 21 of the Act and the Department's [Rules of Practice and Procedures in Administrative Hearings](#) (~~77 Ill. Adm. Code 100~~). Final decisions by the Director relating to disciplinary proceedings shall be transmitted to the Attorney General, appropriate professional association, the news media, the employer of the ~~person~~[person\(s\)](#) subject to ~~the said~~ discipline, the ~~hearing instrument~~[Hearing Instrument](#) licensure ~~bodies~~[boards](#) and Attorneys General of states bordering the State of Illinois and the Hearing Aid Industry Council.

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)

SECRETARY OF STATE

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15) Summary and Purpose of Amendment: This amendatory rulemaking reflects the statutory addition of jurisdiction to the Inspector General's Office of the Secretary of State regarding the investigations of credible allegations of lobbyist wrongdoing.

16) Information and questions regarding this adopted amendment shall be directed to:

Paul Thompson
Illinois Secretary of State
Office of the Inspector General
324 West Monroe Street
Springfield, Illinois 62704

217/785-2012

17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

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TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER III: SECRETARY OF STATEPART 552
DEPARTMENTAL DUTIES

Section

552.10	Service of Process Upon the Secretary of State
552.20	Filing of Miscellaneous Documents with the Secretary of State
552.30	Initiating, Conducting and Completing Investigations

AUTHORITY: Sections 10, 11 and 13 of the Securities Law of 1953 [815 ILCS 5/10, 11 and 13], Section 1.05 of the Business Corporation Act of 1983 [805 ILCS 5/1.05], Sections 2-104(b) and 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 2-118], Section 14 of the Secretary of State Act [15 ILCS 305/14], and Section 11 of the Lobbyist Registration Act [25 ILCS 170/11].

SOURCE: Adopted at 12 Ill. Reg. 3022, effective February 1, 1988; amended at 14 Ill. Reg. 6854, effective May 1, 1990; amended at 30 Ill. Reg. 15786, effective September 18, 2006; amended at 34 Ill. Reg. 3661, effective March 5, 2010; amended at 35 Ill. Reg. 10344, effective June 20, 2011.

Section 552.30 Initiating, Conducting and Completing Investigations

- a) The Office of Inspector General (OIG) will conduct all investigations in a professional and thorough manner. Investigations will be properly documented and will be submitted in written reports of findings. Proper documentation of an investigation shall include, at a minimum, a description of the alleged misconduct or offense; the events and circumstances surrounding the allegation, including the results of interviews, review of documents and records, and other material information revealed during the investigation; and a recommendation concerning the merits of the allegation.
- b) The OIG will utilize methods for investigative interviews consistent with current police practices and techniques and will observe and comply with all laws and agreements related to the questioning of employees or other individuals.

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- c) For the purposes of this Section, the following provisions shall apply when the OIG initiates investigations:
- 1) The OIG will maintain an intake procedure, under the supervision of the Chief of Investigations, for processing all complaints. Complaints may be received by telephone, letter, fax, e-mail or in person. Anonymous complaints will be accepted. When a complaint is received, it will be documented on a complaint form and assigned a complaint reference number.
 - 2) The Chief of Investigations will review each complaint to determine whether a case should be initiated and assigned to an Inspector. When necessary for this initial decision, an Inspector may be assigned to gather additional information concerning the validity of the complaint and/or the credibility of the complainant. When the Chief of Investigations initiates a case, the complaint will receive a case number and be assigned to an Inspector.
 - 3) To initiate an investigation, a complaint must, at a minimum, include facts demonstrating OIG jurisdiction and:
 - A) a reasonable belief that employee misconduct may have occurred involving a violation of a law, rule or regulation; mismanagement; abuse of authority; or a substantial and specific danger to the public health and safety; or
 - B) credible evidence of a violation of the Lobbyist Registration Act [25 ILCS 170].
- d) For the purposes of this Section, the following provisions shall apply when the OIG conducts investigations:
- 1) The Chief of Investigations, or his/her designee, will be responsible for the supervision of all investigative activities and will ensure that Inspectors:
 - A) Properly document all investigative activities, which shall include, at a minimum, completion of a complaint form, investigative report and investigative summary;

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- B) Properly secure all physical evidence, including completion of an inventory of evidence form and securing the evidence in an evidence vault or other secure location;
 - C) Complete all reports; and
 - D) Submit case summaries to management that are accurate and complete.
- 2) Investigative activities may include, but are not limited to: interviews; requests for information, documents or other materials; custody of physical evidence; surveillance; and inspection of physical premises. The methods of investigation utilized in each case will be those most likely to establish the relevant facts of the case.
- e) For the purposes of this Section, the following provisions shall apply when the OIG completes investigations:
- 1) All cases will be characterized as either Active, Pending or Closed.
 - 2) A case is Active when the matter requires current or continued investigation.
 - 3) A case is Pending when the investigation is completed and awaiting prosecution or civil or administrative action. A case may be Pending/Inactive if no investigative activity is anticipated for a period of 30 days or longer.
 - 4) A case is Closed when investigative action ceases due to unfounded allegations, an administrative closing of the case, the completion of adjudication of all subjects, or the referral of the case to another agency for investigation in which the OIG will not participate.
 - 5) A Case Summary Report will be completed at the conclusion of each investigation.
 - A) Case Summary Reports will be submitted to the Chief of Investigations for approval.

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- B) The approved Case Summary Reports then will be submitted to the Inspector General for final approval.
 - C) Case Summary Reports approved by the Inspector General will be forwarded to the appropriate Director for informational purposes or for the initiation of disciplinary action. Copies of the Summaries also will be forwarded to the Director of Personnel.
 - D) In the case of a violation of the Lobbyist Registration Act [25 ILCS 170], the Inspector General may submit the investigation to the appropriate State's Attorney or to the Attorney General as provided by law.
- f) The following provisions shall apply to interactions between the OIG and other law enforcement agencies.
- 1) When it appears that a case may warrant criminal investigation, the appropriate federal, state or local law enforcement agency will be contacted for possible joint investigation at the earliest practicable time. When warranted by an investigation, a case will be presented to the appropriate local or federal prosecutor for a prosecutorial decision.
 - 2) When necessary for the completion of an OIG investigation, the OIG may request information or assistance from appropriate local, state or federal law enforcement agencies.
 - 3) Upon receipt of a request from a local, state or federal law enforcement agency for assistance or information, the OIG will provide that information or assistance in compliance with applicable State and federal laws.

(Source: Amended at 35 Ill. Reg. 10344, effective June 20, 2011)

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JULY 2011 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600
- 1) Rulemaking:
- A) Description: Amend regulation for vehicle scale requirements to clarify installation requirements and update code for current scale technology; repeal exemption of the ticket printer requirement for vehicle-tank meters; repeal effective date for Grain Moisture Meter regulation; and establish a list of laboratories from which calibration reports may be accepted for field standards of registered service companies as required for registration.
- B) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.
- D) Date Agency anticipates First Notice: October 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Jonelle Brent
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
- 217/785-8301
FAX: 217/524-7801
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Livestock Waste Regulations, 35 Ill. Adm. Code 506
- 1) Rulemaking:

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JULY 2011 REGULATORY AGENDA

- A) Description: The current regulations require the owner or operator of a livestock waste handling facility constructed with concrete to provide a storage volume of at least 150 days and facilities holding solid livestock waste to provide a storage volume of at least 6 months. The proposed rulemaking, as required by recent amendments to the Act, would allow for a reduction in the required storage volumes for facilities with animal unit capacities of 300 or less if the owner or operator can demonstrate to the Department that adequate land area is available for the agronomic application of the manure or another manure disposal method is proposed that would allow for the reduced storage design capacity.
- B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]
- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.
- D) Date Agency anticipates First Notice: October 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have a positive effect on small livestock businesses because of the possible reduction in manure storage design volumes. The rulemaking should have no impact on small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281

217/785-2427
FAX: 217/524-4882
- G) Related rulemakings and other pertinent information: None

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JULY 2011 REGULATORY AGENDA

c) Part(s) (Heading and Code Citation): Livestock Management Facility Regulations, 8 Ill. Adm. Code 900

1) Rulemaking:

- A) Description: The current regulations require owners of livestock facilities with an animal unit capacity of 1,000 or greater to develop and maintain a formal waste management plan, the components of which are defined in the Livestock Management Facilities Act and regulations. One component in a waste management plan from which manure application rates are determined is the targeted crop yield goal. The present regulation stipulates the sources of targeted crop yield goals that can be used in the development of plans but somewhat limits those sources. The proposed rulemaking would expand approved yield goal sources to include county crop yield averages as well as soil-based yield goals as published by the University of Illinois.
- B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]
- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.
- D) Date Agency anticipates First Notice: October 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. Small businesses, such as some types of livestock facilities, may benefit from the additional approved data sources.
- F) Agency contact person for information:

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281

217/785-2427

DEPARTMENT OF AGRICULTURE

JULY 2011 REGULATORY AGENDA

FAX: 217/524-4882

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 7001) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/1-8]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: August 2011

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281

217/785-2661

FAX: 217/557-0993

G) Related rulemakings and other pertinent information: None

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JULY 2011 REGULATORY AGENDA

e) Part(s) (Heading and Code Citation): Illinois Fertilizer Act of 1961, 8 Ill. Adm. Code 210

1) Rulemaking:

A) Description: Increase inspection and tonnage; amend the name of the Fertilizer Research and Education Council (FREC) to the Nutrient Research and Education Council (NREC) and turn the operation of this research program over to the Illinois Fertilizer and Chemical Association.

B) Statutory Authority: Illinois Fertilizer Act of 1961 [505 ILCS 80]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: April 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Agriculture chemical businesses would pay higher inspection and tonnage fees to the Department.

F) Agency contact person for information:

Jim Larkin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-8212
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Grain Code, 8 Ill. Adm. Code 281

1) Rulemaking:

DEPARTMENT OF AGRICULTURE

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- A) Description: Section 281.40 is being amended to include a Grain Inventory Accountability Report as part of the required records.
- B) Statutory Authority: Grain Code [240 ILCS 40]
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.
- D) Date Agency anticipates First Notice: May 2010
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Stuart Selinger
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281

217/785-8308
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- G) Related rulemakings and other pertinent information: None

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- a) 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 2011
- 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:

Joanne M. Olson
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544
joanne.olson@illinois.gov

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Accreditation of Environmental Laboratories; 35 Ill. Adm. Code 186

1) Rulemaking:

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- A) Description: The proposed amendments to 35 Ill. Adm. Code 186 to update the accreditation standards replacing the 2003 NELAC standards with the new 2009 TNI standards.
- B) Statutory authority: Implementing and authorized by Section 4(n) and 4(o) of the Environmental Protection Act [415 ILCS 5/4(n), (o)].
- 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 2011
- 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:

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Environmental Protection Agency
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stefanie.flowers@illinois.gov

- 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:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to collect construction permit application fees for air

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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 2011
- 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
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Illinois Environmental Protection Agency
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217/782-5544
annet.godiksen@illinois.gov

- G) Related rulemakings and other pertinent information: None

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. In addition, the proposed amendments will make miscellaneous changes.

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- 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 2011
- 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:

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217/782-5544
charles.matoesian@illinois.gov

- G) Related rulemakings and other pertinent information: None
- e) Part (Headings and Code Citations): Annual Emission Reports; 35 Ill. Adm. Code 254

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 2011
- 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:

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charles.matoesian@illinois.gov

- G) Related rulemakings and other pertinent information: None
- f) 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. 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 2011
- 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
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Illinois Environmental Protection Agency
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- 217/782-5544
annet.godiksen@illinois.gov
- G) Related rulemakings and other pertinent information: None
- g) Part (Headings and Code Citations): Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions; 35 Ill. Adm. Code 276
- 1) Rulemaking:
- A) Description: The rulemaking will propose to repeal the steady-state idle exhaust and evaporative system integrity test procedures as a result of amendments to the Vehicle Emissions Inspection Law. The rulemaking will propose other necessary changes as a result of amendments to the Vehicle Emissions Inspection Law.
- B) Statutory authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/13(c)].
- 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 2011

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- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small 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
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Illinois Environmental Protection Agency
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- 217/782-5544
kent.mohr@illinois.gov
- G) Related rulemakings and other pertinent information: None
- h) Parts (Headings and Code Citations): Procedures for Issuing Financial Assistance Awards Under the Illinois Nonpoint Source Pollution Control Grant Program; 35 Ill. Adm. Code 376
- 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 2011

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- 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 Section 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:

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- G) Related rulemakings and other pertinent information: None
- i) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651 through 654

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

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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.
- D) Date agency anticipates First Notice: Fall or Winter 2011
- 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:

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- 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.
- j) Part (Heading and Code Citation): Water Supply Operator Certification; 35 Ill. Adm. Code 680
- 1) Rulemaking:
- A) Description: The Agency currently has the authority to approve a written contract between certified operator and the owner of a Community Water Supply (CWS) under the Public Water Supply Operations Act, 415 ILCS 45/0.01 *et seq.* The proposed rules will set forth criteria for Agency approval of the contracts.
- B) Statutory authority: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].
- 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 2011
- E) Effect on small business, small municipalities or not-for-profit corporations: The Agency anticipates the proposed rulemaking will help small business, small municipalities or not for profit corporations that are a CWS by setting forth the criteria under which the Agency will approve a contract between a CWS and a certified operator.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

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ENVIRONMENTAL PROTECTION AGENCY

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joanne.olson@illinois.gov

G) Related rulemakings and other pertinent information: Nonek) Part (Heading and Code Citation): Underground Storage Tank Fund Legacy Site Commitments; 35 Ill. Adm. Code 8821) Rulemaking:A) Description: The Illinois Environmental Protection Agency may propose rules governing the commitment of money in the Underground Storage Tank Fund to legacy sites pursuant to Section 57.11(e) of the Environmental Protection Act [415 ILCS 5/57.11(e)].B) Statutory authority: Section 57.11(e)(2) of the Environmental Protection Act [415 ILCS 5/57.11(e)(2)].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 2011E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses, small municipalities, or not for profit corporations seeking to obtain a commitment of money in the Underground Storage Tank Fund to legacy sites pursuant to Section 57.11(e) of the Environmental Protection Act [415 ILCS 5/57.11(e)].F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Kyle Rominger
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ENVIRONMENTAL PROTECTION AGENCY

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G) Related rulemakings and other pertinent information: None

l) 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 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 2011

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
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ENVIRONMENTAL PROTECTION AGENCY

JULY 2011 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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a) Part: Processing, Classification Policies, and Review Criteria (77 Ill. Adm. Code 1110)1) Rulemaking:

- A) Description: The subject rules will create review criteria for the establishment of Birth Center Alternative Health Care Models – a new category of service, in compliance with the requirements of the Alternative Health Care Delivery Act [210 ILCS 3].
- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – May 2011
- D) Date agency anticipates First Notice: Summer 2011
- E) Effect on small businesses, small municipalities or not for profit corporations:

The proposed revisions to the Certificate of Need rules will provide updated policies and standards for the review process that are in step with the evolving health care industry.

F) Agency contact person for information:

Claire Burman
Coordinator, Rules Development
Illinois Health Facilities and Services Review Board
122 S. Michigan Avenue, 7th Floor
Chicago, IL 60603

312/814-4825

G) Related rulemakings and other pertinent information:b) Part: Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)1) Rulemaking:

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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- A) Description: The subject rules will be reviewed and revised to: update language to coincide with revisions to the Health Facilities Planning Act; update standards to reflect changes in the healthcare industry; and eliminate redundancy in requirements and language.
- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – Summer 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities or not for profit corporations:

The proposed revisions to the Certificate of Need rules will provide updated policies and standards for the review process that are in step with the evolving health care industry.

- F) Agency contact person for information:

Claire Burman
Coordinator, Rules Development
Illinois Health Facilities and Services Review Board
122 S. Michigan Avenue, 7th Floor
Chicago, IL 60603

312/814-4825

- G) Related rulemakings and other pertinent information:

c) Part: Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)

1) Rulemaking:

A) Description:

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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The subject rules will be reviewed and revised to: update language to coincide with revisions to the Health Facilities Planning Act; update standards to reflect changes in the healthcare industry; and eliminate redundancy in requirements and language.

- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – Fall 2010
- D) Date agency anticipates First Notice: Winter 2010
- E) Effect on small businesses, small municipalities or not for profit corporations:

The proposed revisions to the Certificate of Need rules will provide a more concise and better organized review process that is in step with the evolving health care industry.

- F) Agency contact person for information:

Claire Burman
Coordinator, Rules Development
Illinois Health Facilities and Services Review Board
122 S. Michigan Avenue, 7th Floor
Chicago, IL 60603

312/814-4825

- G) Related rulemakings and other pertinent information:

- d) Part: Long Term Care (77 Ill. Adm. Code 1125)

- 1) Rulemaking:

- A) Description: The subject rules will be reviewed and revised to update standards and review criteria to reflect changes in the long-term nursing care industry.

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- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- C) Scheduled meeting/hearing dates: Health Facilities and Services Review Board Meeting – Fall 2011
- D) Date agency anticipates First Notice: Winter 2011
- E) Effect on small businesses, small municipalities or not for profit corporations:

The proposed revisions to the Certificate of Need rules will provide updated policies and standards for the review process that are in step with the evolving long-term nursing care industry.

- F) Agency contact person for information:
Claire Burman
Coordinator, Rules Development
Illinois Health Facilities and Services Review Board
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312/814-4825
- G) Related rulemakings and other pertinent information:

DEPARTMENT OF PUBLIC HEALTH

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- a) Part: Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
- 1) Rulemaking:
- A) Description: These proposed amendments will expand the responsibilities of the ASTC governing body, promote patient rights, establish quality assessment and infection control programs, and improve pre-operative and post-operative patient assessment practices.
- B) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- C) Scheduled meeting/hearing dates: August 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect ambulatory surgical treatment centers.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., Fifth Floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part: Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- 1) Rulemaking:
- A) Description: These amendments will make extensive changes to obstetric and neonatal services and to obstetric departments, and will

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amend requirements for authenticating and countersigning telephone orders.

- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Scheduled meeting/hearing dates: August 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect hospitals.
- F) Agency contact person for information:

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e-mail: dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

2) Rulemaking:

- A) Description: These amendments will update the requirements for the disposal of medical waste and will require hospital-based outpatient surgery programs to comply with the construction and physical plant requirements for ASTCs.
- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Scheduled meeting/hearing dates: August 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect hospitals.

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F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

- c) Part: Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. 340)

1) Rulemaking:

- A) Description: These amendments will implement provisions from Public Act 96-1372 regarding staffing ratios informed consent for the administration of psychotropic medication.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: August 2011
- D) Date agency anticipates First Notice: Fall 2011
- 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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DEPARTMENT OF PUBLIC HEALTH

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217/782-2043

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G) Related rulemakings and other pertinent information: None2) Rulemaking:A) Description: These amendments, to Part 300 only, will implement provisions from PA 96-1372 regarding care for residents in intermediate care facilities or skilled nursing facilities for the mentally ill.B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]C) Scheduled meeting/hearing dates: August 2011D) Date agency anticipates First Notice: Fall 2011E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect skilled nursing and intermediate care facilities licensed for mentally ill residents.F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Noned) Part: Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)1) Rulemaking:

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- A) Description: These proposed amendments will implement Public Act 96-1275 (licensure renewal), PA 96-0975 (elimination of the Assisted Living Advisory Board), PA 95-0651 (licensure of board and care homes as assisted living establishments) and establish requirements for floating licenses.
- B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]
- C) Scheduled meeting/hearing dates: August/September 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect assisted living and shared housing facilities, and board and care homes.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

e) Part: Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

1) Rulemaking:

- A) Description: The Emergency Medical Services and Trauma Center Code will be updated in regard to standards of care and statutory changes.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

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- C) Scheduled meeting/hearing dates: Fall 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect EMS service providers.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None

2) Rulemaking:

- A) Description: Amendments will clarify the process for reviewing applications for licensure applicants with felony convictions to provide criteria for accepting or denying applicants' new or renewal requests for emergency medical services licensure.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: Fall 2011
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health

DEPARTMENT OF PUBLIC HEALTH

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- G) Related rulemakings and other pertinent information: None
- f) Part: Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)
- 1) Rulemaking:
- A) Description: These amendments include provisions to describe the mandate for testing all infants born in Illinois for severe combined immunodeficiency (SCID). Qualifications are defined for the physician specialists who will be providing follow-up care for children identified through newborn screening with a possible diagnosis of SCID. General recommended treatments for infants affected with SCID are also defined, and the current newborn screening fee will be increased to cover the cost of testing for SCID.
- B) Statutory Authority: Newborn Metabolic Screening Act [410 ILCS 240]
- C) Scheduled meeting/hearing dates: State Board of Health Rules Committee: May 19, 2011; State Board of Health: June 9, 2011
- D) Date agency anticipates First Notice: June 2011
- E) Effect on small businesses, small municipalities or not for profit corporations: Birthing hospitals will be assessed an increase in the newborn screening fee imposed by IDPH for each sample submitted for testing. Birthing hospitals can pass increased costs on to families or third party payers except for deliveries covered by Medicaid, since newborn screening is part of the bundled reimbursement received from Medicaid for each birth. Additional costs per hospital will vary depending on the number of births per hospital and number of deliveries covered by Medicaid, since the reimbursement rate will not increase in conjunction with the required increase in the newborn screening fee imposed on birthing hospitals.

DEPARTMENT OF PUBLIC HEALTH

JULY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- G) Related rulemakings and other pertinent information: This rulemaking is in response to a recommendation made February 7, 2011 by the Illinois Department of Public Health Genetic and Metabolic Diseases Advisory Committee to the Director of IDPH to add SCID to the Illinois newborn screening panel, which was approved February 14, 2011. Senate bill 1761 has also been proposed to add SCID to the newborn screening panel.

g) Part: Control of Communicable Diseases Code (77 Ill. Adm. Code Part 690)1) Rulemaking:

- A) Description: This rulemaking will update reporting requirements and procedures for communicable diseases in accordance with guidelines issued by the Centers for Disease Control and Prevention.
- B) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305] [20 ILCS 2305]
- C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: Winter 2011
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

DEPARTMENT OF PUBLIC HEALTH

JULY 2011 REGULATORY AGENDA

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: Noneh) Part: Food Service Sanitation Code (77 Ill. Adm. Code 750)1) Rulemaking:

- A) Description: The amendments will update the Food Service Sanitation Manager Certification requirements to clarify alternate methods of training, online course requirements and reciprocity with other states. Additionally, the revisions will update examination security measures and legal issues such as addressing child support requirements.
- B) Statutory Authority: Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health.
- D) Date agency anticipates First Notice: Fall 2011
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry. Also, many of the changes are at the request of the regulated industry.
- F) Agency contact person for information:

Susan Meister
Division of Legal Services

DEPARTMENT OF PUBLIC HEALTH

JULY 2011 REGULATORY AGENDA

Illinois Department of Public Health
535 W. Jefferson St., Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- G) Related rulemakings and other pertinent information: None
- i) Part: Laboratory Service Fees (77 Ill. Admin. Code 475)
- 1) Rulemaking:
- A) Description: This rulemaking will amend the fee schedule that may be charged for public health laboratory testing not supported by federal or state funds, or historically provided to Local Health Departments. The revised fee structure will reflect the current cost of laboratory testing. Fees were last revised in 1994.
- B) Statutory Authority: Implementing and authorized by Section 55.09 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.09]
- C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health.
- D) Date agency anticipates first notice: Winter 2011
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.
- F) Agency contact person for information:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., Fifth Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

JULY 2011 REGULATORY AGENDA

217/782-2043

e-mail: dph.rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

1) Rulemaking:

- A) Description: Proposed amendments will address the Illinois honor roll (Section 1.90); requirements for bilingual education, elementary and middle school endorsements; and other changes necessitated by recently amended statutes.
- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: November 4, 2011
- 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): Certification (23 Ill. Adm. Code 25)

1) Rulemaking:

- A) Description: Section 25.130(c)(2) will be clarified to include the "unit" of an educator preparation program as an entity for which separate revocation of approval may be taken, and Section 25.115 will be amended to require educator preparation programs to address the State Board's social and

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

emotional learning standards found in 23 Ill. Adm. Code 555.Appendix A. Additional changes to complement those proposed in Part 1 will be needed in Section 25.100. Finally, requirements for approval of educational interpreters will be streamlined (Section 25.550).

- B) Statutory Authority: 105 ILCS 5/Art. 21
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: December 2, 2011
- 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): Standards for Administrative Certification (23 Ill. Adm. Code 29)

- 1) Rulemaking:
 - A) Description: Part 29 will be updated to reflect the new standards for the principal endorsement necessitated by the revised principal preparation program.
 - B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6
 - C) Scheduled meeting/hearing date: To be announced.

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: December 30, 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities wishing to offer educator preparation programs will be required to comply with the standards.
- 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:
- d) Part(s) (Heading and Code Citation): Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code (23 Ill. Adm. Code 51)
- 1) Rulemaking:
- A) Description: Proposed changes will respond to the requirements of P.A. 97-8, effective June 13, 2011, regarding hearing procedures for teachers dismissed for cause or for poor performance under Article 24A of the School Code.
- B) Statutory Authority: 105 ILCS 5/24-12 and 34-85
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 14, 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:

STATE BOARD OF EDUCATION

JULY 2011 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:

e) Part(s) (Heading and Code Citation): Special Education (23 Ill. Adm. Code 226)

1) Rulemaking:

- A) Description: Section 226.860 will be amended to eliminate the category of speech-language pathologist paraprofessional as a position for which reimbursement can be requested under Section 14-13.01 of the School Code, effective July 1, 2012, and other minor corrections will be made to the qualifications of several other positions.
- B) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 14, 2011
- 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

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:f) Part(s) (Heading and Code Citation): Transitional Bilingual Education (23 Ill. Adm. Code 228)1) Rulemaking:

- A) Description: A cross-reference to class size for preschool programs will be updated to reflect recent changes in rules governing the Early Childhood Block Grant (23 Ill. Adm. Code 235).
- B) Statutory Authority: 105 ILCS 5/Art. 14C and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: September 2, 2011
- 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): Driver Education (23 Ill. Adm. Code 252)1) Rulemaking:

- A) Description: Several modifications will be proposed, addressing the length of time considered to be “reasonable” for completing a driver education

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

program, requirements for offering the course during the school day, the availability of the course in each high school of the district, and other concerns that may be raised by the Instructional Mandates Task Force.

- B) Statutory Authority: 105 ILCS 5/27-24 through 27-24.8
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 14, 2011
- 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): Vocational Education; 23 Ill. Adm. Code 254

- 1) Rulemaking:

- A) Description: This Part will be comprehensively rewritten to include necessary updates and eliminate outdated provisions.
- B) Statutory Authority: 105 ILCS 435/2
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: December 30, 2011

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

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:

i) Part(s) (Heading and Code Citation): Student Records (23 Ill. Adm. Code 375)

1) Rulemaking:

A) Description: Part 375 is being updated to align with the Family Educational Rights and Privacy Act and current practice in the field. Additionally, changes are proposed to address P.A. 95-352, effective August 27, 2007 (video-recordings and school buses) and P.A. 96-1423, effective August 3, 2010 (dropout calculation).

B) Statutory Authority:

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 2, 2011

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

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

100 North First Street
Springfield, Illinois 62777

217/782-5270

G) Related rulemakings and other pertinent information:

j) Part(s) (Heading and Code Citation): Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)

1) Rulemaking:

A) Description: Changes to Part 425 will address the timeline under which the registration and recognition process proceeds.

B) Statutory Authority: 105 ILCS 5/2-3.6 and 2-3.51.5

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: October 14, 2011

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Private elementary and secondary schools

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): Regional Offices of Education and Intermediate Services (23 Ill. Adm. Code 525)

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

- 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: November 3, 2011
 - 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:

- l) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5000)

- 1) Rulemaking:
 - A) Description: These rules will be updated to reflect the current organizational structure of the State Board of Education and the agency.
 - B) Statutory Authority: 5 ILCS 100/5-15
 - C) Scheduled meeting/hearing date: To be announced.

STATE BOARD OF EDUCATION

JULY 2011 REGULATORY AGENDA

- D) Date agency anticipates First Notice: November 4, 2011
- 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:

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Award and Monitoring of Funds

Code Citation: 77 Ill. Adm. Code 2030

Section Numbers: 2030.20
2030.105
2030.107
2030.108
2030.109

Date Originally Published in the Illinois Register: 1/21/11
35 Ill. Reg. 1327

At its meeting on 6/14/11, the Joint Committee on Administrative Rules objected to the Department of Human Services rulemaking titled Award and Monitoring of Funds (77 Ill. Adm. Code 2030; 35 Ill. Reg. 1327) because the rulemaking makes no distinction between adolescent and adult programs. DHS, after reviewing considerable public comment, has determined that such a distinction would be appropriate. In order to implement targeted utilization management requirements for adult and adolescent alcoholism and substance abuse treatment services, DHS has expressed a desire to withdraw this rulemaking and develop a new proposal. This Objection will allow the Department to do so.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

Code Citation: 77 Ill. Adm. Code 2090

Section Numbers: 2090.35

Date Originally Published in the Illinois Register: 1/21/11
35 Ill. Reg. 1329

At its meeting on 6/14/11, the Joint Committee on Administrative Rules objected to the Department of Human Services rulemaking titled Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill. Adm. Code 2090; 35 Ill. Reg. 1329) because the rulemaking makes no distinction between adolescent and adult programs. DHS, after reviewing considerable public comment, has determined that such a distinction would be appropriate. In order to implement targeted utilization management requirements for adult and adolescent alcohol and substance abuse treatment services, DHS has expressed a desire to withdraw this rulemaking and develop a new proposal. This Objection will allow the Department to do so.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION
OF PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: Title Insurance Act

Code Citation: 50 Ill. Adm. Code 8100

Section Numbers: 8100.2402

Date Originally Published in the Illinois Register: 10/22/10
34 Ill. Reg. 15926

Date Filing Prohibition Published in Illinois Register: 5/27/11
35 Ill. Reg. 8250

Date Filing Prohibition Became Effective: 5/10/11

Date Filing Prohibition Withdrawn: 6/14/11, effective upon the filing of the rulemaking with the agreed upon modifications.

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on June 14, 2011, has withdrawn the prohibition against the filing of the Department of Financial and Professional Regulation's above-referenced rulemaking contingent upon and effective with the Department filing the rule with modifications reflecting its removal of the \$25 and \$50 thresholds and, instead, requiring any fee charged to be fair, adequate and nondiscriminatory. The Joint Committee originally issued this Filing Prohibition at its 5/10/11 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking with the Secretary of State, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules and the modifications submitted in response to the Objection and Filing Prohibition, and from enforcing or invoking the rule.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY AN OBJECTION
TO EMERGENCY RULEMAKING

SECRETARY OF STATE

- 1) Heading of Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) Section Numbers: 560.310
- 4) Notice of Emergency Published in Illinois Register: 2/4/11; 35 Ill. Reg. 2424
- 5) Summary of Rulemaking: Implements new statutory requirements for lobbyist registration. Section 560.310(d) requires lobbyists to report every incident of professional interaction with a State official.
- 6) JCAR Action: Objection; 3/18/11; 35 Ill. Reg. 4822
- 7) Basis for JCAR Action: JCAR objected to Section 560.310(d) because the Lobbyist Registration Act requires that lobbyists report their lobbying activities only in connection with lobbying expenditures, not lobbying activities generally.
- 8) Agency Response: SOS agreed that the Act does not require every incident to be reported and indicated it would not enforce those provisions. However, it offered to modify the emergency rule only by removing the requirement that the name of the official lobbied be reported.
- 9) Basis for JCAR Determination of Failure to Remedy: Modification did not remedy the JCAR Objection based on a lack of statutory authority for the requirements created by Section 560.310(d) of the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 14, 2011 through June 20, 2011 and have been scheduled for review by the Committee at its July 12, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/29/11	<u>Department of Healthcare and Family Services, Practice in Administrative Hearings (89 Ill. Adm. Code 104)</u>	2/14/11 35 Ill. Reg. 2545	7/12/11
7/29/11	<u>Department of Labor, Payment and Collection of Wages or Final Compensation (56 Ill. Adm. Code 300)</u>	3/4/11 35 Ill. Reg. 3663	7/12/11
7/31/11	<u>Pollution Control Board, Definitions and General Provisions (35 Ill. Adm. Code 211)</u>	4/1/11 35 Ill. Reg. 4887	7/12/11
7/31/11	<u>Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)</u>	4/1/11 35 Ill. Reg. 4910	7/12/11
7/31/11	<u>Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)</u>	4/1/11 35 Ill. Reg. 5111	7/12/11
7/31/11	<u>Pollution Control Board, Introduction (35 Ill. Adm. Code 301)</u>	8/27/10 34 Ill. Reg. 12521	7/12/11
7/31/11	<u>Pollution Control Board, Water Use</u>	8/27/10	7/12/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Designations and Site-Specific Water Quality
Standards (35 Ill. Adm. Code 303)

34 Ill. Reg.
12533

PROCLAMATION

2011-208**Lieutenant Louis Zamperini Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and,

WHEREAS, one of these brave men is Louis Silvie Zamperini, who enlisted in the United States Army Air Force in September 1941, and after being commissioned to second lieutenant the following August, he was deployed to Hawaii as a bombardier; and,

WHEREAS, while searching the ocean for a lost plane and its crew, Lieutenant Zamperini's B-24 bomber crashed into the Pacific Ocean. Lieutenant Zamperini and one of his fellow aviators spent a grueling 47 days aboard a life raft while drifting 2,000 miles before being captured by the Japanese Navy; and,

WHEREAS, as a Japanese prisoner of war, Lieutenant Zamperini endured horrific abuses until the end of the war. Although his family thought he had died, Lieutenant Zamperini eventually returned to the United States where he received a hero's welcome; and,

WHEREAS, even prior to his heroic service during World War II, Lieutenant Zamperini had already distinguished himself as a world-class athlete and running track earned him a scholarship to the University of Southern California, and eventually a place on the 1936 U.S. Olympic team in the 5000 metres, the youngest U.S. qualifier in that event; and,

WHEREAS, after the war, Lieutenant Zamperini met Billy Graham, who helped him launch a new career as an inspirational speaker. With the loving assistance of his wife and his new-found spirituality, Lieutenant Zamperini overcame his personal struggles with alcohol and anger and went on to spread a message of hope and forgiveness to countless audiences over the years, even going so far as to visit former guards from his former Prisoner of War days to let them know that he had forgiven them; and,

WHEREAS, Lieutenant Zamperini has written two memoirs about his experiences, titled *Devil at My Heels*. In addition, a biography, *Unbroken: A World War II Story of Survival, Resilience, and Redemption*, which reached number one on the New York Times bestseller list, was named the top book of 2010 by Time magazine, and is now being developed into a major motion picture; and,

WHEREAS, Lieutenant Zamperini's remarkable life story continues to inspire young and old with its message of hope and of inner strength that can be found in the depths of the human soul, no matter the seemingly insurmountable obstacles that exist; and,

PROCLAMATION

WHEREAS, on June 8th, 2011, Lieutenant Zamperini will be honored at a reception at the Italian American Sports Hall of Fame, which he was inducted into in 2008:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 8, 2011, as **LIEUTENANT LOUIS ZAMPERINI DAY** in Illinois, in honor of his courageous service and in recognition of his powerful message of perseverance.

Issued by the Governor June 3, 2011

Filed by the Secretary of State June 17, 2011

2011-209
Homeownership Month

WHEREAS, the State of Illinois recognizes that home is the cornerstone of stability and opportunity for families and communities; and,

WHEREAS, sustainable homeownership strengthens families and communities; and,

WHEREAS, the State of Illinois is committed to fostering a vibrant real estate market to create quality jobs; and,

WHEREAS, the Illinois Housing Development Authority (IHDA), the state's housing finance agency, provides affordable and secure homeownership opportunities for first-time homebuyers and Veterans at a time when market prices and interest rates are exceptionally low; and,

WHEREAS, IHDA offers a 30-year fixed rate mortgage – the *SmartMove* loan – that gives buyers an opportunity to apply for a second forgivable loan in an amount of up to 5 percent of the purchase price for a maximum of \$6,000 to be used as down payment; and,

WHEREAS, IHDA's *SmartMove* loan encourages responsible homeownership by requiring buyers to meet one-to-one with a HUD-certified counselor who can help them navigate the home-buying process and secure their financial futures; and,

WHEREAS, in response to the national foreclosure crisis, the State of Illinois has made it a priority to ensure that residents who are faced with home loss are aware of the options available to help them; and,

WHEREAS, the State of Illinois sponsors outreach events to connect homeowners with a statewide network of HUD-approved counselors who can help determine if they qualify for a mortgage modification for reduced monthly payments under the Making Home Affordable program, and implements programs and initiatives to help homeowners; and,

PROCLAMATION

WHEREAS, the State of Illinois must do everything it can to protect and sustain homeownership; and,

WHEREAS, June is recognized each year as National Homeownership Month:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2011 as **HOMEOWNERSHIP MONTH** in Illinois.

Issued by the Governor June 3, 2011

Filed by the Secretary of State June 17, 2011

2011-210**Flag Honors – Representative Mark Beaubien**

WHEREAS, longtime State Representative Mark Beaubien, a loyal and dedicated public servant to Illinois, passed away on Sunday, June 5, 2011. He was 56; and,

WHEREAS, born in Waukegan, Representative Mark Beaubien received his bachelor's degree from Northwestern University and his law degree from the Northwestern University School of Law; and,

WHEREAS, prior to becoming a state legislator, Representative Mark Beaubien was a Lake County Board member and Cuba Township supervisor from 1992 to 1996; and,

WHEREAS, since 1996, Representative Mark Beaubien represented the people of the 52nd District in the Illinois House, winning reelection six times after his initial appointment; and,

WHEREAS, Representative Mark Beaubien was also involved in numerous civic organizations and groups, and was a member of the Lake County and Illinois State bar associations; and,

WHEREAS, over the course of his life, Representative Mark Beaubien made the State of Illinois a better place to live and work, and has left behind a legacy that will continue to resonate in the state for many years to come; and,

WHEREAS, a devoted husband, loving father, loyal friend, and passionate legislator, Representative Mark Beaubien will be deeply missed by all who had the opportunity to know him; and,

WHEREAS, funeral services for Representative Mark Beaubien, who is survived by his wife Dee; two sons, Mark and Bob; and five grandchildren; will be held Friday, June 10, 2011:

PROCLAMATION

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on June 8, 2011 until sunset on June 10, 2011 in honor and remembrance of Representative Beaubien, whose dedication and commitment to public service was unwavering.

Issued by the Governor June 7, 2011

Filed by the Secretary of State June 17, 2011

2011-211
Amateur Radio Week

WHEREAS, Amateur Radio operators are celebrating over a century of the miracle of the human voice broadcast over the airwaves; and,

WHEREAS, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and facilitating the sharing of ideas; and,

WHEREAS, Amateur Radio operators have also provided countless hours of community services throughout the decades; and,

WHEREAS, Amateur Radio operators' services are provided wholly uncompensated; and,

WHEREAS, the State also recognizes the services Amateur Radio operators provide to our many Emergency Response organizations throughout the State of Illinois; and,

WHEREAS, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs and other charitable public events; and,

WHEREAS, the State of Illinois recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn program of the U.S. Government Weather Bureau; and,

WHEREAS, Amateur Radio once again proved its undisputed relevance in the modern world in 2005 by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita in the United States and in the Tsunami catastrophe overseas; and,

WHEREAS, founded in 1914, the American Radio Relay League (ARRL) is the national association for Amateur Radio in the U.S. Today, with more than 156,000 members, ARRL is the largest organization of radio amateurs in the United States and,

PROCLAMATION

WHEREAS, the ARRL Amateur Radio Field Day exercises will take place on June 24-26, 2011 and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs' skills and readiness to provide self-supporting communications without further infrastructure being required:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 20-27, 2011 as **AMATEUR RADIO WEEK** in Illinois.

Issued by the Governor June 7, 2011

Filed by the Secretary of State June 17, 2011

2011-212**Chicago Jobs Council Day**

WHEREAS, the Chicago Jobs Council has provided 30 years of outstanding community service in the areas of welfare, anti-poverty and workforce advocacy, and works to enhance the quality of life for unemployed and low-income individuals in the State of Illinois; and,

WHEREAS, founded in 1981, the Chicago Jobs Council works on behalf of individuals who are living in poverty in order to ensure that they have access to employment services, jobs and career advancement opportunities; and,

WHEREAS, the Chicago Jobs Council recognizes that barriers to employment include homelessness; lack of a high school diploma; being a public benefits recipient; being an ex-offender; having limited English; having limited literacy; having limited work experience; being disabled; having no transportation; having no childcare and having no work credentials, yet despite these realities, the Chicago Jobs Council champions everyone's right to employment opportunity; and,

WHEREAS, the Chicago Jobs Council works with a coalition of over 100 organizations and individuals through collaboration, advocacy, applied research and capacity building to influence the development and reform of public policies and programs designed to help people succeed in the workforce; and,

WHEREAS, the Chicago Jobs Council works to provide access to education, including occupational skills training, to unemployed and low-income individuals, which is necessary to compete for skilled jobs that pay a family-supporting wage; and,

PROCLAMATION

WHEREAS, for the past three decades the Chicago Jobs Council has demonstrated outstanding leadership and dedication in expanding job and economic opportunities for people living in poverty in the State of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 23, 2011 as **CHICAGO JOBS COUNCIL DAY** in Illinois, in recognition of the Chicago Jobs Council for the vital work it does to help those individuals living in poverty to find meaningful and remunerative employment.

Issued by the Governor June 7, 2011

Filed by the Secretary of State June 17, 2011

2011-213**Dandy-Walker and Hydrocephalus Awareness Month**

WHEREAS, Dandy-Walker Syndrome is a congenital brain malformation involving the cerebellum and the fluid filled space around it. Dandy-Walker is the most common congenital malformation of the cerebellum, yet its causes remain largely unknown; and,

WHEREAS, between 10,000 and 40,000 people are affected by Dandy-Walker Syndrome in the United States; and,

WHEREAS, the incidence of Dandy-Walker Syndrome is at least 1 case per every 25,000 to 35,000 live births, however this is likely an underestimate because of difficulties diagnosing the syndrome, and it may actually affect as many as 1 in 5,000 live-born infants; and,

WHEREAS, patients with Dandy-Walker Syndrome present with developmental delay, enlarged head circumference, or signs and symptoms of hydrocephalus; and,

WHEREAS, hydrocephalus is a condition, also characterized by fluid retention of the brain that has no cure and is treated surgically - often requiring repeated brain surgeries. Left untreated, it can prove to be fatal, but even with treatment, hydrocephalus can result in cognitive and physical delays as well as other medical issues such as headaches and seizures; and,

WHEREAS, estimates of the incidence rate of hydrocephalus vary as well, but some estimate that it may affect as many as 1 in every 500 children; and,

WHEREAS, the Dandy-Walker Alliance, which maintains a chapter in Illinois, is the only national organization dedicated to supporting education, informational activities, and non-partisan research that increases public awareness of the congenital birth defect Dandy-Walker Syndrome:

PROCLAMATION

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2011 as **DANDY-WALKER AND HYDROCEPHALUS AWARENESS MONTH** in Illinois, and urge all citizens to learn about Dandy-Walker syndrome and hydrocephalus and to recognize the achievements of all Americans with disabilities.

Issued by the Governor June 7, 2011

Filed by the Secretary of State June 17, 2011

2011-214**Ronald E. Powell Day**

WHEREAS, Ronald E. Powell has been a leader in the American Labor Movement across five decades, championing the causes important to the working men and women of our state; and,

WHEREAS, Ronald E. Powell has served as President of Local 881 of the United Food and Commercial Workers International Union (UFCW) since 1983; and,

WHEREAS, Local 881 UFCW represents 34,000 members employed in retail food and drug stores throughout Illinois and Northwest Indiana, as well as a professional division comprised of health and nursing home workers, barbers and cosmetologists, and workers in other retail and service industries. Local 881 is among the largest affiliates of the United Food and Commercial Workers International Union, which represents 1.3 million members in the United States, Canada and Puerto Rico; and,

WHEREAS, Ronald E. Powell began his career with Local 881 (then known as the United Retail Workers) as a Field Representative in 1961. His commitment and expertise earned him a series of promotions, culminating in his appointment as President; and,

WHEREAS, Ronald E. Powell's direction has made Local 881 a progressive and innovative leader on behalf of its members in the areas of work-site representation, membership services, benefits, communications, and activities; and,

WHEREAS, Ronald E. Powell has been a dynamic force in promoting the union's involvement in a variety of carefully selected charitable endeavors. Each year, thousands of dollars are raised annually by Local 881 for the Leukemia & Lymphoma Society to facilitate research toward finding a cure; and,

WHEREAS, Ronald E. Powell has also initiated fundraising campaigns for Jackson Park Hospital and the Little City Foundation; and,

PROCLAMATION

WHEREAS, Ronald E. Powell, in addition to leading Local 881 UFCW as President, is a Vice President on the UFCW International Executive Board, and is a Vice President of the Illinois State AFL-CIO; and,

WHEREAS, Ronald E. Powell has also served the people of the State of Illinois as Chairman of the Illinois State Investment Board and a member of the Illinois Workers' Compensation Medical Fee Advisory Board and the Metropolitan Pier and Exposition Authority Board; and,

WHEREAS, Ronald E. Powell is also actively engaged in the community on the local level, having served for 10 years on the Village Board of Mundelein, Illinois; and,

WHEREAS, Ronald E. Powell, in addition to his professional achievements, is also a loving husband and proud father of four children and grandfather of twelve; and,

WHEREAS, Ronald E. Powell will be honored by Local 881 UFCW on June 16, 2011 for fifty years of service to the working men and women of our state and our nation:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 16, 2011 as **RONALD E. POWELL DAY** in Illinois, in recognition of Mr. Powell's strong and enthusiastic advocacy for union members and American workers.

Issued by the Governor June 7, 2011

Filed by the Secretary of State June 17, 2011

2011-215**Carole Robertson Center for Learning Day**

WHEREAS, the Carole Robertson Center for Learning currently serves over 1,600 children through their child, youth, and family development programs; and,

WHEREAS, founded in 1976, the Carole Robertson Center is named in memory of Carole Robertson, Addie Mae Collins, Cynthia Wesley, and Denise McNair, the four children who were tragically killed in the 1963 Birmingham church bombing; and,

WHEREAS, from the Center's beginning, the multicultural nonprofit partnership has assured that parents are the dominant voices in agency management and program development; and,

WHEREAS, with children ranging in age from infancy through teenagers, the Carole Robertson Center for Learning offers a variety of program activities designed to promote and support success in school, as well as increase literacy development, music and arts education, and many other areas of development; and,

PROCLAMATION

WHEREAS, parents and other community members are able to benefit from basic literacy and English as a Second Language (ESL) classes through their Adult Learning Institute; and,

WHEREAS, on June 24, 2011, the Carole Robertson Center for Learning will celebrate its 35th anniversary:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 24, 2011 as **CAROLE ROBERTSON CENTER FOR LEARNING DAY** in Illinois, in recognition of 35 years of dedication to nurturing, supporting and strengthening family life through quality child, youth, and family development programs.

Issued by the Governor June 7, 2011

Filed by the Secretary of State June 17, 2011

2011-216**National EMS Memorial Service Day**

WHEREAS, each year Emergency Medical Service Providers offer medical care to millions of people, supplying a vital service to communities across the United States; and,

WHEREAS, EMS providers give their lives while serving their communities; and,

WHEREAS, the National EMS Memorial Service honors the men and women of America's Emergency Medical Services who have given their lives in the line of duty; and,

WHEREAS, the National EMS Memorial Service has honored over 500 EMS providers from 49 states and territories; and,

WHEREAS, this year the National EMS Memorial Service will honor 43 EMS providers from Illinois and 17 other states:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 25, 2011 as **NATIONAL EMS MEMORIAL SERVICE DAY** in Illinois, and urge all citizens to remember these brave individuals who have made the ultimate sacrifice in service to our state and nation.

Issued by the Governor June 9, 2011

Filed by the Secretary of State June 17, 2011

2011-217

PROCLAMATION

Federal Employee of the Year Day

WHEREAS, the hard work and dedication of men and women across the United States has been instrumental in making our nation strong and prosperous; and,

WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and,

WHEREAS, this year the 54th Annual Federal Employee of the Year Awards Luncheon will be held on June 30, 2011 in the Grand Ballroom at Navy Pier, Chicago. The theme for this year's ceremony is "Leaders on the Move"; and,

WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and,

WHEREAS, awards will be given to the outstanding employee in each of eleven categories that cover various types of jobs within the federal workforce:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 30, 2011 as **FEDERAL EMPLOYEE OF THE YEAR DAY** in Illinois, and encourage all citizens to join in honoring these hard working public servants, and to recognize the exceptional services they provide for our society.

Issued by the Governor June 9, 2011

Filed by the Secretary of State June 17, 2011

2011-218**Check-in for Checkups Day**

WHEREAS, founded in 1987 by singer/songwriter Paul Simon and pediatrician/advocate Irwin Redlener, M.D., the Children's Health Fund is the nation's leading pediatric provider of mobile-based health care for homeless and low-income children and their families; and,

WHEREAS, the Children's Health Fund's mission is to bring health care directly to those in need through the development and support of innovative medical programs, response to public health crises, and the promotion of guaranteed access to health care for all children; and,

WHEREAS, the Children's Health Fund currently has 50 mobile medical clinics serving hundreds of locations across the country, including Chicago, Illinois. Over the past 24 years, the organization has supported more than two million health care visits for disadvantaged children, often in places where doctors and health care providers are in short supply; and,

PROCLAMATION

WHEREAS, in support of its ongoing mission, the Children's Health Fund is launching the Check-in for Checkups Program; and,

WHEREAS, through Check-in for Checkups, every time someone makes a healthy choice – from eating healthy to taking a walk around the block – they can simply log it, or "check-in," at www.checkinforcheckups.com, with the aim of reaching one million check-ins this summer; and,

WHEREAS, for every "check-in," sponsors will donate 10 cents, up to one million check-ins, to the Children's Health Fund in support of their goal of providing half a million checkups for children in need across the country; and,

WHEREAS, the Check-in for Checkups is designed to illustrate to individuals how healthy habits can help benefit their own personal well-being and contribute to the lives of disadvantaged children at the same time; and,

WHEREAS, ensuring that everyone is getting regular checkups and practicing other healthy habits can impact an entire family and everyone in the surrounding communities; and,

WHEREAS, the Children's Health Fund's Check-in for Checkups program will be launched with kick-off events planned for the Race to Taste on June 26th, 2011, in Chicago, where volunteers will raise awareness of how healthy habits can make a positive impact to kids and families in Illinois without access to regular health care:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 26, 2011 as **CHECK-IN FOR CHECKUPS DAY** in Illinois, in support of this campaign to promote healthy lifestyles and improve access to health care for the children of our state.

Issued by the Governor June 9, 2011

Filed by the Secretary of State June 17, 2011

2011-219
After School Matters Day

WHEREAS, the education of our children is critically important to their future success. The skills they learn and develop today will prepare them for their careers tomorrow; and,

WHEREAS, that is why it is critically important that children have access to all the resources they need to succeed. After-school programs are one of the opportunities available for improving the academic achievement of students; and,

PROCLAMATION

WHEREAS, in addition to supporting their education, afterschool programs also keep our children off the streets and out of trouble. Approximately 26 percent of school-age children in Illinois are unsupervised after school; and,

WHEREAS, thanks to afterschool programs, many parents do not have to worry about where their children are, who they are associating with, and what they are doing. Indeed, by providing students a safe and healthy environment for them to learn and helping working parents, afterschool programs strengthen our communities; and,

WHEREAS, the State of Illinois and the City of Chicago have provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and,

WHEREAS, founded in the summer of 1991 by former First Lady of Chicago Maggie Daley and former Commissioner of Cultural Affairs Lois Weisberg, Gallery37 was a summer jobs program for teens focused on the arts that was held under tents on the then vacant Block 37 in the Loop. 260 teens were served during the first summer of the program; and,

WHEREAS, in 2000, the organization expanded beyond the arts to include programming in the areas of communication, technology and sports, and was renamed After School Matters, and in 2006, After School Matters began to offer programming in science; and,

WHEREAS, last year, After School Matters provided 20,000 program opportunities to students from all across the city of Chicago in high schools, community organizations and at the Gallery37 Center for the Arts in the Loop; and,

WHEREAS, on June 29th, 2011, After School Matters will celebrate its 20th anniversary with a public event showcasing the talents of After School Matters teens through vocal, dance and musical performances:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 29, 2011 as **AFTER SCHOOL MATTERS DAY** in Illinois, in recognition of 20 years of outstanding service by this organization, and of the importance of quality afterschool programs in the lives of children, families and communities.

Issued by the Governor June 9, 2011

Filed by the Secretary of State June 17, 2011

2011-220

Willie Nelson's Country Throwdown Day

PROCLAMATION

WHEREAS, Willie Nelson is considered a music legend and an American icon whose music and advocacy has entertained and inspired Illinoisans for five decades. His industry-recognized, award-winning musical style goes beyond traditional country, creating a diverse blend including pop, swing, jazz, honky-tonk, rock & roll, folk, and blues, into a distinctive musical hybrid, appealing to fans who might not otherwise listen to country music; and,

WHEREAS, Willie Nelson has performed in Springfield at the Illinois State Fair and the Prairie Capitol Convention Center at least 13 times over the years. It was during one of his visits to the Illinois State Fair when the tradition of 'Chili with Willie' began; and,

WHEREAS, it soon became customary for Willie Nelson to share a meal of chili and cornbread before each of his performances in Springfield; it was at one of these meals, in 1985, when Willie Nelson came up with a plan to help struggling farmers; and,

WHEREAS, Willie Nelson worked with the State of Illinois and performers John Mellencamp and Neil Young to organize the first Farm Aid concert to increase awareness about the loss of family farms and raise funds to keep farm families on their land; and,

WHEREAS, the first Farm Aid concert was held on September 22, 1985 at Memorial Stadium on the campus of the University of Illinois in Champaign, Illinois; during its existence, Farm Aid has raised more than \$37 million to promote a strong and resilient family farm system of agriculture; and,

WHEREAS, on June 11, 2011, Willie Nelson is once again on the minds of Illinoisans as the Country Throwdown Tour rolls into Sparta, Illinois to perform at the World Shooting and Recreational Complex at part of the traveling festival's 25-city tour; and,

WHEREAS, Willie Nelson's Country Throwdown Tour will benefit a variety of worthy charitable causes, including Farm Aid, the Keep A Breast Foundation, which is dedicated to eradicating breast cancer, the Living the Dream Foundation, which works to make dreams come true for children with life-threatening afflictions, the Sustainable Biodiesel Alliance, a non-profit organization dedicated to a sustainable U.S. Biodiesel Industry, and the National Association of Music Merchants, a not-for-profit association that unifies, leads and strengthens the global musical instrument and products industry; and,

WHEREAS, Willie Nelson's Country Throwdown Tour, with performers Randy Houser, Jamey Johnson, Lee Brice, Brantley Gilbert, Craig Campbell, Lukas Nelson and the Promise of the Real, Drake White and Jack Ingram will showcase some of the best of country music acts today, all while making a positive difference and improving the quality of life for family farmers and all people of the State of Illinois:

PROCLAMATION

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 11, 2011 as **WILLIE NELSON'S COUNTRY THROWDOWN DAY** in Illinois.

Issued by the Governor June 10, 2011

Filed by the Secretary of State June 17, 2011

2011-221
Juneteenth Day

WHEREAS, Juneteenth is the oldest known celebration commemorating the ending of slavery in the United States; and,

WHEREAS, it was on June 19, 1865, two-and-a-half years after President Lincoln's Emancipation Proclamation that Union soldiers landed at Galveston, Texas with news that the war had ended and that the enslaved were now free; and,

WHEREAS, as freed slaves left plantations and moved to reunite with family members in other states, they encountered a new set of challenges as free men and women; and,

WHEREAS, recounting the memories of that great day and its festivities in June of 1865 would serve as relief from the growing pressures encountered in their new homes; and,

WHEREAS, the celebration of June 19th was coined "Juneteenth" and as participation grew, it became a time to reassure one another, for praying and for gathering family members; and,

WHEREAS, a range of activities were provided for entertainment at early Juneteenth celebrations, many of which continue today. Rodeos, fishing, barbecuing and baseball are just a few of the typical activities that may be held as part of Juneteenth celebrations; and,

WHEREAS, Juneteenth also focuses on education and self-improvement. Guest speakers are often brought in and the elders are called upon to recount the events of the past. Prayer services are often also a major part of the festivities; and,

WHEREAS, over the last few decades, Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country - all with the mission to promote and cultivate knowledge and appreciation of African American history and culture; and,

WHEREAS, Juneteenth today celebrates African American freedom while encouraging self-development and respect for all cultures:

PROCLAMATION

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 19, 2011 as **JUNETEENTH DAY** in Illinois, in remembrance of the important events of June 19, 1865, and encourage all citizens to learn about the important contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor June 14, 2011

Filed by the Secretary of State June 17, 2011

2011-222**Flag Honors – Private First Class Michael Curtis Olivieri**

WHEREAS, on Monday, June 6, 2011, United States Army Private First Class Michael Curtis Olivieri of Homer Glen, Illinois died at age 26 of injuries sustained in an indirect fire attack in Baghdad, Iraq, where Private First Class Olivieri was serving in support of Operation New Dawn; and,

WHEREAS, Private First Class Olivieri was assigned to 1st Battalion, 7th Field Artillery Regiment, 2nd Heavy Brigade Combat Team, 1st Infantry Division, based at Fort Riley, Kansas; and,

WHEREAS, Private First Class Olivieri, a 2002 graduate of Lockport Township High School, attended Southern Illinois University for a while before enlisting to serve his country; and,

WHEREAS, Private First Class Olivieri deployed to Baghdad in November 2010, where he was working to develop and support Iraqi police. This was his first deployment; and,

WHEREAS, Private First Class Olivieri loved to play the guitar, and used music to entertain his fellow soldiers and his family; and,

WHEREAS, funeral services will be held on Thursday, June 16, 2011 for Private First Class Olivieri, who is survived by his wife, his parents, and three siblings:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on June 16, 2011 in honor and remembrance of Private First Class Olivieri, whose selfless service and sacrifice is an inspiration.

Issued by the Governor June 14, 2011

Filed by the Secretary of State June 17, 2011

ILLINOIS ADMINISTRATIVE CODE
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