

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

August 12, 2011 Volume 35, Issue 33

PROPOSED RULES

AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240.....	12993
COMMERCE COMMISSION, ILLINOIS	
Obligations of Retail Electric Suppliers	
83 Ill. Adm. Code 412.....	12996
Internet Enrollment Rules	
83 Ill. Adm. Code 453.....	13017
GAMING BOARD, ILLINOIS	
Video Gaming (General)	
11 Ill. Adm. Code 1800.....	13021
HUMAN SERVICES, DEPARTMENT OF	
Child Care	
89 Ill. Adm. Code 50.....	13024
NATURAL RESOURCES, DEPARTMENT OF	
Special White-Tailed Deer Season for Disease Control	
17 Ill. Adm. Code 675.....	13049
SECRETARY OF STATE	
Issuance of Licenses	
92 Ill. Adm. Code 1030.....	13054
STATE BOARD OF ELECTIONS	
Miscellaneous	
26 Ill. Adm. Code 207.....	13098

ADOPTED RULES

AGING, DEPARTMENT ON	
Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions	
89 Ill. Adm. Code 271.....	13103
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment	
74 Ill. Adm. Code 900.....	13109
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF	
Enterprise Zone and High Impact Business Programs	
14 Ill. Adm. Code 520.....	13125
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training	

by Financial Institutions	
38 Ill. Adm. Code 220.....	13134
NATURAL RESOURCES, DEPARTMENT OF	
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and	
Woodchuck (Groundhog) Hunting	
17 Ill. Adm. Code 550.....	13137
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox,	
Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog)	
Trapping	
17 Ill. Adm. Code 570.....	13149
Duck, Goose and Coot Hunting	
17 Ill. Adm. Code 590.....	13161
Youth Hunting Seasons	
17 Ill. Adm. Code 685.....	13228
Dove Hunting	
17 Ill. Adm. Code 730.....	13234
Crow, Woodcock, Snipe, Rail and Teal Hunting	
17 Ill. Adm. Code 740.....	13254
Revocation Procedures for Conservation Offenses	
17 Ill. Adm. Code 2530.....	13268
The Illinois Oil and Gas Act	
62 Ill. Adm. Code 240.....	13281
OFFICE OF THE COMPTROLLER	
Joint Rules of the Comptroller and the Department of Central	
Management Services: Prompt Payment	
74 Ill. Adm. Code 330.....	13448
POLLUTION CONTROL BOARD	
Definitions and General Provisions	
35 Ill. Adm. Code 211.....	13451
Organic Material Emission Standards and Limitations for the Chicago	
Area	
35 Ill. Adm. Code 218.....	13473
Organic Material Emission Standards and Limitations for the Metro	
East Area	
35 Ill. Adm. Code 219.....	13676
PUBLIC HEALTH, DEPARTMENT OF	
Hospital Licensing Requirements	
77 Ill. Adm. Code 250.....	13875
RACING BOARD, ILLINOIS	
Pick (N) Pools	
11 Ill. Adm. Code 308.....	13891
Pentafecta	
11 Ill. Adm. Code 324.....	13898
Quinella Double	

11 Ill. Adm. Code 326.....	13905
Entries, Subscriptions, and Declarations	
11 Ill. Adm. Code 1413.....	13910
STATE BOARD OF INVESTMENT	
Rules and Regulations of the Board	
74 Ill. Adm. Code 800.....	13915
State (of Illinois) Employees' Deferred Compensation Plan	
80 Ill. Adm. Code 2700.....	13928
EMERGENCY RULES	
AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240.....	13936
GAMING BOARD, ILLINOIS	
Video Gaming (General)	
11 Ill. Adm. Code 1800.....	13949
PEREMPTORY RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310.....	13966
NOTICE OF AGENCY RESPONSE TO THE OBJECTION AND FILING	
PROHIBITION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES	
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120.....	13991
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
August Agenda.....	13995
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	14001

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 preemptory 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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
240.130	Amendment
240.760	Amendment
240.865	Amendment
- 4) Statutory Authority: Authorized by 20 ILCS 105/4.01(11) and 4.02
- 5) A Complete Description of the Subjects and Issues Involved: These amendments are being proposed in order to maximize the number of individuals eligible for Medicaid under the Community Care Program and to improve the data-matching ability of the State in claiming reimbursement for services provided under the Medicaid waiver. The Department needs to ensure that participants are not claimed under multiple waivers and that the 24-month Medicaid application constraint is rescinded. Given continuing financial pressures in the State and the demand for services under this Program with an aging population, it is imperative that the Department exercise both fiscal and programmatic oversight to maximize alternative funding sources so benefits will reach the largest possible number of eligible individuals.

Section 240.130: Adds language to clarify that participants under the Community Care Program are not permitted to be enrolled in another Home and Community-Based Service Waiver.

Section 240.760: Makes furnishing a Social Security Number an eligibility requirement for the Community Care Program. Indicates that services will not be denied, delayed or discontinued under this Program while an individual is waiting for a Social Security Number to be issued or verified. Also updates terminology referencing "Care Coordination Units".

Section 240.865: Eliminates the following exceptions to the requirement that individuals make a good faith effort to apply for and, if financial eligible, enroll in medical assistance under Article V as a condition of eligibility for the Community Care Program: (1) an individual has been issued a denial on a medical assistance application within the prior 24-month period when there is no action that can be taken to become eligible for such assistance; (2) an individual is not prohibited from enrolling in medical assistance based on his or her immigration status; (3) an individual has private, creditable health insurance

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

or U.S. Department of Veterans Affairs benefits and/or coverage for a spouse for the next 12-month period of time; and (4) the existence of compelling circumstances making the effort to apply and enroll in medical assistance an undue hardship on applicants. Updates terminology by changing reference from "case manager" to "Care Coordinator". Also adds language to clarify that a good faith effort is not limited to the examples in the rule.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, IL 62701-1789

217/785-3346
- 13) Initial Regulatory Flexibility Analysis:
 - A) Reporting of small businesses, small municipalities and not for profit corporations affected: Care Coordination Units under the Community Care Program will be affected by this rulemaking.
 - B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: management needed to reconsider alternative policy decisions in light of the recently enacted budget for the Department.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments for this rulemaking, and can be found in this issue of the *Illinois Register* on page 13936.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Obligations of Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 412
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
412.10	New Section
412.20	New Section
412.30	New Section
412.100	New Section
412.110	New Section
412.120	New Section
412.130	New Section
412.140	New Section
412.150	New Section
412.160	New Section
412.170	New Section
412.180	New Section
412.190	New Section
412.195	New Section
412.200	New Section
412.210	New Section
412.220	New Section
412.230	New Section
412.240	New Section
412.250	New Section
412.300	New Section
412.310	New Section
412.320	New Section
- 4) Statutory Authority: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules establish the requirements for consumer education and protection involving programs for electric customer choice. The proposed rules include definitions of terms, regulations for marketing practices, regulation of contract provisions, and dispute resolution.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed rules replace emergency rules currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed rules contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 09-0592, with:
- Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations unless they are otherwise jurisdictional entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Records retention
- C) Types of professional skills necessary for compliance: Managerial skills

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section	
412.10	Definitions
412.20	Waiver
412.30	Construction of this Part

SUBPART B: MARKETING PRACTICES

Section	
412.100	Application of Subpart B
412.110	Uniform Disclosure Statement
412.120	Door-to-Door Solicitation
412.130	Telemarketing
412.140	Inbound Enrollment Calls
412.150	Direct Mail
412.160	Online Marketing
412.170	Training of RES Agents
412.180	Records Retention and Availability
412.190	Affiliate Name and Logo Use
412.195	Product Descriptions

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section	
412.200	Application of Subpart C
412.210	Rescission of Sales Contract
412.220	Deposits
412.230	Early Termination of Sales Contract
412.240	Contract Renewal
412.250	Assignment

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section	
412.300	Application of Subpart D
412.310	Required RES Information
412.320	Dispute Resolution

AUTHORITY: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

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

SUBPART A: GENERAL

Section 412.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means the same as that term is defined in Section 16-102 of the Act.

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an RES, by a customer or other entity, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer" means the same as "Retail Customer" as that term is defined in Section 16-102 of the Act.

"Do Not Market List" means, at a minimum, a list of names, addresses and/or phone numbers of customers who contacted the electric utility to avoid any marketing or soliciting from an RES.

"Electric utility" means the same as that term is defined in Section 16-102 of the Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

"Pending enrollment" means a valid direct access service request that has been accepted by a utility, for which the meter read switch has not yet occurred.

"Rescind" means the cancellation of a contract with an RES and/or pending customer enrollment to an RES, without the incurrence of an early termination fee.

"Residential customer" is a person receiving residential service as defined in 83 Ill. Adm. Code 280.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers pursuant to Section 16-116 of the Act.

"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for power and energy service on behalf of an RES.

"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area. An RES may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 kilowatt-hours of electricity in any calendar year after becoming a customer of the RES. In determining whether a customer is a small commercial retail customer, usage by the same commercial customer shall be aggregated to include usage at the same premises even if measured by more than one meter and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or RES as to a customer's status as a small retail commercial customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an RES, the Commission or others necessary to determine whether a customer meets the classification of small commercial retail customer.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

"Third party verification" means the process described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and referenced in Section 16-115A of the Public Utilities Act.

Section 412.20 Waiver

- a) The Commission, on application or petition of an RES or electric utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:
 - 1) the provision from which the waiver is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the waiver; and
 - 3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

Section 412.30 Construction of this Part

In the event of any conflict between this Part and the requirements provided in electric utility tariffs on file with the Commission as of the effective date of this Part, this Part shall control.

SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

- a) The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small retail commercial customers, and only to the extent that the RES provide services to residential or small retail commercial customers. In addition, Section 412.170(d) shall apply to electric utilities.
- b) The following exceptions apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to RES serving or seeking to serve any retail customer, other than RES certified under Subpart E or under the applicable of Subpart B or C of 83 Ill. Adm. Code 451, to serve only their own load, and/or the load of a corporate

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when is fully integrated into the existing electrical distribution system of the refining or manufacturing facility.

Section 412.110 Uniform Disclosure Statement

In addition to providing the customer with a copy of the sales contract, an RES agent must disclose the following information to the customer prior to any enrollment for electric service, regardless of the form of marketing used. The written Uniform Disclosure statement must use 12 point font or larger, and, if it is a separate document, it must not exceed two pages in length. The statement shall include:

- a) The legal name of the RES and the name under which the RES will market its products, if different;
- b) The RES' business address;
- c) The RES' toll-free telephone number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints;
- d) The charges for the service for the length of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;
- e) The length of the contract, including any possible automatic renewal clause;
- f) The presence or absence of early termination fees or penalties and applicable amounts or the formula pursuant to which they are calculated, and shall not exceed \$50;
- g) Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest;
- h) Any fees assessed by the RES to a customer for switching to the RES;
- i) The name of the power and energy service for which the customer is being solicited;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- j) A statement that the customer may rescind the contract, by contacting the RES, before the RES submits the enrollment request to the electric utility;
- k) A statement that the customer may rescind the contract and the pending enrollment, within 10 calendar days after the electric utility processes the enrollment request, by contacting the RES. Residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility. The statement shall provide both toll-free phone numbers;
- l) A statement that the RES is an independent seller of power and energy service certified by the Illinois Commerce Commission and that the agent is not representing or acting on behalf of the electric utility, governmental bodies or consumer groups;
- m) A statement that the electric utility remains responsible for the delivery of power and energy to the customer's premises and will continue to respond to any service calls and emergencies and that switching to an RES will not impact the customer's electric service reliability;
- n) A statement that the customer will receive written notification from the electric utility confirming a switch of the customer's power and energy supplier;
- o) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur. In the case of telemarketing and inbound enrollment calls, the statement shall be provided in accordance with Sections 412.130(e) and 412.140(c); and
- p) A price per kilowatt hour (kWh) for the power and energy service. If a product is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service. For any product that includes a fixed monthly charge that does not change with the customer's usage, the RES must provide an estimated price per kWh for the power and energy service using sample monthly usage levels of 500, 1000 and 1,500 kWh.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 412.120 Door-to-Door Solicitation

- a) An RES agent shall state that it is an independent seller of power and energy service, certified by the Illinois Commerce Commission, and that it is not representing or acting on behalf of the electric utility, governmental body, or consumer group.
- b) If any sales solicitation, agreement, contract or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language.
- c) RES agents who engage in door-to-door solicitation for the purpose of selling power and energy service offered by the RES shall display identification. This identification shall be visible at all times and prominently display the following:
 - 1) The RES agent's full name in reasonable size font;
 - 2) A photograph of the RES agent; and
 - 3) The trade name and logo of the RES the agent is representing. If the agent is selling power and energy services from multiple RES to the customer, the identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.
- d) The RES agent shall leave the premises at the customer's, owner's or occupant's request.
- e) The RES agent shall ensure that, during the sales presentation to the customer, items (d) through (p) of the Uniform Disclosure Statement (Section 412.110(d) through (p)) are verbally disclosed to the customer. An RES agent may disclose the items in any order as long as all applicable items are explained to the customer during the sales presentation.
- f) The RES agent shall require the customer to initial the RES agent's copy of the Uniform Disclosure Statement. A copy of the Uniform Disclosure Statement is to be left with the customer at the conclusion of the visit. The minimum list of items to be included in the Uniform Disclosure Statement is contained in Section 412.110.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- g) If a customer's enrollment is authorized by third-party verification during door-to-door solicitation, the third party verification shall require the customer to verbally acknowledge that he or she understands the applicable items in (d) through (p) of the Uniform Disclosure Statement.
- h) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another third party informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2N] must be completed.
- i) Upon a customer's request, the RES shall refrain from any further marketing to that customer.
- j) The RES performing door-to-door marketing will conduct criminal background checks and drug tests on all potential door-to-door employees.
- k) Persons conducting door-to-door sales may do so only between the hours of 10 am to 6 pm unless the jurisdiction where the door-to-door sales take place has rules for door-to-door solicitation that are more restrictive, in which case, the

Section 412.130 Telemarketing

- a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an RES agent who contacts customers by telephone for the purpose of selling power and energy service shall provide the agent's name and, on request, the identification number if available.
- b) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, and the customer or another third party informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- c) An RES agent shall ensure that, during the sales presentation to the customer, items (d) through (p) of the Uniform Disclosure Statement (Section 412.110(d) through (p)) are verbally disclosed to the customer. An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.
- d) If an RES agent engages in telemarketing and third party verification is used to authorize a customer's enrollment, the third party verification must include the applicable items contained in Section 412.110(d) through (p).
- f) The Uniform Disclosure Statement and contract must be sent to the customer within three business days after the electric utility's confirmation of an accepted enrollment.
- g) Upon a customer's request, the RES shall refrain from any further marketing to that customer.

Section 412.140 Inbound Enrollment Calls

If a customer initiates a call to an RES agent in order to enroll for service, the agent must:

- a) Follow the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act;
- b) Verbally disclose to the customer items (d) through (p) of the Uniform Disclosure Statement (Section 412.110(d) through (p)). An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation; and
- c) Send the Uniform Disclosure Statement and contract to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

Section 412.150 Direct Mail

- a) RES agents contacting customers for enrollment for power and energy service by direct mail shall include the items of the Uniform Disclosure Statement (Section 412.110) for the service being solicited.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- b) If a written Letter of Agency is being used to authorize a customer's enrollment, it shall contain a statement that the customer has read and understood the items contained in the Uniform Disclosure Statement in Section 412.110. The document containing the items of the Uniform Disclosure Statement must remain with the customer.
- c) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

Section 412.160 Online Marketing

- a) Each RES offering power and energy service to customers online shall display the items of the Uniform Disclosure Statement (Section 412.110) for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service sought.
- b) The document containing the items of the Uniform Disclosure Statement must be printable in a PDF format not to exceed two pages in length and shall be available electronically to the customer.
- c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE of the Consumer Fraud Act, an authorization to change RES that confirms and includes appropriate verification data by encrypted customer input on the RES website.
- d) The enrollment website of the RES shall, at a minimum, include:
 - 1) All items within the Uniform Disclosure Statement (Section 412.110);
 - 2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;
 - 3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and
 - 4) An e-mail address and toll-free phone number of the RES where the customer can express a decision to rescind the contract.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 412.170 Training of RES Agents

- a) An RES agent shall be knowledgeable of the requirements applicable to the marketing and sale of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.
- b) All RES agents should be familiar with power and energy services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the RES agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.
- c) RES agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.
- d) An RES agent shall refrain from any direct marketing or soliciting of power and energy service to customers on the electric utility's Do Not Market List, which the electric utility shall make available to RES at least monthly on the 15th of the month. If the 15th is a non-business day, the electric utility shall make the list available on the next business day following the 15th. An RES shall use the most current version of the Do Not Market List available; however, in assessing compliance with this Section, 31 days will be afforded to an RES to account for the time required by the RES to disseminate and process the list internally.

Section 412.180 Records Retention and Availability

- a) RES must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the RES shall provide authorization records within seven business days.
- b) Throughout the duration of the contract, and for two years thereafter, the RES shall retain the customer's contract. Upon the customer's request, the RES shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

within seven business days. The RES shall not charge a fee for the copies if a customer requests less than three copies in a 12-month period.

Section 412.190 Affiliate Name and Logo Use

An RES shall not be permitted to market power and energy service to residential customers using a similar name (where any part of the RES name contains any part of the utility name) or logo to that of an existing electric utility affiliated in Illinois.

Section 412.195 Product Descriptions

Only power and energy service that includes power and energy purchased entirely separate and apart from the renewable portfolio standard requirements applicable to RES under Public Act 96-159 can be marketed as "green", "renewable energy" or "environmentally friendly".

**SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL****Section 412.200 Application of Subpart C**

The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to electric utilities.

Section 412.210 Rescission of Sales Contract

The customer has the ability to rescind the contract with the RES before the RES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing power and energy service. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment, and provide contact information for the RES. A residential customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility processes the enrollment request. A small commercial retail customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts the RES within 10 calendar days after the electric utility processes the enrollment request. If the 10th calendar day falls on a non-

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

business day, the rescission period will be extended through the next business day. In the event the residential customer provides notice of rescission to the electric utility, the electric utility shall notify the RES.

Section 412.220 Deposits

An RES shall not require a customer deposit if the RES is selling the receivables for power and energy for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

Section 412.230 Early Termination of Sales Contract

Any contract between an RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee, provided that any early termination fee or penalty shall not exceed \$50 total regardless of whether the contract is a multiyear contract. Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.

Section 412.240 Contract Renewal

- a) Non-Automatic Renewal. The RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:
 - 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 2) The anticipated bill cycle in which the existing contract will expire;
 - 3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided; and
 - 4) A statement, in at least 12 point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.
- b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the RES shall send a notice of contract renewal separately from the bill at least 30 but no more than 60 days prior to the end of the initial contract term. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
 - 2) The bill cycle in which service under the new term will begin;
 - 3) A statement in bold lettering, in at least 12 point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;
 - 4) If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

new contract term to avoid incurring a termination fee under the new contract term; and

- 5) A clear disclosure of the contract terms, including a full description of any renewal offers available to the customer.

Section 412.250 Assignment

If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the contract to a different RES unless:

- a) The new supplier is an RES;
- b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;
- c) The rates, terms and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract; provided, however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract;
- d) The customer is given 15 calendar days prior written notice of the assignment by the current RES; and
- e) Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 412.300 Application of Subpart D

The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to residential or small commercial retail customers. In addition, Section 412.320(c)(1)(B) and (c)(1)(E) shall apply to electric utilities.

Section 412.310 Required RES Information

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- a) Prior to the RES initiating marketing to residential and small commercial retail customers, RES shall provide the following to the Commission's Consumer Services Division (CSD):
 - 1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing);
 - 2) Standard customer contract;
 - 3) Customer complaint and resolution procedures; and
 - 4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.
- b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.
- c) If the RES has declared force majeure within the past 10 years on any contracts to deliver power and energy services, the RES shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

Section 412.320 Dispute Resolution

- a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an RES contract cannot impair this right. An RES shall not require a residential or small commercial retail customer, as part of the terms of service, to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties.
- b) A customer or applicant for power and energy service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an RES. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES responds to the customer's complaint verbally, the RES shall inform the customer of the ability to request and obtain the RES' response in writing. A customer who is dissatisfied with the RES' response shall be informed

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.

c) Complaints to the Commission

1) Informal Complaints

A) If a complainant is dissatisfied with the results of an RES' complaint investigation, the RES shall inform the complainant of his/her ability to file a complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Complaints may be filed with the CSD by phone, via the internet, by fax, or by mail. Information required to process a customer complaint includes:

- i) The customer's name, mailing and service addresses, and telephone number;
- ii) The name of the RES;
- iii) The customer's electric utility and RES account numbers;
- iv) An explanation of the facts relevant to the complaint;
- v) The complainant's requested resolution; and
- vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.

B) The Commission's CSD may resolve a complaint via phone by completing a three-way call involving the customer, the CSD staff and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES' receivables or utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer's bill.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- C) The RES shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the complaint is forwarded to the RES.
 - D) The CSD shall review the complaint information and the RES' response and notify the complainant of the results of the Commission's investigation.
 - E) While an informal complaint process is pending:
 - i) The RES (or the electric utility in the case of the electric utility having purchased the RES' receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has taken final action on the complaint; and
 - ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES' receivables or the utility presenting the RES' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.
 - F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant and the date and nature and adjustment or disposition of the complaint.
- 2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act.
- 3) Disclosure of RES' Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all formal and informal complaints received by it and publish those summaries on its website. The summaries shall be in an easy-to-read and user friendly format.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Internet Enrollment Rules
- 2) Code Citation: 83 Ill. Adm. Code 453
- 3) Section Number: 453.40 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment of this Part is connected with the proposed adoption of 83 Ill. Adm. Code 412. The Commission is proposing the repeal of a provision for a three day cancellation period. Proposed Part 412 contains a longer cancellation period.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 09-0592, with:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This amendment will not affect any small municipalities or not for profit corporations unless they are also jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 453
INTERNET ENROLLMENT RULES

Section

453.10	Definitions
453.20	Criteria by Which to Judge the Validity of an Electronic Signature
453.30	Method by Which the Authenticity of Electronic Signatures May Be Proven
453.40	Additional Requirements for an Electronic LOA

AUTHORITY: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].

SOURCE: Adopted at 27 Ill. Reg. 9017, effective July 1, 2003; amended at 35 Ill. Reg. _____, effective _____.

Section 453.40 Additional Requirements for an Electronic LOA

- a) In addition to the information and structure set out for ~~an~~ LOA in 815 ILCS 505/2EE, by virtue of being in electronic form, an electronic LOA must provide the following additional information:
 - 1) The means by which any future correspondence between the customer and RES will be sent;
 - 2) Whether the customer has the option to receive correspondence via the United States Postal Service or electronic means; ~~and~~
 - 3) That the customer may opt to receive a written copy of the contract. ~~;~~ ~~and~~
 - 4) ~~A conspicuous statement, within the body of the electronic version of the contract, that residential customers may cancel the enrollment within 3 business days after the Internet enrollment.~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- b) In addition to the procedures set out for a RES in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE], the RES also must abide by the following procedures when utilizing electronic LOAs:
- 1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;
 - 2) Ensure that the customer indicates by a separate affirmative act that it has the authority to execute the electronic LOA;
 - 3) Ensure that the customer indicates by a separate affirmative act that it understands and assents to the LOA;
 - 4) Include a version number in the body of the electronic LOA in order to permit verification of the particular LOA to which the customer assents;
 - 5) Prompt the customer to print or save a copy of the electronic LOA;
 - 6) Immediately send a message to the customer's registered e-mail account acknowledging receipt of the electronic LOA;
 - 7) Retain the electronic LOA for a period of at least five years after execution; and
 - 8) Provide a written and/or electronic copy of the LOA to the Commission or its Staff, the customer, or the customer's incumbent RES upon request.
- c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission as of July 1, 2003~~the effective date of this Part~~, this Section shall control.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1800.110	Amendment
1800.430	Amendment
1800.555	New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments add a new Section 1800.555 to the Video Gaming Rules, entitled Withdrawal of Applications. Under this new Section, an applicant for any category of licensure under the Act may request leave to withdraw the application. Generally, applications for licenses may be withdrawn under the new rule without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure. If, however, the Administrator objects to withdrawal, leave of the Board will be required. Once an application for a license is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board. There will be no refund of the application fee in the event of a withdrawal, as the Board will have already incurred investigatory expenses. The Illinois Gaming Board has received a number of requests for withdrawal of applications. The withdrawals, if allowed, will permit the Board to allocate scarce investigatory resources toward applicants that wish to pursue their license applications.

The proposed amendments also amend the definition of "persons with significant influence and control" contained in Section 1800.110, Definitions, by changing "and" to "or" and providing that the definition does not refer to persons with a "substantial interest". In keeping with the revised definition, the rulemaking also amends Section 1800.430, Persons with Significant Influence or Control, by deleting subsection (c)(2) of that Section. Subsection (c)(2) provides that persons who hold, directly or indirectly, a "substantial interest" in an applicant or licensee (except for institutional investors holding less than 10% of the shares of a publicly traded company) shall be deemed persons with significant influence or control and shall file disclosures as provided by the Illinois Gaming Board.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

The term "substantial interest" is used in the Video Gaming Act solely with reference to residency requirements of licensees [230 ILCS 40/26]. Under the definitions of "substantial interest" contained in Section 25 (g) of the Act and Section 1800.110 of the Video Gaming Rules, a "substantial interest" is attained when there is a minimum level of ownership. In contrast, as defined in Sections 1800.110 and 1800.430 of the Video Gaming Rules, "person with significant influence or control" (PSIC), incorporates the requirements of influence or control. Generally, a higher standard must be met to establish a person as a PSIC than as a person holding a substantial interest. This is particularly so in the case of partnerships, as a partner is deemed to have a "substantial interest" . . . whenever the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities"[.]

For partnerships with multiple layers of ownership, the numbers of persons with "substantial interests" can be very large, imposing onerous investigatory duties on Board agents, who are forced to treat each of these persons as PSICs. It is the Illinois Gaming Board's view that, unless a person exercises actual influence or control, a detailed personal background investigation is not necessary. Should there be any question about the necessity of an investigation, the Administrator will retain unencumbered authority to make a PSIC designation.

- 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 proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: No public hearing on the proposed rulemaking is scheduled at the present time. Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

William Bogot
Acting General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. (312) 814-4143
william.bogot@igb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of businesses affected: The rulemaking will simplify and expedite the application process for certain manufacturers, distributors, suppliers, terminal operators, terminal handlers, technicians, and locations that have applied for licensure under the Video Gaming Act [230 ILCS 40/1 et seq.]. It will also authorize applicants for licensure to withdraw their applications under the Act prior to Board actions, unless the Administrator objects and the Illinois Gaming Board does not authorize withdrawal.
- B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking will not impose additional reporting or bookkeeping requirements, or other procedures required for compliance.
- C) Types of professional skills necessary for compliance: None.

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

The full text of the Proposed Amendments is identical to that of the Emergency Amendments and can be found in this issue of the *Illinois Register* on page 13949.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
50.230	Amendment
50.310	Amendment
50.320	Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Sections 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and SB 1236
- 5) A Complete Description of the Subjects and Issues involved: Currently, parents who have been approved for child care benefits are required to help pay for the cost of their child care. The amount of the parent co-payment fee is based on the household's gross monthly income, the size of the family, and the number of children receiving child care.

Senate Bill 1236 requires the Department of Human Services to establish, by rule, a co-payment scale that provides for cost sharing by families that receive child care services, including parents whose only income is from public assistance. It also provides that the co-payment shall be based on family income and family size and may be based on other factors as appropriate (rather than based on family income, family size, and the number of children in care). Senate Bill 1236 also provides that co-payments may be waived for families whose incomes are at or below the federal poverty level (rather than co-payments shall not be increased due solely to a change in the methodology for counting family income).

Pursuant to provisions of 305 ILCS 5/9A-11, this rulemaking indexes the child care income eligibility guidelines so that the threshold for child care benefits is no less than 185% of the most current federal poverty level for each family size effective July 1, 2011. The amount of the parent co-payment fee is based on family income and family size. The number of children receiving child care is no longer used in the determination of the parent co-payment fee.

This rulemaking also establishes that if all of the children in care are of school age and are approved for part-time (less than 5 hours per day) day care for any month September through May, the parent share is 50% of the amount shown in Section 50.320. A school age child is a child whose age is 5 years to 13 years and is enrolled in school. These

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

changes will allow clients who are employed or in school to continue to receive child care assistance.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|------------------------------------|
| 50.230 | Amendment | 35 Ill. Reg. 6281; April 15, 2011 |
| 50.310 | Amendment | 35 Ill. Reg. 6281; April 15, 2011 |
| 50.320 | Amendment | 35 Ill. Reg. 6281; April 15, 2011 |
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Child care providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: July 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

- Section
- 50.101 Incorporation by Reference
- 50.105 Definitions
- 50.110 Participant Rights and Responsibilities
- 50.120 Notification of Available Services
- 50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

- Section
- 50.210 Child Care
- 50.220 Method of Providing Child Care
- 50.230 Child Care Eligibility
- 50.235 Income Eligibility Criteria
- 50.240 Qualified Provider (Repealed)
- 50.250 Additional Service to Secure or Maintain Child Care
- 50.260 Job Search

SUBPART C: PAYMENT FEES

- Section
- 50.310 Fees for Child Care Services
- 50.320 Maximum Monthly Income and Parent Fee by Family Size ~~and~~; Income Level ~~and~~
~~Number of Children Receiving Full-time Care~~

SUBPART D: PROVIDER REQUIREMENTS

- Section
- 50.400 Purpose
- 50.410 Qualified Provider

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 50.420 Provider Registration and Certification Requirements
- 50.430 Provider Background Checks
- 50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

- Section
- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale
- 50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

- Section
- 50.610 Child Care Collaboration Program
- 50.620 Approvable Models of Collaboration
- 50.630 Requirements for Approval in the Child Care Collaboration Program
- 50.640 Notification of Eligibility
- 50.650 Rules and Reporting for the Child Care Collaboration Program

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

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
 - 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.

- 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	\$2,2682,429
3	\$2,8573,052
4	\$3,4463,675
5	\$4,0354,299
6	\$4,6244,922
7	\$5,2135,545
8	\$5,8026,169
<u>9</u>	<u>\$6,391</u>
<u>10</u>	<u>\$6,980</u>

~~The above income eligibility guidelines are set at 200% of the most current federal poverty level for each family size.~~ The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level for each family size.

- 3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate's Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size. All education

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation.

A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and GED preparation programs. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

B) Vocational Education Eligibility and Participation Requirements

This category of education prepares the individual for a specific job, and includes all programs that prepare the client for a specific type of work. The program may be offered by a public community college, public or private university, or private business/technical school. The program usually results in the receipt of a Certificate

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

C) Post-Secondary Education

This category of education includes all undergraduate college level courses that result in an Associate's or Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:

- i) be enrolled in a program accredited under requirements of State law as stated in subsection (b)(3) of this Section.
- ii) not already have an Associate's or Bachelor's Degree, if requesting child care to earn an Associate's Degree. Child care will not be approved for attainment of a second Associate's Degree.
- iii) not already have a Bachelor's Degree, if requesting child care to earn a Bachelor's Degree. Child care will not be approved for attainment of a second Bachelor's Degree.
- iv) not be in an advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a cumulative 2.5 grade point average (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a cumulative 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months. If the client's cumulative GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another semester. If the cumulative GPA is below 2.5 or 2.0 two semesters in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

- D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:
- i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer. Web-based classes that the parent may take at any time do not fit this criteria.
 - ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.
- E) Study Time

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Child care services may be granted for up to one hour of study time per week for each hour of course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time shall not be granted to add additional days of care.

- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin:
 - 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature; or
 - B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
 - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

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

SUBPART C: PAYMENT FEES

Section 50.310 Fees for Child Care Services

All parents must share in the cost of child care as illustrated in Section 50.320, except relatives (other than parents) who receive a child-only TANF or GA benefit for children needing care due

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

to the relatives' employment. If all of the children in care are of school age and are approved for part-time (less than 5 hours per day) day care for any month September through May, the parent share is 50% of the amount shown in Section 50.320. A school age child is a child whose age is 5 to 13 years and is enrolled in school.

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

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size and, Income Level and Number of Children Receiving Full-time Care

~~The monthly co-pays in Table A are subject to the availability of funds under the American Recovery and Reinvestment Act (ARRA) and will be effective May 1, 2010 through September 30, 2011, or as long as ARRA funds are available. Once ARRA funds are exhausted, the monthly co-pays in Table B are effective.~~

<u>Family Size 2</u>		<u>Family Size 3</u>	
<u>Monthly Income</u>	<u>Monthly Co-Pay</u>	<u>Monthly Income</u>	<u>Monthly Co-Pay</u>
<u>\$ 0 - 613</u>	<u>\$ 1.00</u>	<u>\$ 0 - 773</u>	<u>\$ 1.00</u>
<u>614 - 736</u>	<u>7.00</u>	<u>774 - 927</u>	<u>9.00</u>
<u>737 - 859</u>	<u>13.00</u>	<u>928 - 1,081</u>	<u>16.00</u>
<u>860 - 981</u>	<u>19.00</u>	<u>1,082 - 1,236</u>	<u>24.00</u>
<u>982 - 1,104</u>	<u>27.00</u>	<u>1,237 - 1,390</u>	<u>34.00</u>
<u>1,105 - 1,226</u>	<u>36.00</u>	<u>1,391 - 1,545</u>	<u>46.00</u>
<u>1,227 - 1,349</u>	<u>47.00</u>	<u>1,546 - 1,699</u>	<u>59.00</u>
<u>1,350 - 1,471</u>	<u>58.00</u>	<u>1,700 - 1,853</u>	<u>73.00</u>
<u>1,472 - 1,594</u>	<u>71.00</u>	<u>1,854 - 2,008</u>	<u>89.00</u>
<u>1,595 - 1,717</u>	<u>85.00</u>	<u>2,009 - 2,162</u>	<u>107.00</u>
<u>1,718 - 1,839</u>	<u>100.00</u>	<u>2,163 - 2,317</u>	<u>126.00</u>
<u>1,840 - 1,962</u>	<u>117.00</u>	<u>2,318 - 2,471</u>	<u>147.00</u>
<u>1,963 - 2,084</u>	<u>134.00</u>	<u>2,472 - 2,626</u>	<u>169.00</u>
<u>2,085 - 2,207</u>	<u>153.00</u>	<u>2,627 - 2,780</u>	<u>192.00</u>
<u>2,208 - 2,268</u>	<u>173.00</u>	<u>2,781 - 2,857</u>	<u>218.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Family Size 4</u>		<u>Family Size 5</u>	
<u>Monthly Income</u>	<u>Monthly Co-Pay</u>	<u>Monthly Income</u>	<u>Monthly Co-Pay</u>
<u>\$ 0 - 932</u>	<u>\$ 1.00</u>	<u>\$ 0 - 1,091</u>	<u>\$ 1.00</u>
<u>933 - 1,118</u>	<u>11.00</u>	<u>1,092 - 1,309</u>	<u>13.00</u>
<u>1,119 - 1,304</u>	<u>19.00</u>	<u>1,310 - 1,527</u>	<u>23.00</u>
<u>1,305 - 1,490</u>	<u>29.00</u>	<u>1,528 - 1,745</u>	<u>34.00</u>
<u>1,491 - 1,677</u>	<u>41.00</u>	<u>1,746 - 1,963</u>	<u>48.00</u>
<u>1,678 - 1,863</u>	<u>55.00</u>	<u>1,964 - 2,181</u>	<u>65.00</u>
<u>1,864 - 2,049</u>	<u>71.00</u>	<u>2,182 - 2,399</u>	<u>83.00</u>
<u>2,050 - 2,235</u>	<u>88.00</u>	<u>2,400 - 2,617</u>	<u>103.00</u>
<u>2,236 - 2,422</u>	<u>108.00</u>	<u>2,618 - 2,836</u>	<u>126.00</u>
<u>2,423 - 2,608</u>	<u>129.00</u>	<u>2,837 - 3,054</u>	<u>150.00</u>
<u>2,609 - 2,794</u>	<u>152.00</u>	<u>3,055 - 3,272</u>	<u>177.00</u>
<u>2,795 - 2,980</u>	<u>176.00</u>	<u>3,273 - 3,490</u>	<u>206.00</u>
<u>2,981 - 3,167</u>	<u>203.00</u>	<u>3,491 - 3,708</u>	<u>238.00</u>
<u>3,168 - 3,353</u>	<u>232.00</u>	<u>3,709 - 3,926</u>	<u>271.00</u>
<u>3,354 - 3,446</u>	<u>262.00</u>	<u>3,927 - 4,035</u>	<u>306.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Family Size 6</u>		<u>Family Size 7</u>	
<u>Monthly Income</u>	<u>Monthly Co-Pay</u>	<u>Monthly Income</u>	<u>Monthly Co-Pay</u>
<u>\$ 0 - 1,250</u>	<u>\$ 1.00</u>	<u>\$ 0 - 1,409</u>	<u>\$ 1.00</u>
<u>1,251 - 1,500</u>	<u>15.00</u>	<u>1,410 - 1,691</u>	<u>17.00</u>
<u>1,501 - 1,750</u>	<u>26.00</u>	<u>1,692 - 1,973</u>	<u>29.00</u>
<u>1,751 - 2,000</u>	<u>39.00</u>	<u>1,974 - 2,254</u>	<u>44.00</u>
<u>2,001 - 2,250</u>	<u>55.00</u>	<u>2,255 - 2,536</u>	<u>62.00</u>
<u>2,251 - 2,500</u>	<u>74.00</u>	<u>2,537 - 2,818</u>	<u>83.00</u>
<u>2,501 - 2,750</u>	<u>95.00</u>	<u>2,819 - 3,100</u>	<u>107.00</u>
<u>2,751 - 2,999</u>	<u>118.00</u>	<u>3,101 - 3,381</u>	<u>133.00</u>
<u>3,000 - 3,249</u>	<u>144.00</u>	<u>3,382 - 3,663</u>	<u>162.00</u>
<u>3,250 - 3,499</u>	<u>172.00</u>	<u>3,664 - 3,945</u>	<u>194.00</u>
<u>3,500 - 3,749</u>	<u>203.00</u>	<u>3,946 - 4,227</u>	<u>229.00</u>
<u>3,750 - 3,999</u>	<u>236.00</u>	<u>4,228 - 4,508</u>	<u>266.00</u>
<u>4,000 - 4,249</u>	<u>272.00</u>	<u>4,509 - 4,790</u>	<u>306.00</u>
<u>4,250 - 4,499</u>	<u>310.00</u>	<u>4,791 - 5,072</u>	<u>349.00</u>
<u>4,500 - 4,624</u>	<u>351.00</u>	<u>5,073 - 5,213</u>	<u>395.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Family Size 8</u>		<u>Family Size 9</u>	
<u>Monthly Income</u>	<u>Monthly Co-Pay</u>	<u>Monthly Income</u>	<u>Monthly Co-Pay</u>
<u>\$ 0 - 1,568</u>	<u>\$ 1.00</u>	<u>\$ 0 - 1,728</u>	<u>\$ 1.00</u>
<u>1,569 - 1,882</u>	<u>19.00</u>	<u>1,729 - 2,073</u>	<u>20.00</u>
<u>1,883 - 2,196</u>	<u>32.00</u>	<u>2,074 - 2,418</u>	<u>36.00</u>
<u>2,197 - 2,509</u>	<u>49.00</u>	<u>2,419 - 2,764</u>	<u>54.00</u>
<u>2,510 - 2,823</u>	<u>69.00</u>	<u>2,765 - 3,109</u>	<u>76.00</u>
<u>2,824 - 3,136</u>	<u>93.00</u>	<u>3,110 - 3,455</u>	<u>102.00</u>
<u>3,137 - 3,450</u>	<u>119.00</u>	<u>3,456 - 3,800</u>	<u>131.00</u>
<u>3,451 - 3,763</u>	<u>148.00</u>	<u>3,801 - 4,145</u>	<u>163.00</u>
<u>3,764 - 4,077</u>	<u>180.00</u>	<u>4,146 - 4,491</u>	<u>199.00</u>
<u>4,078 - 4,391</u>	<u>216.00</u>	<u>4,492 - 4,836</u>	<u>238.00</u>
<u>4,392 - 4,704</u>	<u>254.00</u>	<u>4,837 - 5,182</u>	<u>280.00</u>
<u>4,705 - 5,018</u>	<u>296.00</u>	<u>5,183 - 5,527</u>	<u>326.00</u>
<u>5,019 - 5,331</u>	<u>341.00</u>	<u>5,528 - 5,873</u>	<u>375.00</u>
<u>5,332 - 5,645</u>	<u>389.00</u>	<u>5,874 - 6,218</u>	<u>428.00</u>
<u>5,646 - 5,802</u>	<u>440.00</u>	<u>6,219 - 6,391</u>	<u>484.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Family Size 10</u>	
<u>Monthly Income</u>	<u>Monthly Co-Pay</u>
<u>\$ 0 - 1,887</u>	<u>\$ 1.00</u>
<u>1,888 - 2,264</u>	<u>22.00</u>
<u>2,265 - 2,641</u>	<u>39.00</u>
<u>2,642 - 3,018</u>	<u>59.00</u>
<u>3,019 - 3,396</u>	<u>83.00</u>
<u>3,397 - 3,773</u>	<u>111.00</u>
<u>3,774 - 4,150</u>	<u>143.00</u>
<u>4,151 - 4,527</u>	<u>178.00</u>
<u>4,528 - 4,905</u>	<u>217.00</u>
<u>4,906 - 5,282</u>	<u>260.00</u>
<u>5,283 - 5,659</u>	<u>306.00</u>
<u>5,660 - 6,036</u>	<u>356.00</u>
<u>6,037 - 6,414</u>	<u>410.00</u>
<u>6,415 - 6,791</u>	<u>467.00</u>
<u>6,792 - 6,980</u>	<u>528.00</u>

TABLE A

Family Size 2

<u>Monthly Income</u>	<u>1-Child Monthly Co-Pay</u>
<u>\$ 0 - 122</u>	<u>\$ 1.00</u>
<u>123 - 243</u>	<u>1.00</u>
<u>244 - 365</u>	<u>1.00</u>
<u>366 - 486</u>	<u>1.00</u>
<u>487 - 608</u>	<u>1.00</u>
<u>609 - 729</u>	<u>7.00</u>
<u>730 - 850</u>	<u>9.00</u>
<u>851 - 972</u>	<u>10.00</u>
<u>973 - 1,093</u>	<u>11.00</u>
<u>1,094 - 1,215</u>	<u>12.00</u>
<u>1,216 - 1,336</u>	<u>27.00</u>
<u>1,337 - 1,457</u>	<u>36.00</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1,458—1,579	43.00
1,580—1,700	51.00
1,701—1,822	59.00
1,823—1,943	68.00
1,944—2,065	77.00
2,066—2,186	87.00
2,187—2,307	98.00
2,308—2,429	109.00

Family Size 3

Monthly Income	1-Child Monthly Co-Pay	2-Children Monthly Co-Pay
\$—0—153	\$—1.00	\$—2.00
154—306	1.00	2.00
307—458	1.00	2.00
459—611	1.00	2.00
612—763	1.00	2.00
764—916	9.00	10.00
917—1,069	11.00	12.00
1,070—1,221	12.00	13.00
1,222—1,374	14.00	15.00
1,375—1,526	15.00	16.00
1,527—1,679	34.00	35.00
1,680—1,831	46.00	47.00
1,832—1,984	55.00	56.00
1,985—2,137	64.00	65.00
2,138—2,289	74.00	75.00
2,290—2,442	85.00	86.00
2,443—2,594	97.00	98.00
2,595—2,747	110.00	111.00
2,748—2,900	123.00	124.00
2,901—3,052	137.00	138.00

Family Size 4

Monthly Income	1-Child Monthly Co-Pay	2-or-more Children Monthly Co-Pay
\$—0—184	\$—1.00	\$—2.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

185—368	1.00	2.00
369—552	1.00	2.00
553—735	1.00	2.00
736—919	1.00	2.00
920—1,103	11.00	12.00
1,104—1,287	13.00	14.00
1,288—1,470	15.00	16.00
1,471—1,654	17.00	18.00
1,655—1,838	18.00	19.00
1,839—2,022	40.00	41.00
2,023—2,205	55.00	56.00
2,206—2,389	66.00	67.00
2,390—2,573	77.00	78.00
2,574—2,757	90.00	91.00
2,758—2,940	103.00	104.00
2,941—3,124	117.00	118.00
3,125—3,308	132.00	133.00
3,309—3,492	148.00	149.00
3,493—3,675	165.00	166.00

Family Size 5

Monthly Income	1-Child Monthly Co-Pay	2-or-more Children Monthly Co-Pay
\$—0—215	\$—1.00	\$—2.00
216—430	1.00	2.00
431—645	1.00	2.00
646—860	1.00	2.00
861—1,075	1.00	2.00
1,076—1,290	13.00	14.00
1,291—1,505	15.00	16.00
1,506—1,720	17.00	18.00
1,721—1,935	19.00	20.00
1,936—2,150	22.00	23.00
2,151—2,365	47.00	48.00
2,366—2,579	64.00	65.00
2,580—2,794	77.00	78.00
2,795—3,009	90.00	91.00
3,010—3,224	105.00	106.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

3,225—3,439	120.00	121.00
3,440—3,654	137.00	138.00
3,655—3,869	155.00	156.00
3,870—4,084	174.00	175.00
4,085—4,299	193.00	194.00

Family Size 6

Monthly Income	1-Child Monthly Co-Pay	2-or-more-Children Monthly Co-Pay
\$—0—247	\$—1.00	\$—2.00
248—493	1.00	2.00
494—739	1.00	2.00
740—985	1.00	2.00
986—1,231	1.00	2.00
1,232—1,477	15.00	16.00
1,478—1,723	17.00	18.00
1,724—1,969	20.00	21.00
1,970—2,215	22.00	23.00
2,216—2,461	25.00	26.00
2,462—2,707	54.00	55.00
2,708—2,953	74.00	75.00
2,954—3,200	88.00	89.00
3,201—3,446	103.00	104.00
3,447—3,692	120.00	121.00
3,693—3,938	138.00	139.00
3,939—4,184	157.00	158.00
4,185—4,430	177.00	178.00
4,431—4,676	199.00	200.00
4,677—4,922	221.00	222.00

Family Size 7

Monthly Income	1-Child Monthly Co-Pay	2-or-more-Children Monthly Co-Pay
\$—0—278	\$—1.00	\$—2.00
279—555	1.00	2.00
556—832	1.00	2.00
833—1,109	1.00	2.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1,110—1,387	1.00	2.00
1,388—1,664	17.00	18.00
1,665—1,941	19.00	20.00
1,942—2,218	22.00	23.00
2,219—2,496	25.00	26.00
2,497—2,773	28.00	29.00
2,774—3,050	61.00	62.00
3,051—3,327	83.00	84.00
3,328—3,605	99.00	100.00
3,606—3,882	116.00	117.00
3,883—4,159	135.00	136.00
4,160—4,436	155.00	156.00
4,437—4,714	177.00	178.00
4,715—4,991	200.00	201.00
4,992—5,268	224.00	225.00
5,269—5,545	250.00	251.00

Family Size 8

Monthly Income	1-Child Monthly Co-Pay	2-or more Children Monthly Co-Pay
\$ 0—309	\$ 1.00	\$ 2.00
310—617	1.00	2.00
618—926	1.00	2.00
927—1,234	1.00	2.00
1,235—1,543	1.00	2.00
1,544—1,851	19.00	20.00
1,852—2,159	22.00	23.00
2,160—2,468	25.00	26.00
2,469—2,776	28.00	29.00
2,777—3,085	31.00	32.00
3,086—3,393	68.00	69.00
3,394—3,701	93.00	94.00
3,702—4,010	110.00	111.00
4,011—4,318	130.00	131.00
4,319—4,627	150.00	151.00
4,628—4,935	173.00	174.00
4,936—5,244	197.00	198.00
5,245—5,552	222.00	223.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

5,553—5,860	249.00	250.00
5,861—6,169	278.00	279.00

TABLE B

Family Size 2

Monthly Income	1 Child Monthly Co-Pay
\$ 0—327	\$ 4.33
328—491	13.00
492—654	21.67
655—818	34.66
819—981	47.66
982—1,145	65.00
1,146—1,308	86.66
1,309—1,472	108.33
1,473—1,636	134.32
1,637—1,799	160.32
1,800—1,962	186.32
1,963—2,125	212.32
2,126—2,288	238.32
2,289—2,429	264.31

Family Size 3

Monthly Income	1 Child Monthly Co-Pay	2 Children Monthly Co- Pay
\$ 0—423	\$ 4.33	\$ 8.67
424—606	13.00	17.33
607—808	21.67	30.33
809—1,010	34.66	52.00
1,011—1,212	47.66	69.33
1,213—1,414	65.00	95.33
1,415—1,616	86.66	147.32
1,617—1,818	108.33	190.65
1,819—2,020	134.32	233.98

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2,021—2,222	160.32	277.31
2,223—2,424	186.32	320.64
2,425—2,626	212.32	363.97
2,627—2,828	238.32	407.30
2,829—3030	264.31	450.63
3,031—3,052	290.31	493.96

Family Size 4

Monthly Income	1-Child	2-or-more
	Monthly Co-Pay	Children Monthly Co-Pay
\$ 0—481	\$ 4.33	\$ 8.67
482—722	13.00	17.33
723—962	21.67	30.33
963—1,203	34.66	52.00
1,204—1,443	47.66	69.33
1,444—1,684	65.00	95.33
1,685—1,924	86.66	147.32
1,925—2,165	108.33	190.65
2,166—2,405	134.32	233.98
2,406—2,646	160.32	277.31
2,647—2,887	186.32	320.64
2,888—3,128	212.32	363.97
3,129—3,369	238.32	407.30
3,370—3,610	264.31	450.63
3,611—3,675	290.31	493.96

Family Size 5

Monthly Income	1-Child	2-or-more
	Monthly Co-Pay	Children Monthly Co-Pay
\$ 0—558	\$ 4.33	\$ 8.67
559—837	13.00	17.33
838—1,116	21.67	30.33
1,117—1,395	34.66	52.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1,396—1,674	47.66	69.33
1,675—1,953	65.00	95.33
1,954—2,232	86.66	147.32
2,233—2,511	108.33	190.65
2,512—2,790	134.32	233.98
2,791—3,069	160.32	277.31
3,070—3,348	186.32	320.64
3,349—3,627	212.32	363.97
3,628—3,906	238.32	407.30
3,907—4,185	264.31	450.63
4,186—4,299	290.31	493.96

Family Size 6

Monthly Income	1-Child	2-or-more
	Monthly Co-Pay	Children Monthly Co-Pay
\$ 0—635	\$ 4.33	\$ 8.67
636—952	13.00	17.33
953—1,270	21.67	30.33
1,271—1,587	34.66	52.00
1,588—1,905	47.66	69.33
1,906—2,222	65.00	95.33
2,223—2,540	86.66	147.32
2,541—2,857	108.33	190.65
2,858—3,175	134.32	233.98
3,176—3,492	160.32	277.31
3,493—3,809	186.32	320.64
3,810—4,126	212.32	363.97
4,127—4,443	238.32	407.30
4,444—4,760	264.31	450.63
4,761—4,922	290.31	493.96

Family Size 7

Monthly Income	1	2-or-more
	Child Monthly	Children Monthly

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

	Co-Pay	Co-Pay
\$ 0—649	\$ 4.33	\$ 8.67
650—974	13.00	17.33
975—1,299	21.67	30.33
1,300—1,623	34.66	52.00
1,624—1,948	47.66	69.33
1,949—2,273	65.00	95.33
2,274—2,598	86.66	147.32
2,599—2,922	108.33	190.65
2,923—3,247	134.32	233.98
3,248—3,572	160.32	277.31
3,573—3,897	186.32	320.64
3,898—4,222	212.32	363.97
4,223—4,547	238.32	407.30
4,548—4,872	264.31	450.63
4,873—5,197	290.31	493.96
5,198—5,522	316.31	537.29
5,523—5,545	342.31	580.62

Family Size 8

Monthly Income	1	2 or more
	Child	Children
	Monthly	Monthly
	Co-Pay	Co-Pay
\$ 0—664	\$ 4.33	\$ 8.67
665—996	13.00	17.33
997—1,328	21.67	30.33
1,329—1,660	34.66	52.00
1,661—1,992	47.66	69.33
1,993—2,323	65.00	95.33
2,324—2,655	86.66	147.32
2,656—2,987	108.33	190.65
2,988—3,319	134.32	233.98
3,320—3,651	160.32	277.31
3,652—3,983	186.32	320.64
3,984—4,315	212.32	363.97
4,316—4,647	238.32	407.30
4,648—4,979	264.31	450.63

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

4,980—5,311	290.31	493.96
5,312—5,643	316.31	537.29
5,644—5,975	342.31	580.62
5,976—6,169	368.31	623.95

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special White-Tailed Deer Season for Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
675.10	Amendment
675.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add additional counties in which Chronic Wasting Disease has been found: Stephenson, Ogle, LaSalle, JoDaviess and Gundy and to add information on how to apply for a permit.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 675

SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section

675.10	Chronic Wasting Disease (CWD) Season
675.20	CWD Deer Permit Requirements
675.30	Weapon Requirements for CWD Deer Hunting Season
675.40	CWD Deer Hunting Rules
675.50	Reporting Harvest
675.60	Rejection of Application/Revocation of Permits
675.70	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. 19731, effective December 4, 2008; amended at 33 Ill. Reg. 11593, effective July 27, 2009; amended at 35 Ill. Reg. _____, effective _____.

Section 675.10 Chronic Wasting Disease (CWD) Season

- a) Season: One-half hour before sunrise on the first Thursday after December 25 to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- b) Open counties: Boone, McHenry, Winnebago, [Stephenson](#), [Ogle](#), [LaSalle](#), [JoDaviess](#), [Grundy](#) and DeKalb counties and that portion of Kane County west of State Route 47. Additional counties in which CWD foci are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release, site posting and publication in Outdoor Illinois).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

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

Section 675.20 CWD Deer Permit Requirements

- a) Hunters must have an unfilled deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties (Boone, McHenry, DeKalb, Kane, Stephenson, Ogle, LaSalle, JoDaviess, Grundy or Winnebago) or a valid CWD Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.
- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless:
 - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the CWD Season; or
 - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
 - 2) Sites conducting a daily site lottery will be announced publicly.
- b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of \$5. These permits shall be antlerless-only.
- c) For a Special Hunt Area CWD Season Deer Permit, resident hunters may apply online at <http://www.dnr.state.il.us/admin/deer.htm> for a site-specific permit valid

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

for one of the Department's Special Hunt Areas. The application period begins the last Tuesday in October and ends the fourth Monday in November. Permits will be allocated via a lottery drawing. The fee for this permit is \$17.50. These permits shall be antlerless-only.

- de) Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- ed) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.
- fe) A \$3 service fee will be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- gf) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- hg) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.1	Amendment
1030.98	Amendment
1030.APPENDIX	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-521(c)
- 5) A Complete Description of the Subjects and Issues Involved: The definition of "S" endorsement is being added to Section 1030.1 due to a mandate of the Federal Motor Carrier Safety Administration that established new and revised CDL standards, requirements and penalties for all CDL holders who transport pre-primary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. All school bus drivers who possess an Illinois CDL with a passenger "P" endorsement must also obtain a school bus "S" endorsement on his/her license.

The definitions for School Bus Commercial Instruction Permit (CIP), School Bus Commercial Driver's License (CDL) and School Bus CDL restriction are being amended to require an "S" endorsement and to remove the J48 restriction, which limited the driver to operating a school bus and no other type of commercial motor vehicle that required a CDL.

The amendment to Section 1030.98 that removes the J48 restriction is the result of a federal audit of the Commercial Drivers License (CDL) program by the Federal Motor Carrier Safety Administration that resulted in a finding that the Secretary of State could not restrict a CDL holder to only the operation of a school bus.

The amendment to Appendix B increases the types of documents that an applicant for a driver's license or identification card to prove residency. This will provide applicants with flexibility and allow the applicant to obtain a driver's license or identification card while still ensuring the integrity of the application process.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:
- Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723
- 217/557-4462
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: School bus companies
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements. School bus companies must continue to keep complete and accurate records on all school bus drivers.
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus ~~Endorsement Commercial Driver's License~~ or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. _____, effective _____.

Section 1030.1 Definitions

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

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

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

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

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

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

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

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

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

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

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

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

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

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

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

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

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

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

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

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

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

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

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –

has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

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

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

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

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

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

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

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

"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

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

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

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

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

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

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

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Day" – a calendar day.

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

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

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

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

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

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

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);

a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]

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

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

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

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

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

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

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

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

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

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

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

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

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

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

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

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

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

individual poses a security threat warranting denial of a Hazardous Material Endorsement.

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

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

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

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

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

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

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

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

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

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S" Endorsement – an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit " or "School Bus CIP" – an instruction permit that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

~~"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.~~

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

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

| **Section 1030.98 School Bus EndorsementCommercial Driver's License or Instruction Permit**

- | a) In order to obtain ~~be eligible for~~ a ~~school bus~~ CDL with an "S" endorsement, the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

driver applicant must:

- 1) be eligible and have applied for an Illinois school bus permit pursuant to IVC Section 6-106.1 and 92 Ill. Adm. Code 1035;
 - 2) pass the required written school bus core knowledge, ~~and~~ passenger ~~and~~ "S" endorsement written tests;
 - 3) pass the skills test in a representative vehicle.
- b) In order to ~~obtain~~ ~~be eligible for~~ a school bus commercial instruction permit, the driver applicant must pass the written school bus core knowledge test.
- c) The Secretary of State shall issue a school bus CIP in accordance with Section 1030.65 and IVC Section 6-105.
- d) The Department shall deny issuance of a ~~school bus~~ CDL with an "S" endorsement and/or a school bus CIP:
- 1) for failure to meet the ~~provisions of standards contained in~~ IVC Section 6-508;
 - 2) for failure to meet any eligibility requirements ~~contained~~ in this Section.
- e) Prior to the issuance of a ~~school bus~~ CDL with an "S" endorsement and/or a school bus CIP, the Department shall perform a records check through the Problem Driver Pointer System (PDPS) and CDLIS, comply with ~~meet~~ all requirements ~~as outlined~~ in 49 CFR 384 (~~2010~~2007), and enter each ~~school bus~~ CDL holder's record into CDLIS pursuant to IVC Section 6-513.
- f) A person applying for and operating on a school bus CIP shall be exempt from obtaining and holding an Illinois school bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.
- g) ~~All driver applicants issued a Class B or C school bus CDL with a Type J48 restriction as well as P and S endorsements shall have their commercial motor vehicle operation limited to the same or lesser classification of school bus as defined in IVC Section 1-182(a) and their non-commercial motor vehicle~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~operation limited to non-commercial motor vehicles requiring the same or a lesser classification of license.~~

gh) A ~~school bus~~ CDL with an "S" endorsement shall expire in accordance with the provisions of IVC Section 6-115.

i) ~~The fees for a school bus CDL/CIP shall be as follows:~~

- 1) ~~Driver's license upgrade to school bus CDL with J48 restriction, regardless of age~~ \$10
- 2) ~~Renewal school bus CDL with J48 restriction, regardless of age~~ \$20
- 3) ~~Duplicate or corrected school bus CDL~~ \$5
- 4) ~~Instruction permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a school bus CDL~~ \$10
- 5) ~~School bus CDL upgrade to regular CDL~~ \$40
- 6) ~~Driver's license renewal, plus school bus CDL/CIP~~ \$20

hj) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the disqualification provisions of IVC Section 6-514.

ih) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol, other drugs or both in the applicant's system as outlined in IVC Section 6-515.

jm) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the implied consent requirements for commercial motor vehicle drivers outlined in IVC Section 6-516.

kn) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the implied consent warnings outlined in IVC Section 6-517.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- l) A driver applicant who possesses a CDL with an "S" endorsement and/or a school bus CIP shall be subject to the cancellation provisions of IVC Section 6-201.
- m) A driver applicant whose ~~school bus~~ CDL with an "S" endorsement and/or school bus/ CIP has been canceled, withdrawn or disqualified may contest the sanction by requesting a hearing with Secretary of State Department of Administrative Hearing pursuant to IVC Section 2-118 or 6-520. The cancellation, ~~or~~ withdrawal or disqualification of a school bus CDL/CIP shall remain in effect pending the outcome of the hearing.
- p) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to the cancellation provisions of IVC Section 6-201.
- q) A driver applicant who possesses a ~~school bus~~ CDL with an "S" endorsement and/or a school bus/ CIP shall be subject to all provisions of IVC Chapter 6, Article V.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 1030.APPENDIX B Acceptable Identification Documents

- a) Except as provided for in subsections (m) and (n), an applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B and C and two documents from Group D as outlined in subsection (f).
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 90 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- c) Except as provided for in subsections (m) and (n), an applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A and at least one form from Group B and C or two from Group D if requesting an address change to appear on the documents, as outlined in subsection (f). An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A and B and two documents from Group D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. An applicant requesting an address change to appear on the document must provide two forms of acceptable documents from Group D. Acceptance of documents not listed in Groups A, B and D must be approved through the Director of Driver Services or his/her designee.
- e) Applicants renewing a current Illinois driver's license or identification card need

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

only present a current valid license or ID card. If they do not have a current driver's license or ID card, they must present one form of identification from Group A and at least one form from Group B, C or D, as outlined in subsection (f). Except as provided for in subsections (m) and (n), applicants who are requesting an address change to appear on the documents are required to provide two documents from Group D as outlined in subsection (f).

- f) Documents of identification that are acceptable for the purpose of obtaining a driver's license, permit and/or identification card are listed by group. Photocopies will not be accepted. **All acceptable documents presented for verification or proof must be valid (current and not expired).** Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (dated within~~in~~ 90 days prior to application)

Cooperative Driver Training Program (CDTP) Certification Form

Court Order

Credit Card/Debit Card – Major Brand

Driver Education Certificate

Government Driver's License

Government Identification Card

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS)
forms:

I-551 (Alien Registration Card)

I-766 (Employment Authorization Card)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M or T

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-state Driver's License/ID Card – current

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Certified~~Official~~ Grade/High School/College Transcript

Illinois Driver's License – current

Illinois Identification Card – current

U.S. Citizenship and Immigration Services (USCIS) forms:

I-551 (Alien Registration Card)

I-571 (Refugee Travel Document)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

I-766 (Employment Authorization Card)

I-797 (Notice of Action Status Change)

I-94 (Arrival/Departure Record) with Valid Passport

U.S. Visa

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

U.S. Passport Card – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – U.S.

Military Identification Card – U.S.

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Affidavit – Certificate of Residency

Bank Statement (dated within 90 days prior to application)

Canceled Check (dated within 90 days prior to application)

Certified Grade/High School/College/University Transcript

Credit Report issued by Experian, Equifax or TransUnion – dated within 12 months prior to application

Deed/Title, Mortgage, Rental/Lease Agreement

Insurance Policy (Homeowner's or Renter's)

Letter on Official School Letterhead-dated within 90 days prior to application

Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application

Official mail received from a State, County, City ~~or~~ Village or a Federal Government agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:

Homestead Exemption Receipt

Illinois FOID Card

Jury Duty Notice issued within 90 days prior to application

Selective Service Card

Social Security Annual Statement

Social Security Disability Insurance (SSDI) Statement

Supplemental Security Income (SSI) Benefits Statement

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Voter Registration Card

Pay Stub or Electronic Deposit Receipt

Pension or Retirement Statement

Phone book, current, produced by a phone book publisher

Report Card from Grade/High School or College/University

Tuition invoice or other official mail from a college or university dated within the 12 months prior to application

Vehicle Registration Card

Utility Bill – Electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application

- g) Documents listed in Group A, B or C, as outlined in subsection (f), that contains the full residence address may also be used for Group D, as outlined in subsection (f).
- h) For a name change, the identification must be a document that provides a link to the established driver's license/ID Card file.
- i) Group B documents, as outlined in subsection (f), must contain the applicant's full name and complete date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign passports and foreign birth certificates are accepted as "proof" if accompanied by any other item listed in Group B.
- j) Group C documents, as outlined in subsection (f), must contain the applicant's name and full social security number.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- k) Group D documents, as outlined in subsection (f), must contain the applicant's full residence address.
- l) After review of all identification presented, Driver Services or Secretary of State management has the right to accept or refuse any document.
- m) An applicant applying for a no-fee identification card who is homeless must present one document from each of Group A, B and C, as outlined in subsection (f), and a homeless status certification, as described in Section 1030.12, to satisfy the requirements for Group D, as outlined in subsection (f).
- n) An applicant for an identification card who is under the age of five years old must present one document from each of Group A, B and C, as outlined in subsection (f), and one document from Group D, as outlined in subsection (f).
- o) Unacceptable identification documents are:

Bond Receipt or Bail/Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially Produced (non-State or unofficial) ID Cards

Fishing License

HFS (Healthcare and Family Services) Cards

Handwritten ID or Employment Cards

Hunting License

Instruction Permit/Receipts

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

| Insurance ~~and/or Bail Bond Cards~~

Library Card

Personal Mail

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Miscellaneous
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3)

<u>Sections Numbers</u> :	<u>Proposed Action</u> :
207.170	New
207.180	New
- 4) Statutory Authority: Implements Section 12A-35 of the Illinois Election Code [10 ILCS 5/12A] and is authorized to adopt rulemaking by that section
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures to be used by the SBEL to publish the Internet Voters' Guide as provided by Article 12A of the Election Code.
- 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 the 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: Sets out SBEL's procedures for publishing the Internet Voters' Guide.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Steven S. Sandvoss, General Counsel
Illinois State Board of Elections
1020 South Spring Street
Springfield, IL 62708

217/782-0608

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of Small businesses affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: at the time the regulatory agenda was required to be filed, this rulemaking was not anticipated.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 207

MISCELLANEOUS

Section

207.10	Failure to Nominate Candidate
207.20	Notice of Primary Election – County of 500,000 Or More
207.30	Document Copying Fees
207.40	County Clerk <u>Notification</u> Notifications to State Board of Elections of Certain Filings for Office
207.50	Deputy Registrars; Definition of Bonafide State <u>Civic</u> Civil Organization
207.60	Chad Removal
207.70	Post Tabulation Testing
207.80	Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
207.90	Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
207.100	Requirements for Operator's Log
207.110	Requirements for Voter Information Tapes
207.120	Procedures for Election Night Equipment Failure
207.130	Testing Voting Systems
207.140	Certification of Signature Imaging Systems
207.150	Receipt and Dissemination of Absentee Voting Information
207.160	Attendance of Members at Board Meetings other than by Physical Presence
<u>207.170</u>	<u>Definitions</u>
<u>207.180</u>	<u>Candidate Statement Deadlines</u>
207.APPENDIX A	Log for Vote Tabulation
207.APPENDIX B	VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. 2634, effective February 10, 1997; amended at 30 Ill. Reg. 16076,

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

effective September 30, 2006; amended at 31 Ill. Reg. 7148, effective May 1, 2007; amended at 35 Ill. Reg. _____, effective _____.

Section 207.170 Definitions

"Board" means the State Board of Elections created by the Code.

"Code" means the Election Code [10 ILCS 5].

"Contact", as defined in Section 12A-35 of the Code, includes the following means of communication: telephone, electronic mail, facsimile machine and/or United States Postal Service.

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

Section 207.180 Candidate Statement Deadlines

- a) The Board shall publish, no later than the 45th day before a General Election in which a statewide candidate appears on the ballot, an Internet Voters' Guide.
- b) Notification shall go out to all candidates who have been certified by the State Board of Elections to appear on the General Election ballot that an Internet Voters' Guide will be published.
- c) Notification shall be by telephone, electronic mail, facsimile machine and/or United States Postal Service.
- d) The Board will issue the notification not later than five business days after certification. In the event that an amended certification has been issued by the Board adding a candidate's name to the ballot and the new certification is issued no later than 55 days prior to the General Election, the five business day notice shall be provided to the new candidate as well. If a previously notified candidate has been removed from the ballot pursuant to an amended certification, that candidate will be notified, within five business days after the issuance of the amended certification, regardless of when the amended certification was issued, that his or her name will not be included in the Guide.
- e) No statements or photographs will be accepted for inclusion in the Voters' Guide after 5:00 pm on the 50th day before the General Election.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions
- 2) Code Citation: 89 Ill. Adm. Code 271
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
271.100	New Section
271.101	New Section
271.110	New Section
271.120	New Section
271.130	New Section
- 4) Statutory Authority: Implementing Section 3.5(g-1) of the Elder Abuse and Neglect Act [320 ILCS 20/3.5(g-1)] and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.01(11)]
- 5) Effective Date of Rulemaking: July 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 324; January 7, 2011
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:

In the Table of Contents, updated the listings by (1) adding a new Section 271.101 titled "Joint Rule Provisions"; (2) eliminating Section 271.130 titled "Training Approval Process" and Section 271.140 titled "Financial Institution Training Responsibilities"; and renumbering Section 271.150 titled "Reports" as Section 271.130.

Throughout the text of this joint rulemaking, eliminated references to "agents" of financial institutions.

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

In Section 271.100 titled "Purpose", added new text to describe the respective responsibilities of the Department on Aging and the Department of Financial and Professional Regulation, and indicated that both agencies will work together to develop and implement this joint rulemaking.

Added a new Section 271.101 titled "Joint Rule Provisions", which provides a cross-reference to the joint rule provisions for the Department of Financial and Professional Regulation at 38 Ill. Adm. Code 220.

In Section 271.110 titled "Definitions", made changes in the meanings assigned for the following terms: (1) "financial exploitation", (2) "financial institution", and "older person".

In Section 271.120 titled "Financial Exploitation Training", revised the introductory clause to clarify that a training program must minimally include information (1) on recognizing the indicators of financial exploitation and (2) on how to report financial exploitation of older adults. Changed a requirement so that training will be at least 30 minutes in duration. Included a new provision to the effect that completion of the B*SAFE (Bankers and Seniors Against Financial Exploitation) training program, developed by the Department on Aging, may be used to satisfy training requirements. Lastly, added separate provisions for compliance purposes that establish (1) a six-month window for the completion of initial training (by February 1, 2012, if employed on August 1, 2011) by current and new employees and officers of financial institutions and (2) a rolling three-year cycle thereafter for the completion of refresher training.

Eliminated Section 271.130 titled "Training Approval Process" and Section 271.140 titled "Financial Institution Training Responsibilities".

In Section 271.150 titled "Reports", renumbered the subheading as Section 271.130. Made necessary updates to reflect the elimination of the training approval process. Also eliminated the provision (and related references) that required a financial institution to file a report evidencing its training activities on a semi-annual basis with the Department of Financial and Professional Regulation.

The other changes made to this rulemaking were nonsubstantive.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking implements Public Act 96-1103. It sets forth the purpose, definitions, and training requirements for employees and officers of financial institutions (excluding currency exchanges) operating in Illinois regarding recognition and reporting of observed and suspected financial exploitation of older persons. This rulemaking also describes recordkeeping responsibilities for financial institutions and the Department of Financial and Professional Regulation.
- 16) Information and questions regarding these adopted rules shall be directed to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

217/785-3346

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 271

JOINT RULES OF THE DEPARTMENT ON AGING AND
THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION:
FINANCIAL EXPLOITATION TRAINING BY FINANCIAL INSTITUTIONS

Section

271.100	Purpose
271.101	Joint Rule Provisions
271.110	Definitions
271.120	Financial Exploitation Training
271.130	Reports

AUTHORITY: Implementing Section 3.5(g-1) of the Elder Abuse and Neglect Act [320 ILCS 20/3.5(g-1)] and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.01(11)].

SOURCE: Adopted at 35 Ill. Reg. 13103, effective July 28, 2011.

Section 271.100 Purpose

The purpose of this Part is to implement Public Act 96-1103 by providing for the training of the employees and officers of financial institutions who have direct customer contact in the proper recognition and reporting of suspected financial exploitation of older persons.

- a) The Department on Aging is responsible for developing minimum standards for financial exploitation training by financial institutions.
- b) The Department of Financial and Professional Regulation is responsible for ensuring compliance with the minimum standards for financial exploitation training by financial institutions subject to its jurisdiction, including gathering statistics, providing reports and retaining visitation and enforcement authority in relation to the regulation of these institutions.
- c) Both agencies will work together to develop and implement these joint rules.

Section 271.101 Joint Rule Provisions

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

The cross-reference to the joint rule provisions for the Department of Financial and Professional Regulation is found in 38 Ill. Adm. Code 220.

Section 271.110 Definitions

"Bi-annual report" means the report compiled by the Department of Financial and Professional Regulation and submitted to the Department on Aging, which will include aggregate figures on the numbers of employees and officers of financial institutions who were trained pursuant to this Part in the previous two quarters.

"Department" means the Illinois Department on Aging.

"DFPR" means the Illinois Department of Financial and Professional Regulation.

"Direct customer contact" means that the employee or officer of the financial institution has face-to-face or telephonic contact with the older person.

"Elder Abuse and Neglect Program" means the program established pursuant to the Elder Abuse and Neglect Act [320 ILCS 2] and managed by the Department on Aging.

"Financial exploitation" means the use of an older person's resources by another to the disadvantage of the older person and/or the profit or advantage of a person other than the older person.

"Financial institution" means a bank, credit union or savings institution operating in Illinois.

"Older person" means a resident of Illinois who is age 60 or older.

Section 271.120 Financial Exploitation Training

- a) A training program shall minimally include information on the following subjects:
 - 1) recognizing the indicators of financial exploitation;
 - 2) how to report financial exploitation of older adults.

DEPARTMENT ON AGING

NOTICE OF ADOPTED RULES

- b) The training may be by in-person training or other media, such as a DVD, video tape or the Internet, and it must be at least 30 minutes in duration.
- c) Completion of the B*SAFE (Bankers and Seniors Against Financial Exploitation) training program, developed by the Department on Aging, may be used to satisfy the training requirements of this Section.
- d) Current employees and officers of a financial institution on August 1, 2011 who have direct customer contact must satisfactorily complete financial exploitation training by February 1, 2012 and complete refresher training every three years thereafter.
- e) New employees and officers of a financial institution who are hired after August 1, 2011 and who will have direct customer contact must satisfactorily complete financial exploitation training within 6 months after entering into new or different positions and complete refresher training every three years thereafter.

Section 271.130 Reports

- a) An officer of each financial institution shall be designated to create and maintain a record of each employee and officer of the financial institution who has satisfactorily completed training.
- b) The list of the employees and officers in each financial institution who have satisfactorily completed training shall be maintained by the institution and be available for inspection at all times by the Department of Financial and Professional Regulation. The list shall include the total number of employees and officers having satisfactorily completed the training.
- c) DFPR will compile a statewide bi-annual report and submit that report to the Department on Aging not more than 45 calendar days following the close of the reporting period.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 900
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
900.120	Amendment
900.125	New Section
- 4) Statutory Authority: Authorized by the State Prompt Payment Act [30 ILCS 540]
- 5) Effective Date of Amendments: July 29, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. These and other Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment amendments are on file and available in the Department of Central Management Services' Office of the General Counsel in Springfield.
- 9) Notice of Proposal Published in the Illinois Register: 35 Ill. Reg. 4856; April 1, 2011
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 900.120(k) is stricken and subsection labels (l) through (r) are relabeled accordingly.

All capital letters used for the terms defined in Section 900.125(c) are changed to lower case when those terms are subsequently used in the rulemaking, except that when referring to the State of Illinois, "State" remains capitalized throughout the rulemaking and when referring to the State Prompt Payment Act [30 ILCS 540], "Prompt Payment Act" remains capitalized throughout the rulemaking.

Throughout Section 900.125, references to the Department of Central Management Services are updated to the "Department" and references to the Office of the Comptroller are updated to the "State Comptroller" per their definitions in Section 900.125(c).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Throughout Section 900.125, the word "such" is changed to "that".

Throughout Section 900.125, the word "which" is changed to "that".

The website address for the Vendor Payment Program is added in the first paragraph of Section 900.125.

The definition of "application period" is updated to specify which entity determines it.

All redundant citations to the State Prompt Payment Act [30 ILCS 540] are replaced by the defined term "Prompt Payment Act".

In the definition of "assigned penalties" and the definition of "prompt payment penalties", the citation to the applicable Illinois Administrative Code provision is removed and replaced with a reference to "this Part".

A technical change is made to the citation in the definition of "Prompt Payment Act".

A technical change is made to the citation in the definition of "assigned penalties" and the cross-reference to applicable rule provisions is added.

A reference to Medicaid is added to the definition of "medical assistance program".

A technical change is made to the citation in the definition of "prompt payment penalties".

A change is made to the definition of "purchase price" to include deductions for amounts owed by a participating vendor to the qualified purchaser for state offsets applied against other accounts receivable assigned by the participating vendor to the qualified purchaser pursuant to the program. These deductions are separated using bullet points.

All references to the State are changed to the "Department" in the definition of "Qualified Purchaser".

The definition of "state offsets" is updated to include statutorily required administrative fees imposed pursuant to the State Comptroller Act [15 ILCS 405].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 900.125(d)(2), a reference to the Illinois Prompt Payment Act is updated to the "Prompt Payment Act" per its definition in Section 900.125(c).

In Section 900.125(e), the phrase "apply to participate" replaces "considered for participation". This change was made to provide more information and/or standards regarding agency discretionary powers.

In Section 900.125(e)(1), the phrase "for which prompt payment penalties have commenced accruing" replaces the phrase "that has been outstanding for 60 days or more".

In Section 900.125(e)(2), a reference to the State Prompt Payment Act is updated to the "Prompt Payment Act" per its definition in Section 900.125(c).

In Section 900.125(e)(3), the phrase "which includes Medicaid payments" is removed.

In Sections 900.125(f)(9)(D) and (f)(9)(E), the word "cumulative" is removed.

In Section 900.125(f), a change was made to show that the Department will determine qualification to be a qualified purchaser.

In Section 900.125(f)(1), (2), (3), (4), and (5), the factors to be considered by the Department in determining qualification for qualified purchasers has been updated to provide additional information and/or standards regarding the Department's discretionary powers.

In Section 900.125(f)(3), a technical change is made to the citation for the Standards of Responsibility (44 Ill. Adm. Code 1.2046(b)).

In Section 900.125(f)(9)(A), (B), and (C), the word "Voucher" is changed to "voucher".

In Section 900.125(f)(9)(D) and (E), the word "cumulative" is removed.

In Section 900.125(f)(9)(E), the phrase ", for which no payment of Base Invoice Amount has yet been received by the State," is updated to clarify that payment is in reference to payment "by the State" and moved within subsection (f)(9)(E) to qualify the phrase "the aggregate number and dollar value of assigned receivables purchased by the qualified purchaser".

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 900.125(f)(9)(F), "State Comptroller and the Department" replaces the reference to the State.

Section 900.125(f)(10) includes punctuation changes.

The last two paragraphs of Section 900.125(f) are combined and make up a new subsection (g) titled "Right to review performance of qualified purchaser's obligations". Within the new subsection (g), a change is made to clarify that the Department and the State Comptroller have a right to review performance of qualified purchaser's obligations. References to the State within the new subsection (g) are changed to the "Department and the State Comptroller".

In Section 900.125, subsections (g) and (h) are changed to subsections (h) and (i), respectively. Throughout Section 900.125, cross-references are changed to reflect the changed subsections.

In Section 900.125(g) (now subsection (h)), the subsection title is changed to remove "State's". References to the State throughout this subsection are changed to "Department". Also, within subsection (g)(3), the phrase ", and no later than 3 business days thereafter," is updated to clarify that disclosure of a change in sub-participants must be disclosed no later than 3 business days after that change. Finally, a technical change is made to the citation in (g)(5).

Within Section 900.125(h) (now subsection (i)), subsections (h)(1), (2), and (3) are replaced in their entirety by new subsections (i)(1), (2), (3), and (4). The new subsection (i)(1) states which State entities may terminate the program and the parties entitled to notice prior to termination. The new subsection (i)(2) states which State entities may terminate a qualified purchaser or sub-participant from the program and the parties entitled to notice prior to termination. The new subsection (i)(3) states when and how a qualified purchaser or sub-participant may terminate its own participation in the program.

The new subsection (i)(4) states how a qualified purchaser or sub-participant may be reinstated into the program after termination. The last paragraph of Section 900.125(h) remains unchanged in substance but is relabeled as subsection (i)(5).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, the emergency amendments (35 Ill. Reg. 5619) to Sections 900.120 and 900.125 are replaced.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In Section 900.120, subsection (n) previously disqualified from prompt payment interest any underlying payment that had been assigned by a vendor to any third party. The amendments allow the payment of prompt payment interest for payments that have been assigned or sold to a third party if the assignment or sale is pursuant to a vendor payment program that is approved by the Department of Central Management Services and the Comptroller. The amendments also create Section 900.125, which sets forth vendor payment program policies and procedures.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Ms. Lynn Carter
Deputy General Counsel
Department of Central Management Services
James R. Thompson Center
Suite 4-607, 100 West Randolph Street
Chicago, Illinois 60601
- 312/814-8213
Fax: 217/814-0911
lynn.carter@Illinois.gov
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE

CHAPTER VIII: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 900

JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

Section

900.10	Scope
900.20	Definitions
900.30	General Duties of State Agencies
900.35	Duties of State Agencies: Interest Payments
900.40	Statement Indicating That Interest Penalty May Be Available
900.50	Other Interest Provisions
900.60	When a Payment is Late
900.70	Approval by the State
900.80	Submission and Receipt of Bills
900.90	When and How Vendors Must Request Interest
900.100	Calculation of Interest
900.110	No Interest on Interest
900.120	Exclusions
<u>900.125</u>	<u>Vendor Payment Program</u>
900.130	Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
900.140	Resolution of Disputes

AUTHORITY: Implementing the State Prompt Payment Act [30 ILCS 540].

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11168, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11498, effective July 11, 1994; amended at 24 Ill. Reg. 19049, effective December 18, 2000; amended at 25 Ill. Reg. 11351, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10939, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 14666, effective September 19, 2002; amended at 31 Ill. Reg. 5751, effective March 29, 2007; emergency amendment at 34 Ill. Reg. 16587, effective October 8, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3792, effective February 16, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 5619, effective March 18, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13109, effective July 29, 2011.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 900.120 Exclusions

The following non-exhaustive list represents the types of payments that are excluded from the Act and consequently do not qualify for interest penalties:

- a) Inter- and intra-agency payments. This includes transfers and payments to revolving funds, reimbursement of petty cash funds and imprest accounts, inter-fund transfers and inter-fund payments in which an agency or department serves as the Vendor of Goods or Services.
- b) Payments to State employees for personal services (salary only and not including health insurance benefits).
- c) Awards and grants, as defined by the Comptroller's Office in SAMS Manual Procedure 15, including pass-through grants and distributive payments and refunds.
- d) Contract retainers associated with construction contracts.
- e) State Board of Education categorical grants.
- f) Community College Board grants.
- g) Illinois Student Assistance Commission grants.
- h) Payments to local government entities, including school districts.
- i) Payments of interest penalties.
- j) Payments made to contractual employees (these payments are generally made via a Contractual Services Payroll Voucher).
- ~~k) Deleted~~
- ~~l) Payments from accounts or funds not appropriated by the General Assembly.~~
- ~~m) Gratuitous payments made to induce a business to remain in or to locate in this State.~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~m#~~) Any type of payment to a Vendor assigned or sold by that Vendor to a different payee (including any assignments or sales made by the vendors to the Department of Healthcare and Family Services), except for assignments or sales made pursuant to a vendor payment program approved by the Department of Central Management Services and the Comptroller, ~~including any assignments made by the Vendors to the Department of Public Aid.~~
- ~~n#~~) Barter transactions.
- ~~op~~) Payments made by a State agency comprised of federal funds only and no State or local funds.
- ~~p#~~) Medical and claims payments under the Workers' Compensation and Workers' Occupational Diseases Acts.
- ~~q#~~) Tax refunds.
- ~~rs~~) State Employee's Group Insurance Program payments covered by late payment interest provisions in 5 ILCS 375/6.12.

(Source: Amended at 35 Ill. Reg. 13109, effective July 29, 2011)

Section 900.125 Vendor Payment Program

The requirements set forth in this Section establish the criteria for participation by participating vendors and qualified purchasers in a vendor payment program. Information regarding the program may be found at <http://www.payments.illinois.gov>.

- a) Authority. The State Comptroller and the Department are authorized to establish and implement the program pursuant to Section 3-3 of the Prompt Payment Act [30 ILCS 540/3-3].
- b) Applicability. This Section applies to all qualified accounts receivable not otherwise excluded from receiving prompt payment interest pursuant to Section 900.120. Section 900.125 shall not apply to the purchase of any accounts receivable related to payments made under a medical assistance program, including Medicaid payments, or any other purchase of accounts receivable that is otherwise prohibited by law.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

c) Definitions.

"Applicant" is any entity seeking to be designated as a qualified purchaser.

"Application Period" is the time period when the program is accepting applications as determined by the Department.

"Assigned Penalties" are penalties payable by the State in accordance with the Prompt Payment Act and this Part that are assigned to the qualified purchaser of an assigned receivable.

"Assigned Receivable" is the base invoice amount of a qualified account receivable and any associated assigned penalties due, currently and in the future, in accordance with the Prompt Payment Act.

"Assignment Agreement" is an agreement executed and delivered by a participating vendor and a qualified purchaser pursuant to which the participating vendor will assign one or more qualified accounts receivable to the qualified purchaser and make certain representations and warranties in respect thereof.

"Base Invoice Amount" is the unpaid principal amount of the invoice associated with an assigned receivable.

"Department" is the Department of Central Management Services.

"Medical Assistance Program" is any program which provides medical assistance pursuant to Article V of the Illinois Public Aid Code [305 ILCS 5/5], including Medicaid.

"Participating Vendor" is a vendor whose application for the sale of a qualified account receivable is accepted for purchase by a qualified purchaser pursuant to the program terms.

"Program" is a vendor payment program.

"Prompt Payment Act" is the State Prompt Payment Act [30 ILCS 540].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Prompt Payment Penalties" are penalties payable by the State in accordance with the Prompt Payment Act and [this Part](#).

"Purchase Price" is 100% of the base invoice amount associated with an assigned receivable minus:

- any deductions against the assigned receivable arising from State offsets; and
- if and to the extent exercised by a qualified purchaser, other deductions for amounts owed by the participating vendor to the qualified purchaser for State offsets applied against other accounts receivable assigned by the participating vendor to the qualified purchaser pursuant to the program.

"Qualified Account Receivable" is an account receivable due and payable by the State that is outstanding for 60 days or more, is eligible to accrue prompt payment penalties under the Prompt Payment Act and is verified by the relevant State agency. A qualified account receivable shall not include any account receivable related to medical assistance program (including Medicaid) payments or any other accounts receivable, the transfer or assignment of which is prohibited by, or otherwise prevented by, applicable law.

"Qualified Purchaser" is any entity that, during any application period, is approved by the Department to participate in the program on the basis of certain qualifying criteria as determined by the Department.

"State" is the State of Illinois.

"State Comptroller" is the Illinois Office of the Comptroller.

"State Offsets" is any amount deducted from payments made by the State in respect of any qualified account receivable due to the State's exercise of any offset or other contractual rights against a participating vendor. For the purpose of this Section, State offsets include statutorily required administrative fees imposed pursuant to the State Comptroller Act [15 ILCS 405].

"Sub-Participant" is any individual or entity that intends to purchase assigned receivables, directly or indirectly, by or through an applicant or qualified purchaser for the purposes of the program.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Sub-Participant Certification" is an instrument executed and delivered to the Department by a sub-participant pursuant to which the sub-participant certifies its agreement, among others, to be bound by the terms and conditions of the program as a condition to its participation in the program as a sub-participant.

d) Criteria for a vendor payment program.

- 1) Under the program, qualified purchasers may purchase from participating vendors certain qualified accounts receivable owed by the State to the participating vendors. A participating vendor shall not simultaneously apply to sell the same qualified account receivable to more than one qualified purchaser.
- 2) In consideration of the payment of the purchase price, a participating vendor shall assign to the qualified purchaser all of its rights to payment of the qualified account receivable, including all current and future prompt payment penalties due relating to that qualified account receivable in accordance with the Prompt Payment Act.

e) Criteria for vendor participation. A vendor may apply to participate in the program if:

- 1) the vendor is owed an account receivable by the State for which prompt payment penalties have commenced accruing;
- 2) the vendor's account receivable is eligible to accrue prompt payment penalty interest under the Prompt Payment Act;
- 3) the vendor's account receivable is not for payments under a medical assistance program; and
- 4) the vendor's account receivable is not prohibited by, or otherwise prevented by, applicable law from being transferred or assigned pursuant to this Section.

f) Criteria for qualified purchasers. Factors to be considered by the Department in determining qualification to be a qualified purchaser shall include but are not limited to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) the qualified purchaser's agreement to commit a minimum purchase amount as established from time to time by the Department based upon the current needs of the program and the qualified purchaser's demonstrated ability to fund its commitment;
- 2) the demonstrated ability of a qualified purchaser's sub-participants to fund their portions of a qualified purchaser's minimum purchase commitment;
- 3) the ability of a qualified purchaser and its sub-participants to meet standards of responsibility substantially in accordance with the requirements of the Standards of Responsibility found in 44 Ill. Adm. Code 1.2046(b) (Government Contracts, Procurement, and Property Management);
- 4) the agreement of each qualified purchaser, at its sole cost and expense, to administer and facilitate the operation of the program with respect to that qualified purchaser, including without limitation, assisting potential participating vendors with the application and assignment process;
- 5) the agreement of each qualified purchaser, at its sole cost and expense, to establish a website that is determined by the Department to be sufficient to administer the program in accordance with the terms and conditions of the program;
- 6) the agreement of each qualified purchaser, at its sole cost and expense, to market the program to potential participating vendors;
- 7) the agreement of each qualified purchaser, at its sole cost and expense, to educate participating vendors about the benefits and risks associated with participation in the program;
- 8) the agreement of each qualified purchaser, at its sole cost and expense, to deposit funds into, release funds from, and otherwise maintain all required accounts in accordance with the terms and conditions of the program. Subject to the program terms, all required accounts shall be maintained and controlled by the qualified purchaser at the qualified purchaser's sole cost and at no cost, whether in the form of fees or otherwise, to the participating vendors;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 9) the agreement of each qualified purchaser, at its sole cost and expense, to submit a monthly written report, in both hard copy and Excel format, to the State Comptroller or its designee and the Department or its designee, within 10 days after the end of each month, which, unless otherwise specified by the Department, at a minimum, shall contain:
- A) a listing of each assigned receivable purchased by that qualified purchaser during the month, specifying the base invoice amount and invoice date of that assigned receivable and the name of the participating vendor, State contract number, voucher number and State agency associated with that assigned receivable;
 - B) a listing of each assigned receivable with respect to which the qualified purchaser has received payment of the base invoice amount from the State during that month, including the amount of and date on which that payment was made and the name of the participating vendor, State contract number, voucher number, and State agency associated with the assigned receivable, and identifying the relevant application period for each assigned receivable;
 - C) a listing of any payments of assigned penalties received from the State during the month, including the amount of and date on which the payment was made, the name of the participating vendor, the voucher number for the assigned penalty receivable, and the associated assigned receivable, including the State contract number, voucher number and State agency associated with the assigned receivable and identifying the relevant application period for each assigned receivable;
 - D) the aggregate number and dollar value of assigned receivables purchased by the qualified purchaser from the date on which such qualified purchaser commenced participating in the program through the last day of the month;
 - E) the aggregate number and dollar value of assigned receivables purchased by the qualified purchaser for which no payment by the State of the base invoice amount has yet been received, from the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

date on which the qualified purchaser commenced participating in the program through the last day of the month; and

F) such other data as the State Comptroller and the Department may reasonably request from time to time.

10) the agreement of each qualified purchaser to use its reasonable best efforts, and for any sub-participant to cause a qualified purchaser to use its reasonable best efforts, to diligently pursue receipt of assigned penalties associated with the assigned receivables, including, without limitation, by promptly notifying the relevant State agency that an assigned penalty is due and, if necessary, seeking payment of assigned penalties through the Illinois Court of Claims; and

11) the agreement of each qualified purchaser and any sub-participant to use their reasonable best efforts to implement the program terms and to perform their obligations under the program in a timely fashion.

g) Right to review performance of qualified purchaser's obligations. Each qualified purchaser's performance and implementation of its obligations under subsection (f) shall be subject to review by the Department and the State Comptroller at any time to confirm that the qualified purchaser is undertaking such obligations in a manner consistent with the terms and conditions of the program. A qualified purchaser's failure to so perform its obligations including, without limitation, its obligations to diligently pursue receipt of assigned penalties associated with assigned receivables, shall be grounds for the Department and the State Comptroller to terminate the qualified purchaser's participation in the program in accordance with subsection (i) of this Section. Any such termination shall be without prejudice to any rights a participating vendor may have against that qualified purchaser, in law or in equity, including without limitation, the right to enforce the terms of the assignment agreement and of the program against the qualified purchaser.

h) Right to Review Sub-Participants.

1) In determining whether any applicant shall be designated as a qualified purchaser, the Department shall have the right to review or approve sub-participants that intend to purchase assigned receivables, directly or indirectly, by or through the applicant.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) The Department reserves the right to reject or terminate the designation of any applicant as a qualified purchaser or require an applicant to exclude a proposed sub-participant in order to become or remain a qualified purchaser on the basis of a review, whether prior to or after the designation.
 - 3) Each applicant and each qualified purchaser has an affirmative obligation to promptly notify the Department of any change or proposed change in the identity of the sub-participants that it disclosed to the Department no later than 3 business days after that change.
 - 4) Each sub-participant shall be required to execute a sub-participant certification that will be attached to the corresponding qualified purchaser designation.
 - 5) Sub-participants shall meet, at a minimum, the requirements of subsections (f)(2), (3), (10), and (11).
- i) Term and termination.
- 1) The program shall commence in March 2011 and shall continue until terminated:
 - A) by the State Comptroller, after consulting with the Department, by giving 10 days prior written notice to the Department and the qualified purchasers in the program;
 - B) by the Department, after consulting with the State Comptroller, by giving 10 days prior written notice to the State Comptroller and the qualified purchasers in the program.
 - 2) In the event a qualified purchaser or sub-participant breaches or fails to meet any of the terms or conditions of the program, that qualified purchaser or sub-participant may be terminated from the program:
 - A) by the State Comptroller, after consulting with the Department. The termination shall be effective immediately upon the State

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Comptroller giving written notice to the Department and the qualified purchaser or sub-participant; or
- B) by the Department, after consulting with the State Comptroller. The termination shall be effective immediately upon the Department giving written notice to the State Comptroller and the qualified purchaser or sub-participant.
- 3) A qualified purchaser or sub-participant may terminate its participation in the program, solely with respect to its own participation in the program, in the event of any change to the Prompt Payment Act or this Part from the form that existed on the date that the qualified purchaser or the sub-participant, as applicable, submitted the necessary documentation for admission into the program if the change materially and adversely affects the qualified purchaser's or the sub-participant's ability to purchase and receive payment on receivables on the terms described in this Section.
- 4) If the program, a qualified purchaser, or a sub-participant is terminated under subsection (i)(1) or (2), the program, qualified purchaser, or sub-participant may be reinstated only by written agreement of the State Comptroller and the Department.
- 5) No termination under subsections (i)(1), (2), or (3) shall alter or affect the qualified purchaser's or sub-participant's obligations with respect to assigned receivables purchased by or through the qualified purchaser prior to the termination.

(Source: Added at 35 Ill. Reg. 13109, effective July 29, 2011)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Enterprise Zone and High Impact Business Programs
- 2) Code Citation: 14 Ill. Adm. Code 520
- 3) Section Number: 520.210 Adopted Action:
Amend
- 4) Statutory Authority: Implementing the Illinois Enterprise Zone Act [20 ILCS 655]; Section 201 (f), (g) and (h) of the Illinois Income Tax Act [35 ILCS 5/201 (f), (g) and (h)]; Sections 1d-1f, 1i-1j and 1o of the Retailers' Occupation Tax Act [35 ILCS 120/1d-1f, 1i-1j, and 1o] and Sections 9-221, 9-222 and 9-222.1 of the Public Utilities Act [220 ILCS 5/9-221, 9-222 and 9-222.1]; and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95]
- 5) Effective Date of Rulemaking: August 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 4736; March 25, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Grammatical and stylistic changes were made. Also changed "most recent census data available" to "2005-2009 American Community Survey (US Census Bureau, ACSO 3K276, Washington DC 22033,2010, no subsequent amendments or editions included)"
- 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 amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: Under the Enterprise Zone rules, there are certain eligibility tests that reference the 2000 Census. Now that the 2010 Census data are available, the references are being updated. Also, in terms of the unemployment rate test, the reference to "most recent 12 month period" is being modified to the reference "most recent calendar year or State fiscal year period for which data are available..." so that data do not have to be repeatedly updated throughout the year.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY~~COMMUNITY AFFAIRS~~

PART 520

ENTERPRISE ZONE AND HIGH IMPACT BUSINESS PROGRAMS

SUBPART A: ENTERPRISE~~ENTERPRIZE~~ ZONES IN ILLINOIS

Section
520.100 Definitions

SUBPART B: ENTERPRISE~~ENTERPRIZE~~ ZONE: APPLICATION FOR CERTIFICATION

Section
520.200 Eligible Applicants
520.210 Eligibility Criteria
520.220 Form of Application
520.230 Application Procedures
520.240 Joint Application
520.250 Application Evaluation and Ranking

SUBPART C: ENTERPRISE~~ENTERPRIZE~~ ZONE:
AMENDMENT AND DECERTIFICATION

Section
520.300 Application to Amend an Ordinance
520.310 Application to Change Boundaries
520.315 Application to Change Incentives, Alter Termination Date, and Make Technical Corrections
520.320 Decertification

SUBPART D: ENTERPRISE~~ENTERPRIZE~~ ZONE: LOCAL RESPONSIBILITIES

Section
520.400 Zone Administration
520.410 Reporting and Monitoring by Zone Administrators
520.420 Business Cessation Notification

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

SUBPART E: ~~ENTERPRISE~~ ~~ENTERPRIZE~~ ZONE:
DESIGNATED ZONE ORGANIZATIONS

- Section
- 520.500 General
- 520.510 Project Eligibility and Approval
- 520.520 Charitable Contributions

SUBPART F: HIGH IMPACT BUSINESSES IN ILLINOIS

- Section
- 520.600 Definitions
- 520.610 Eligible Applicants
- 520.620 Eligibility Criteria
- 520.630 Form of Application
- 520.640 Application Approval Process
- 520.650 Revocation of High Impact Business Designation

SUBPART G: TAX INCENTIVES FOR ~~ENTERPRISE~~ ~~ENTERPRIZE~~ ZONES
AND HIGH IMPACT BUSINESSES

- Section
- 520.700 List of Available Tax Incentives
- 520.710 Eligible Applicants (Repealed)
- 520.720 Eligibility Criteria (Repealed)
- 520.730 Form of Application (Repealed)
- 520.740 Application Review and Approval (Repealed)
- 520.750 Revocation of the High Impact Business Designation (Repealed)

SUBPART H: INVESTMENT TAX CREDIT

- Section
- 520.800 General
- 520.810 Eligibility Criteria (Repealed)
- 520.820 Form of Application (Repealed)
- 520.830 Application Review and Approval Process (Repealed)

SUBPART I: UTILITY TAX EXEMPTION

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

Section	
520.900	Definitions
520.910	Eligibility Criteria
520.920	Form of Application
520.930	Application Approval Process

SUBPART J: MACHINERY AND EQUIPMENT/POLLUTION CONTROL
FACILITES SALES TAX EXEMPTION

Section	
520.1000	Definitions
520.1010	Eligibility Criteria
520.1020	Form of Application
520.1030	Application Approval Process

SUBPART K: BUILDING MATERIAL SALES TAX EXEMPTION

Section	
520.1100	General
520.1110	Eligibility Criteria (Repealed)
520.1120	Form of Application (Repealed)
520.1130	Application and Approval Process (Repealed)
520.1140	Use Tax Exemption (Repealed)

SUBPART L: JOBS TAX CREDIT

Section	
520.1200	General

SUBPART M: DIVIDEND INCOME DEDUCTION

Section	
520.1300	General

SUBPART N: INTEREST INCOME DEDUCTION FOR FINANCIAL INSTITUTIONS

Section	
520.1400	General

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

SUBPART O: TELECOMMUNICATIONS EXCISE TAX EXEMPTION
ON ORIGINATING CALLS

Section
520.1500 General

SUBPART P: HIGH IMPACT SERVICE FACILITY MACHINERY AND
EQUIPMENT SALES TAX EXEMPTION

Section
520.1600 Definitions
520.1610 Eligibility Criteria
520.1620 Form of Application
520.1630 Application Approval Process
520.1640 Use Tax Exemption
520.1650 Revocation of the High Impact Service Facility Designation

SUBPART Q: AIRCRAFT SUPPORT CENTER SALES TAX EXEMPTION

Section
520.1700 Definitions
520.1710 Eligibility Criteria
520.1720 Form of Application
520.1730 Application and Approval Process
520.1740 Revocation of an Aircraft Support Center Designation

AUTHORITY: Implementing the Illinois Enterprise Zone Act [20 ILCS 655]; Section 201(f), (g) and (h) of the Illinois Income Tax Act [35 ILCS 5/201(f), (g) and (h)]; Sections 1d-1f, 1i-1j and 1o of the Retailers' Occupation Tax Act [35 ILCS 120/1d-1f, 1i-1j, and 1o]; and Sections 9-221, 9-222, and 9-222.1 of the Public Utilities Act [220 ILCS 5/9-221, 9-222 and 9-222.1]; and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

SOURCE: Adopted at 9 Ill. Reg. 11790, effective July 24, 1985; emergency amendments at 10 Ill. Reg. 4936, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 7323, effective April 18, 1986; amended at 10 Ill. Reg. 12563, effective July 7, 1986; amended at 10 Ill. Reg. 12915, effective July 22, 1986; amended at 10 Ill. Reg. 15200, effective September 8, 1986; amended at 10 Ill. Reg. 16580, effective September 24, 1986; amended at 10 Ill. Reg. 19718, effective November 6, 1986; amended at 11 Ill. Reg. 11054, effective June 5, 1987;

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

emergency amendments at 11 Ill. Reg. 11174, effective June 8, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 16091, effective September 29, 1987; amended at 12 Ill. Reg. 4115, effective February 8, 1988; amended at 12 Ill. Reg. 11201, effective June 17, 1988; amended at 12 Ill. Reg. 17823, effective October 21, 1988; emergency amendment at 13 Ill. Reg. 16117, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19936, effective December 7, 1989; amended at 14 Ill. Reg. 3445, effective February 27, 1990; amended at 15 Ill. Reg. 8683, effective May 30, 1991; amended at 16 Ill. Reg. 89, effective December 20, 1991; amended at 17 Ill. Reg. 1837, effective February 1, 1993; amended at 18 Ill. Reg. 5172, effective March 21, 1994; amended at 27 Ill. Reg. 3282, effective February 14, 2002; amended at 27 Ill. Reg. 6165, effective March 28, 2003; amended at 35 Ill. Reg. 13125, effective August 1, 2011.

SUBPART B: ~~ENTERPRISE~~ ~~ENTERPRIZE~~ ZONE: APPLICATION FOR CERTIFICATION**Section 520.210 Eligibility Criteria**

A municipality or county may qualify an area for designation as an Enterprise Zone, subject to certification by the Department, in accordance with the criteria set forth in Section 4 of the Act and the following:

- a) **Contiguous Area.** The area is contiguous, which means the area has a solid continuous boundary. Boundaries shall be clearly defined and follow natural or man-made entities such as rivers, highways, and boundaries of units of government. The zone area may exclude wholly surrounded territory within its boundaries.
- b) **Calculating Total Area.** For purposes of calculating total area, the minimum is one-half square mile and the maximum is 12 square miles, or 15 square miles if the zone is located within the jurisdiction of four or more counties or municipalities, excluding lakes or waterways. Where the Enterprise Zone is a joint effort of three or more units of government, or two or more units of government, if located in a township divided by a municipality of 1,000,000 or more inhabitants, and where the certification has been in effect at least one year, the minimum is one-half square mile and the maximum is 13 square miles, excluding lakes and waterways. Boundaries that are connecting strips shall be not less than three, nor more than 10, feet wide. Waterways shall not be used as connecting strips. Areas within connecting strips must be considered when determining if the proposed Enterprise Zone meets one of the eligibility tests set forth in subsection (f).

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

- c) Depressed Area. The area must be depressed. (See subsection (f).)
- d) Coverage of Area. The areas must:
- 1) be entirely within a municipality; or
 - 2) be entirely within the unincorporated areas of a county, except ~~when~~~~where~~ reasonable need is established for ~~thesueh~~ zone to cover parts of more than one municipality or county; or
 - 3) comprise all or part of a municipality and an unincorporated area of a county.
- e) Census Geography. Although the Department does not require the applicant to use census geography boundaries as the boundaries for the Enterprise Zone, census geography must be used to demonstrate how the area meets one of the eligibility ~~criteria~~~~riterion~~. The census geographies to be used shall be the smallest geographies for which data are available and ~~that~~~~which~~ encompass the entire proposed Enterprise Zone. When an Enterprise Zone boundary splits a census tract, county civil division, or minor civil division, then the data for block groups or enumeration districts entirely within the Enterprise Zone and those that include any part of the Enterprise Zone shall be included in the calculation.
- f) Required Tests. The area must meet at least one of the following tests:
- 1) Unemployment. The unemployment criterion is met if the proposed Enterprise Zone has an annual average unemployment rate of at least 120% of the State's annual average unemployment rate for the most recent ~~calendar year or State fiscal year period~~~~12-month period~~ for which data are available, as reported by the Department of Employment Security. Anyone who is not presently employed and has exhausted all unemployment benefits shall be considered unemployed, whether or not ~~he or she is~~~~they are~~ actively seeking employment.
 - 2) Poverty. The poverty criterion is met if the poverty rate for each census tract, minor civil division or county civil division that contains any part of the area proposed as an Enterprise Zone was at least 20% as of the [2005-2009 American Community Survey \(US Census Bureau, ACSO 3K276,](#)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENT

Washington DC 22033, 2010, no subsequent amendments or editions included)2000 Federal Census. Poverty is computed using the number of persons in families or who reside together as unrelated individuals who had incomes below the poverty threshold in the Survey2000 Federal Census.

- 3) Low-Income. The low income criterion is met if at least 70% of the households in the proposed Enterprise Zone have incomes equal to or less than 80% of the median household income of the larger geography in which the Enterprise Zone is located. If a census geography has a median household income of 125% or more of the median household income of the larger geography, it shall not be used in calculating Enterprise Zone eligibility and shall not be included in the proposed Enterprise Zone.
- 4) Population Loss. The population loss criterion is met if the proposed Enterprise Zone suffered a population decrease of 20% or more between ~~2000+1980~~ and ~~2010+2000~~, as determined by Federal Census data for those years.
- 5) Job Creation. The Department may designate an area as an Enterprise Zone when ~~that such~~ designation will result in the development of substantial employment opportunities by creating or retaining a minimum of 1,000 full-time equivalent jobs due to an investment of \$100 million or more, and help alleviate the effects of poverty and unemployment within the zone or in the vicinity of the zone. New units of government being added to an existing Enterprise Zone must qualify under the same qualification criteria as the existing Enterprise Zone.
- 6) Closed Military Bases. A military base closed by the United States Government Department of Defense that has been properly designated as and is currently operating as a Local Redevelopment Agency.

(Source: Amended at 35 Ill. Reg. 13125, effective August 1, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions
- 2) Code Citation: 38 Ill. Adm. Code 220
- 3) Section Number: Adopted Action:

There are no Sections listed for Part 220 because this Part is a joint rule of the Department on Aging and the Department of Financial and Professional Regulation. The text of the Part appears at 89 Ill. Adm. Code 271 and is published by the Department on Aging in this issue of the *Illinois Register*.
- 4) Statutory Authority: Implementing Section 3.5(g-1) of the Elder Abuse and Neglect Act [320 ILCS 20/3.5(g-1)] and authorized by Section 6a of the Financial Institutions Code [20 ILCS 1205/6a] and Section 6(i) of the Division of Banking Act [20 ILCS 3205/6(i)]
- 5) Effective Date of rules: July 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: January 7, 2011; 35 Ill. Reg. 340
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: See the Department on Aging Notice Page in this issue of the *Illinois Register*.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rulemaking: This rulemaking implements Public Act 96-1103. It sets forth the purpose, definitions, and training requirements for employees and officers of financial institutions (excluding currency exchanges) operating in Illinois regarding recognition and reporting of observed and suspected financial exploitation of older persons. This rulemaking also describes recordkeeping responsibilities for financial institutions and the Department of Financial and Professional Regulation.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

The Part 200 Source Note of the Rule begins on the next page and the full text of the Rule is identical to the text of the Department of Aging's Rule that appears in this issue of the Illinois Register on Page 13134. (This Part is a joint rule of the Department of Financial and Professional Regulation and Department on Aging.)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 220

JOINT RULES OF THE DEPARTMENT ON AGING AND
THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION:
FINANCIAL EXPLOITATION TRAINING BY FINANCIAL INSTITUTIONS

SOURCE: Adopted at 35 Ill. Reg. 13134, effective July 28, 2011.

(Editor's Note: This Part is a joint rule of the Department on Aging and the Department of Financial and Professional Regulation. The text of the Part appears at 89 Ill. Adm. Code 271.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3) Section Number: 550.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) Effective Date of Amendment: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 29, 2011, 35 Ill. Reg. 7078
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update site-specific regulations at Peabody River King State Fish and Wildlife Area and to add Pyramid State Park and Sam Dale Lake State Fish and Wildlife Area to the list of sites requiring a free site permit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. 12471, effective July 28, 2005; amended at 30 Ill. Reg. 12133, effective June 28, 2006; amended at 31 Ill. Reg. 13106, effective August 30, 2007; amended at 32 Ill. Reg. 10093, effective June 30, 2008;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

amended at 33 Ill. Reg. 9680, effective June 26, 2009; amended at 34 Ill. Reg. 12808, effective August 20, 2010; amended at 35 Ill. Reg. 13137, effective July 26, 2011.

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (coyote only; coyotes can be taken with archery equipment when the site is open to archery deer hunting during archery shooting hours; coyotes can be taken with shotguns, no deer slugs allowed, on days when the site is open to upland hunting with upland shooting hours)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Big Bend State Fish and Wildlife Area (coyote season from August 1 through the following February 28)

Big River State Forest

Butterfield Trail State Recreation Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Hanover Bluff State Natural Area

Horseshoe Lake Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

Kankakee River State Park (coyote, fox, skunk and opossum may be taken during their respective seasons that fall within the archery deer season by archery only; shotgun only hunting opens the day after the close of the site upland game season or archery deer season, whichever is later, and closes with the close of the statewide fox season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (coyote and fox only; fox closes first Thursday after January 10; coyote open to hunting from August 1 until the first Thursday after January 10 and when other hunting seasons are open on the site; not open during spring turkey season; hunting hours are 30 minutes before sunrise until sunset; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mazonia State Fish and Wildlife Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at the check station)

Mermet Lake State Fish and Wildlife Area (hunting limited to upland game area; hunting hours ½ hour before sunrise to ½ hour after sunset)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Momence Wetlands State Natural Area (archery only; coyote, fox, raccoon, skunk and opossum may be taken during their respective seasons that fall within the archery deer hunting season; statewide hours; hunters must sign-in/sign-out and report harvest and effort at check station)

Moraine View State Park (archery only; coyote only; season runs concurrently with site archery deer season)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit: shotgun or bow only; no deer slugs allowed; coyote season open from August 1 through the following February 28 and during the spring turkey season to hunters with a valid, unfilled turkey permit; use of dogs for hunting coyotes is prohibited~~West subunit only~~)

Rall Woods State Natural Area

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Silver Springs State Fish and Wildlife Area (coyote only, no dogs allowed; season open from the day after archery deer season ends through the last day of February; shotgun with shotshells only; sign-in/sign-out and report of harvest required)

Skinner Farm State Habitat Area

Spoon River State Forest (all hunters must sign-in/sign-out)

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset-sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Walnut Point State Park (sign-in/sign-out required; raccoon hunting only)

Washington County Conservation Area

Weinberg-King State Park (c) (d)

Weinberg-King State Park – Scripps Unit (use of dogs for hunting coyote is not allowed)

Weinberg-King State Park – Spunky Bottoms Unit

Wildcat Hollow State Forest

Winston Tunnel State Natural Area

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery deer season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

opens after duck season)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Beaver Dam State Park (bow and arrow only)

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Copperhead Hollow State Wildlife Area (raccoon and coyote only)

Crawford County Conservation Area

Des Plaines State Fish and Wildlife Area (coyote only, no dogs allowed; season opens the day after archery deer season closes and ends February 28; shotgun with shotshells only; site permit required)

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Hennepin Canal State Trail (archery only; coyote and raccoon only; season open only when the site archery deer season is open)

Hidden Springs State Forest

Horseshoe Lake State Park (Madison County) (coyote only, bow and arrow only)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (shotgun and bow and arrow only)

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after first firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Matthiessen State Park (season closed during the site firearm or muzzleloader deer seasons; site permit may be obtained at the Starved Rock State Park office; hunting hours are from 30 minutes after sunset until 30 minutes before sunrise; raccoon or opossum only; hunting south of the Vermilion River Area only; no dogs allowed)

Mautino State Fish and Wildlife Area (archery only; coyote and raccoon only; season open only when the site archery deer season is open)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens the second Monday in December; night hunting only; raccoon only)

Pyramid State Park

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Ramsey Lake State Park

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Dale Lake State Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 caliber or smaller rimfire firearms permitted 24 hours a day)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

- h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 35 Ill. Reg. 13137, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Number: 570.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]
- 5) Effective Date of Amendment: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 29, 2011; 35 Ill. Reg. 7090
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update the list of open sites and site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. 9643, effective June 27, 2005; amended at 30 Ill. Reg. 12143, effective June 28, 2006; amended at 31 Ill. Reg. 13117, effective August 30, 2007; amended at 32 Ill. Reg. 10104, effective June 30, 2008; amended at 33 Ill. Reg. 9691, effective June 26, 2009; amended

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

at 34 Ill. Reg. 12820, effective August 20, 2010; amended at 35 Ill. Reg. 13149, effective July 26, 2011.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

- a) General Regulations
 - 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
 - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
 - 3) Trappers must stay within assigned areas.
 - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement (publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
 - 5) All sites except Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
 - 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
 - 7) Any person who violates the site specific regulations shall be guilty of a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Class B Misdemeanor.

- 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
 - 9) .22 caliber or smaller rimfire firearms permitted unless otherwise specified.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Beall Woods State Park (water sets only, site permit required)

Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park headquarters)

Copperhead Hollow State Wildlife Area (site permit required)

Des Plaines Game Propagation Center (site permit required)

Frank Holten State Park (water sets only; designated areas only)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24 (no trapping on U.S. Fish and Wildlife Service National Wildlife Refuges in Pools 21, 22 and 24)

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area

Red Hills State Park (site permit required)

Rend Lake Project Lands and Waters (water sets only)

Sam Parr State Park (water sets only, site permit required)

Sielbeck Forest Natural Area (water sets only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Siloam Springs State Park

Snakeden Hollow State Fish and Wildlife Area (site permit required)

Weinberg-King State Park – Scripps Unit (site permit required)

Weinberg-King State Park – Spunky Bottoms Unit (site permit required)

World Shooting and Recreation Complex (site permit required, drawing if needed; water sets only; designated areas only)

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Butterfield Trail State Recreation Area

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kickapoo State Recreation Area

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville – Kaskaskia and West Okaw Management Areas (no more than 50 traps may be used per permit)

Lowden State Park – Kilbuck Creek Habitat Area

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Mermet Lake Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Moraine View State Park (no more than 2 persons may enter drawing on a single card)

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Randolph County Conservation Area

Sanganois Fish and Wildlife Area

South Shore State Park

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

[Union County Conservation Area](#)

Washington County Conservation Area

Wise Ridge State Natural Area

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake Conservation Area

Argyle Lake State Park

Beaver Dam State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets)

Coffeen Lake State Fish and Wildlife Area

Coleta Ponds

Dog Island Wildlife Management Area

Giant City State Park

Hanover Bluff State Natural Area

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Hidden Springs State Forest

Horseshoe Lake State Park – Madison County

Horseshoe Lake State Park (Gabaret, Mosenthein and Chouteau Island Units (Madison County))

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged)

Johnson-Sauk Trail State Park (no foothold water sets)

Jubilee College State Park

Kankakee River State Park (trappers must wear blaze orange while checking traps; no trapping adjacent to bike or horse trails; south of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Kankakee River, only dog proof type traps may be used until the close of the upland hunting season; no trapping on campground areas until closed)

Kishwaukee River State Fish and Wildlife Area (site trapping season ends on the last day of archery deer season)

Lake Le-Aqua-Na State Park

Little Rock Creek State Habitat Area

Mackinaw River State Fish and Wildlife Area ~~(water sets only)~~

Marshall County Fish and Wildlife Area

Mautino State Fish and Wildlife Area (trappers must register at the Hennepin Canal office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Morrison Rockwood State Park

Pekin Lake State Fish and Wildlife Area ~~(water sets only)~~

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Ramsey Lake State Park

Rock Cut State Park

Saline County State Fish and Wildlife Area

Sam Dale Lake Conservation Area

Sahara Woods State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife Area

Spoon River State Forest

Spring Lake ~~State Fish and Wildlife Area Conservation Area (water sets only)~~

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

~~Union County Conservation Area~~

Weldon Springs State Park (permit required by site drawing)

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.
- 1) All regulations shall be according to species regulations as provided for in this Part.
 - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
 - 3) Site specific regulations shall be listed on the application and permit and posted at the site.
- f) Violation of site specific regulations is a Class B misdemeanor (see 520 ILCS 5/2.30).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 35 Ill. Reg. 13149, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.15	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20)
- 5) Effective Date of Amendments: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 29, 2011; 35 Ill. Reg. 7102
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 590.20(b)(1) – changed "in August" to "August 16".

Section 590.40(a)(4) – added "management" before "area" and added "in the walk-in area" after "allowed".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

agreements issued by JCAR? Yes

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update: the list of sites open to hunting, site-specific regulations, check-in requirements, hunting dates, hunting hours and permit requirements.
- 16) Information and questions regarding these adopted rulemakings shall be directed to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 590
DUCK, GOOSE AND COOT HUNTING

Section

590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; preemptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. 14761, effective August 27, 2008; amended at 33 Ill. Reg. 14671, effective October 13, 2009; amended at 34 Ill. Reg. 16457, effective October 8, 2010; amended at 35 Ill. Reg. 13161, effective July 26, 2011.

Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50

- a) Definitions
 - 1) Blind site – A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department.
 - 2) Blind builder – Person who has been assigned a blind site as a result of the drawing.
 - 3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
 - 4) Drawing – Procedure by which blind sites are assigned.
 - 5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
 - 6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.
 - 7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.
 - 8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.
- b) Blind Construction
 - 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds. At Mississippi River Pools 25 and 26, river blinds located on the Mississippi and Illinois Rivers and at Batchtown management area located on the river side of the closing levee may also be pull-in boat hide blinds. Boat hide blind must have a minimum size of 18' x 7.5', be sturdy enough to withstand daily use considering conditions of the site, and be maintained in good condition throughout the season. Boat hide blinds shall be completed, including final brushing, by four weeks prior to the opening day of duck season. Failure to meet these standards shall result in forfeiture of the blind site.
- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake State Natural Area until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.
- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, 7 days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

brushing, by the day before the opening day of the regular duck season.

- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days after the blind drawing date. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one public waterfowl blind managed by the Department.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', except all blinds allocated and constructed after January 1, 2005 must have minimum dimensions of 18' x 7½'. Boat hides shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.
- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).
- 9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.

- c) Use of blinds
- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
 - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
 - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
 - 4) Blinds shall not be locked.
 - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
 - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
 - 7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
 - 8) At sites where a manned check station is in operation, hunters are required to ~~showdeposit~~ their hunting license and Federal and State Migratory Waterfowl Stamp ~~at the check station while hunting~~. Persons exempt by law from having a hunting license and an Illinois stamp must ~~showdeposit~~ their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
 - 9) Cutting of vegetation greater than 4 inches ~~diameter~~ at breast height

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(d.b.h.) will result in loss of the blind for the current allocation period.

d) Public Drawing

- 1) Time and place for all sites holding drawings shall be publicly announced by the Department.
- 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. In order to be an eligible applicant for the drawing, the participant must not at the time of the drawing have his/her hunting privileges suspended or revoked by the Department or any other jurisdiction. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.
- 3) No person is eligible to draw for a waterfowl blind who has had his or her hunting privileges suspended by Illinois or any other state, or is prohibited from possessing a firearm due to a conviction for violation of a State or federal law, or is prohibited from possessing a firearm by action of law regardless of conviction status (such as homeland security, under order of protection, etc.). Any ineligible person who submits an application to draw for a waterfowl blind shall be refused, if known by the drawer at the time to be ineligible, or shall have his or her draw declared void upon discovery of ineligibility by the Department. A refused or voided application shall be referred to the appropriate State's Attorney for possible prosecution under the Criminal Code [of 1961](#) [720 ILCS 5].

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
 - 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.
 - 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
 - 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.
- f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 13161, effective July 26, 2011)

Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:
- Banner Marsh State Fish and Wildlife Area
 - Double T State Fish and Wildlife Area
 - Horseshoe Lake State Fish and Wildlife Area
 - Marshall State Conservation Area – Duck Ranch Unit
 - Rice Lake State Fish and Wildlife Area – Walk-in Units

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sangchris Lake State Park subimpoundment

Snakeden Hollow State Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit

Union County State Fish and Wildlife Area

b) Permit Requirements

- 1) ~~Permit applications shall be accepted starting August 16. Initial acceptance dates and methods for making applications will be publicly announced. A hunter can obtain up to 5 permits for duck hunting and 5 permits for goose hunting as follows: Only applications submitted by Illinois residents will be processed during the first lottery to apply for up to one duck permit and one goose permit. Non-residents and residents who did not receive a permit or did not apply in the first lottery will be eligible to participate in the second lottery to apply for their first duck and goose permit. Residents will have preference in the 2nd lottery. Residents and non-residents can apply for a 2nd permit for duck and goose hunting in the 3rd lottery. Residents will have preference in the 3rd lottery. Residents and non-residents can apply for a 3rd, 4th and 5th duck and goose permit during the phone-in reservation period to be held after the 3rd lottery. Successful applicants will be sent confirmation via email or can access the Reservation Inquiry System to see if they were awarded a permit.~~ ~~Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.~~
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Wildlife Code [520 ILCS 5/3.8].

- 3) The permit shall be for the use of the entire blind or staked site/area. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, and Union County State Fish and Wildlife Area; or 2 partners (hunters or non-hunters; 3 persons per stake/area) for Rice Lake State Fish and Wildlife Area – Walk-in Unit; or 3 partners (hunters or non-hunters; 4 persons per blind or staked site/area) for Banner Marsh State Fish and Wildlife Area, Double T State Fish and Wildlife Area, Marshall State Conservation Area – Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.
- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office – Waterfowl
P.O. Box 19457
Springfield IL 62794-9457

c) General Regulations

- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at:
 - A) Snakeden Hollow State Fish and Wildlife Area from two weeks before duck season through close of Central Zone Canada goose season.
 - B) Double T State Fish and Wildlife Area from October 1 through the close of the Central Zone Duck hunting season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) Hours, Permits and Stamp Charges
- A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, which close at 12 noon.
- B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, Rice Lake State Conservation Area – Walk-in Units and Union County State Fish and Wildlife Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment and at Marshall State Conservation Area – Duck Ranch Unit hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time. At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters are required to check in at the check station no later than one hour before legal shooting time; after that time, permits are void. At Double T State Fish and Wildlife Area, hunters must check in by 4:30 a.m. at the Rice Lake check station. Permits are void after 4:30 a.m. Check out is required at all sites listed in this Section.
- C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.
- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh State Fish and Wildlife Area, Marshall State Conservation Area –

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, Horseshoe Lake State Fish and Wildlife Area, Union County State Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.

- 3) Hunting shall be done from assigned locations (blinds, stakes, areas or pits) only and hunters shall not move from assigned location to another location or leave the assigned location and return.
- 4) Guns must be unloaded and encased at all times when not hunting. Except at Union County and Horseshoe Lake State Fish and Wildlife Areas, all hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
- 5) The legal hunting seasons for Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area are the dates of the South Zone duck and goose hunting seasons except that these areas shall be closed on Mondays, Tuesdays (except for the Illinois Youth Waterfowl Hunt) and December 24 ~~through 28, 25, 26 and 27~~. (These sites shall be open only for the Illinois Youth Waterfowl~~Goose~~ Hunt on December ~~2827~~, pursuant to Section 685.110.)
- 6) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh State Fish and Wildlife Area and Rice Lake State Fish and Wildlife Area – Walk-in Units is the dates of the Central Zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake Subimpoundment is the opening day of the Central Zone duck hunting season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

season except during the second firearm deer season when the Subimpoundment will be closed on the first day of the season and hunting hours will close at 10:00 a.m. during the remaining days of the second firearm deer season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(41)(B)).

- 9) The legal hunting season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit is the opening day of the Central Zone duck hunting season and every Tuesday, Thursday and Sunday of the Central Zone duck hunting season, except the second Sunday in November, which is closed due to the Youth Hunt.
- 10) The legal permit hunting season at Double T State Conservation Area will be every Wednesday, Saturday and Sunday of the Central Zone duck hunting season.
- 11) The legal hunting season at Marshall State Conservation Area – Duck Ranch Unit is every Tuesday, Thursday, Saturday and Sunday during the Central Zone duck season.
- 12) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, during duck season hunters shall not possess more than 25 shot shells. When duck season is closed, hunters shall not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and Wildlife Area, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 13) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed. At Sangchris Lake Subimpoundment only Department decoys may be used.
- 14) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, hunters cannot take guns from the blind to retrieve crippled waterfowl.
- 15) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

of age must be accompanied by a supervising adult.

- 16) At Rice Lake State Fish and Wildlife Area – Walk-in Units, hunting shall be by walk-in or boats without motors only.

- d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 13161, effective July 26, 2011)

Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
- 1) Anderson Lake State Conservation Area – All Management Units (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds)
 - 2) Batchtown State Wildlife Management Area(3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period; all interior lakes and sloughs located on Turner Island will be noted as walk-in or boats without motors only; no permanent blinds are allowed; hunting parties shall not hunt over fewer than 12 decoys or more than 24 decoys in the walk-in area; decoys must be picked up daily; no vehicles are allowed in the walk-in area; walk-in shooting hours end at 12:00 p.m. CST daily)
 - 3) Calhoun Point State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 4) The Glades State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period; all interior lakes and sloughs located on 12 Mile Island will be noted as

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

walk-in; only boats without motors are allowed in the management area; no permanent blinds are allowed; hunting parties shall not hunt over fewer than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles are allowed in the walk-in area; walk-in shooting hours end at 12:00 p.m. CST daily)

- 5) Godar-Diamond State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation)
- 7) Lake DePue State Fish and Wildlife Area and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; previous year's blind builders have until May 1 to remove their blinds)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
- 12) Spring Lake State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; waterfowl hunters will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension and fully enclosed on all four sides, must include four shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat type of blind will not be required to construct a dog hide; blind numbers 2, 5, 6, 7, 8, 9, 10, 11, 12 and 14 must be removed in their entirety no later than 10 days after the close of the Central Zone waterfowl season, but may be removed beginning November 21; blinds 1, 3, 4, 13, 15, 16, 17, 18, 19 and 20 must be removed in their entirety by the previous year's blind builder no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed, or beginning November 21, at locations where the blind has been dismantled; the maximum horsepower for motors on the lake is 25 h.p.; goose hunting prohibited prior to the regular duck season)

- 13) Stump Lake State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
 - 15) William W. Powers Conservation Area (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet at all blind sites; all hunters must sign in prior to occupying blind and must sign out no later than one hour after closing time; closed Mondays and Tuesdays)
- b) The following regulations apply to all sites listed in this Section under subsection (a):

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) All hunters must report to the check station to fill out information cards, show and to turn in hunting licenses or Firearm Owner's Identification Cards and receive all required materials before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
- 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
- 4) All hunters must be checked out within one hour of the close of the legal hunting hours. To complete the check out process, all hunters must complete the hunter harvest card/sheet and deposit it in the box provided~~At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.~~ At Mississippi River Area Pools 25 and 26, hunters must be checked out within one hour after leaving their blinds.
- 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
- 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season, except on areas of Mississippi River Area Pools 25 and 26, Batchtown State Wildlife

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Management Area, Crull Hollow and Godar Refuge State Wildlife Area, which reopen the day after regular duck season closes.

- 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
- 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Marshall State Fish and Wildlife Area and Woodford State Fish and Wildlife Area, any blinds left unclaimed after completion of the daily drawing will be assigned on a first come-first served basis up to 30 minutes after the drawing and from 8:00 a.m. to 11:00 a.m., and except at Batchtown State Wildlife Management Area, Calhoun Point State Wildlife Management Area, The Glades State Wildlife Management Area, Godar-Diamond State Wildlife Management Area, Horseshoe Lake State Park (Madison County) and Stump Lake State Wildlife Management Area (9:00 a.m.-~~12:00~~^{1:00} p.m.)₂ after which time the area shall be closed to additional hunters.
- 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
- 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

12) Any person who violates any provision of this Part shall be subject to arrest and/or removal from the premises under applicable statutes, including Section 21-5 of the Criminal Code (Criminal Trespass to State Supported Land).

c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 13161, effective July 26, 2011)

Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting

a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake State Fish and Wildlife Area – West Point Management Unit (walk-in or boat; staked sites; daily draw)

Chain O'Lakes State Park (for goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by April 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake State Wildlife Management Area (one year blind allocation)

Des Plaines River State Conservation Area (goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake State Fish and Wildlife Management Area (daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Helmbold Slough State Wildlife Management Area (3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi State Fish and Wildlife Area (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the Northern Zone waterfowl season, but may be removed beginning November 15; backwater blinds 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 22, 23, 24 and 25 must be removed in their entirety by the previous years' blind builder by no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed)

Marshall State Conservation Area – Sparland Unit (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials; hunters are required to check in and check out at the self-check box located at the Lacon boat ramp)

Meredosia Lake State Fish and Wildlife Area (~~2~~one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds –

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; hunting allowed from a portable blind or anchored boat, in Illinois waters, maintaining > 200 yard intervals at the following locations: Pool 21 – west of Long Island (river mile 332.5-340.5), Pool 22 – west of Ward Island (river mile 314.0-324.0), Pool 24 – west of Denmark Island (river mile 291.0-294.5); 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period; all interior lakes and sloughs located on Kelly Island will be noted as walk-in or boats without motors only; no permanent blinds are allowed; hunting parties shall not hunt over fewer than 12 decoys or more than 24 decoys in the walk-in area; decoys must be picked up daily; no vehicles are allowed in the walk-in area; walk-in shooting hours end at 12:00 p.m. CST daily)

Momence Wetlands State Natural Area (hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; no hunting during firearm deer seasons)

Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; goose hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

prohibited prior to the regular duck season)

Piasa Island State Wildlife Management Area (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 during regular duck season only)

Red's Landing State Wildlife Management Area (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in ~~or~~ /boats without motors area only; no permanent blinds; daily hunting hours will close at 12:00 p.m. CST; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake State Natural Area (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.; hunting from boat blinds is permitted within 10 feet of marked blind sites)

Riprap Landing State Wildlife Management Area (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles allowed; walk-in area shooting hours end at 12:00 p.m. CST daily)

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone duck and/or Canada goose seasons are open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of staked blind sites beginning November 15 for those blinds removed on or after November 15; staked blind locations that have not had a blind built may be hunted the entire season from a boat blind anchored within 10 feet of the numbered blind stake; blind locations not built shall be available on a first come-first served basis; hunting from boat blinds within 10 feet of staked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
 - 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
 - 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
 - 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
 - 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
 - 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding State Wildlife Area.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding State Wildlife Area the limit of 4 persons does not apply.
 - 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
 - 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
 - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of regular duck season through the day before regular duck season as posted at the site.
 - 11) [Any person who violates any provision of this Part shall be subject to arrest and/or removal from the premises under applicable statutes, including Section 21-5 of the Criminal Code \(Criminal Trespass to State Supported Land\).](#)
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake State Wildlife Management Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Des Plaines State Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake State Natural Area

- d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 13161, effective July 26, 2011)

Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).
 - 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
 - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
 - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
 - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
 - 6) No check station is operated nor is any check in/check out required, except

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

as indicated in the remainder of this Section.

- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
 - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.
- b) Site Specific Regulations
- 1) Blanding State Wildlife Area
Federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.
 - 2) Boston Bay (Mississippi River Pool 18)
No permanent blinds may be built; temporary blinds only; 200 yards apart.
 - 3) Cache River State Natural Area (1)
 - 4) Campbell Pond State Wildlife Management Area (1)
 - 5) Cape Bend State Fish and Wildlife Area (1)
 - 6) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and within the impoundments on the East Side Management Area located east of the Kaskaskia River.

- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department personnel will designate boat launching locations.
- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Management Area (Eldon Hazlet State Park) only:

- i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
 - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
 - iii) Decoys shall not be left out unattended.
 - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 7) Chauncey Marsh State Natural Area (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 8) Clinton Lake State Recreation Area (1)
- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.
 - B) Except as described in subsections (b)(8)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.

- C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.
 - D) Hunting from permanent land-based blinds is permitted only from Disabled Hunting Program and Salt Creek Waterfowl Management Area blinds.
 - E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
 - F) Except for the Handicap Hunting Program facilities and Salt Creek Waterfowl Management Area, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
 - G) There will be no hunting within 200 yards of developed areas or construction zones and 300 yards of electrical power lines.
 - H) Hunting within the Salt Creek Waterfowl Management Area will, on designated days, be available only through a drawing conducted at the site. Procedures for applying for a permit at the site will be publicly announced.
- 9) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
 - B) Hunting from staked sites only.
 - C) No permanent blinds.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- D) Hunting by boat access only.
 - E) No cutting vegetation on site.
 - F) Hunting north of railroad tracks only.
 - G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
 - H) Four hunters per blind site.
 - I) No hunting during firearm deer seasons.
 - J) All hunters must be checked out at sign in box by 2:00 p.m.
- 10) Copperhead Hollow State Wildlife Area (1)
Hunters must obtain a free permit from the site office; permit must be in possession while hunting; permit must be returned and harvest reported by February 15; failure to return the permit will result in loss of hunting privileges at the site for the following year.
- 11) Cypress Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 12) Deer Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 13) Devil's Island State Fish and Wildlife Area (1)
- 14) Dog Island State Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 15) Donnelley State Wildlife Area
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.

- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 16) Fort de Chartres Historic Site (1)
- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
 - B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
 - C) No hunting is allowed during firearm deer season.
- 17) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.
- 18) Fox River (1)
- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
 - B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.
- 19) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)
Waterfowl blind regulations of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section.
- 20) Freeman Mine
Hunting regulations will be publicly announced.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 21) Heidecke State Fish and Wildlife Area, Braidwood State Fish and Wildlife Area and Powerton Lake State Fish and Wildlife Area
- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
 - B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
 - C) Access to water blind sites must be by boat only and from designated boat launch sites.
 - D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
 - E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
 - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
 - G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.

- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

| 22) Henderson Creek State Fish and Wildlife Area

| 23)~~22)~~ Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)

| 24)~~23)~~ Horseshoe Lake (Alexander County) Public Hunting Area

- A) Closed to waterfowl hunting on Mondays and Tuesdays.
- B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~25)~~²⁴⁾ Horseshoe Lake Refuge

No hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.

~~26)~~²⁵⁾ Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit
Site permit required.~~27)~~²⁶⁾ Kaskaskia River State Fish and Wildlife Area (1)

The last 3 days of both the duck season and the regular Canada goose season.

- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
 - i) No waterfowl hunters may enter the area before 4:30 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.
 - ii) Only waterfowl, coot, firearm deer hunting (during the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

- iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake. Staked hunting locations shall be allocated on a daily draw basis at the Highway 154 Boat Ramp at 4:00 a.m. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a staked location in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; moving from staked location to staked location is not allowed. Staked locations not allocated during the drawing will not be hunted that day. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.

- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
 - i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
 - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
 - iii) Hunters must sign in/out and report harvest at check station after hunting.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) Hunting permitted only from staked sites. Hunters must sign in prior to hunting and sign out and report harvest at the end of each day's hunt.
- B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. No non-hunting partners.
- C) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
- D) Each hunting party must hunt over a minimum of 12 decoys.
- E) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
- F) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
- G) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
- H) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- I) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind.

~~29)28)~~ Kinkaid Lake State Fish and Wildlife Area (1)

~~30)29)~~ Mernet Lake State ~~Fish and Wildlife Conservation~~ Area

~~A)~~ ~~Waterfowl hunting shall be permitted during duck season only.~~

~~A)B)~~ No fishing on the area during duck season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B)C) Hunting hours are from legal opening until 1:00 p.m. each day, except the last 3 days of duck season, when hunting shall be allowed until sunset.
- C)D) Manned check station will be closed Christmas Day and every Sunday and Monday during regular duck hunting season. Walk-in hunting will be allowed on Sundays and Mondays.
- D)E) Blind/pool sites shall be allocated on a daily drawing basis at the manned waterfowl check station 90 minutes before legal hunting time (except Sunday and Monday when the manned check station is closed). ~~All hunters are required to deposit their hunting licenses before entering the areas.~~ One additional drawing will be held at the manned check station at 9 a.m. for any unoccupied waterfowl blinds/pools.
- E)F) Hunters shall register as a party/group of up to 4 hunters for the drawing (except on the statewide youth waterfowl hunting day, as authorized in 17 Ill. Adm. Code 685.110(c) when 5 people may occupy a blind/pool at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind/pool in the order drawn; only those hunters registered in that party/group shall be allowed to hunt with the party.
- F)G) Upon allocation of blinds/pools, all hunting parties/hunters must accept and hunt the blind/pool chosen, or reject the allocation of the blind/pool immediately. All those rejecting the allocation of a blind/pool shall be ineligible to hunt within the blind/pool area for the remainder of that day. Individual hunters, or hunting parties, can only be allocated one blind/pool per day.
- G)H) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- H)I) Waterfowl hunters must have their waterfowl hunting tag filled out with the date and blind/stake number or hunting location. The card must be in possession of the hunter while hunting. All waterfowl harvested must be reported on the waterfowl hunting tag and returned daily to the drop box at the hunter check station no later

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

than 2:00 p.m.

- ~~D)H~~ All hunters must park in designated areas only. All areas are marked with corresponding numbers or area designations. Only one vehicle per hunting party will be allowed, unless approval is granted by check station operator.
- ~~J)K~~ Within the blind/pool area, a minimum of 12 decoys per hunting party are required while hunting waterfowl. No decoys are required within the walk-in areas. All decoys must be removed from the area at the end of the day's hunt.
- ~~K)L~~ A 25 shotgun shell limit per hunter, per day, applies on this area. It is unlawful for a hunter to have in his or her possession more than 25 shotgun shells while on the site.
- ~~L)M~~ Hunting must be from allocated blind (or within 10 yards of blind) or pool location. Hunters may hunt other designated waterfowl hunting areas that do not have blinds or pools; however, they must maintain a minimum distance of 200 yards from the nearest blind/pool or other hunting parties.
- ~~M)N~~ Attempts to claim a blind/pool by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. Insertion of a boat into a boat hide and/or the spread of decoys before a blind/pool shall not be considered legal occupation of a blind/pool.
- ~~N)O~~ Due to safety factors, persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by a parent, legal guardian, or person designated by the parent or guardian who is 18 years of age or older.
- ~~O)P~~ Claiming or attempting to claim any blind/pool that is legally occupied and/or harassing, in any manner, the occupants of a blind/pool that is legally occupied is unlawful.
- ~~P)Q~~ Boats without motors may be used within the walk-in areas.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~31)30)~~ Newton Lake State Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. Hunting hours end at 1:00 p.m.; all hunters must be off the water or out of the field by 2:30 p.m. daily.
- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp or site headquarters.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.
- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
- H) Access to water blind sites shall be by boat only and from the east side boat ramps. Access to land sites shall be by walk-in only and from nearby hunter parking lots. No parking is allowed along county roads.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- I) All water hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- K) Blind site water: A position between 2 like numbered stakes where a blind may be located. Blind site land: A position within 50 feet of numbered stakes where a hunter may set up or a temporary blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.
- P) During the last 3 days of Canada Goose season, hunting hours shall close at sunset daily.

| ~~32)31)~~ Oakford State Conservation Area (1)

| ~~33)32)~~ Pyramid State Park – Captain Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) Hunters participating in daily lottery must register as a group not to exceed 4 hunter names per card. Waterfowl hunters not hunting at a staked site allocated through daily lottery may not exceed 4 hunters per party. All hunters must register as a group not to exceed 4 names per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Waterfowl hunters not participating in the daily lottery for staked sites may not access Pyramid State Park property untilEntry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- J) No waterfowl hunting is allowed within 200 yards of the Captain Unit Waterfowl Rest Area or within 100 yards of any private property boundary.
- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The area is closed to waterfowl hunting on Mondays and December 25.

~~34)33)~~ Pyramid State Park – Denmark Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) Hunters participating in daily lottery must register as a group not to exceed 4 hunter names per card. Waterfowl hunters not hunting at a staked site allocated through daily lottery may not exceed 4 hunters per party.~~All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.~~
- E) Blind sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.

- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Waterfowl hunters not participating in the daily lottery for staked sites may not access Pyramid State Park property untilEntry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards of Denmark Unit Waterfowl Rest Area and 100 yards of any private property boundary.
- K) The land and water portion of the Denmark Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Canada goose allowed in the daily bag.

- M) The area is closed to waterfowl hunting on Mondays and December 25.

~~35)34)~~ Pyramid State Park – East Conant Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) No waterfowl hunting within 100 yards from any private property boundary.
- F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- G) Waterfowl hunters may not access Pyramid State Park property until~~Entry time for hunters not participating in daily lottery is~~ 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- I) The area is closed to waterfowl hunting on Mondays and December 25.

~~36)35)~~ Pyramid State Park – Galum Unit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) Hunters participating in daily lottery must register as a group not to exceed 4 hunter names per card. Waterfowl hunters not hunting at a staked site allocated through daily lottery may not exceed 4 hunters per party.~~All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.~~
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Waterfowl hunters not participating in the daily lottery for staked sites may not access Pyramid State Park property until~~Entry time for hunters not participating in daily lottery is~~ 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

- J) No waterfowl hunting within 100 yards of any private property boundary.
- K) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- L) The area is closed to waterfowl hunting on Mondays and December 25.

| ~~37)36)~~ Ray Norbut State Fish and Wildlife Area (1)

| ~~38)37)~~ Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from the closing of youth waterfowl season until opening day of regular waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek, Gun Creek and Rend City Wetland during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
 - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
 - iii) All hunters must have the registration card from the check station in their possession while hunting.
 - iv) Hunting parties can only hunt from the pit location that they chose in that day's drawing. No moving to or hunting from any other pit location is allowed.
 - v) No more than 6 dozen decoys may be used per pit.
 - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- J) During the last 3 days of Canada goose season, hunting hours shall close at sunset daily.
- K) The land and water portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January.
- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
- iv) All hunters must register at the check station. Hunters arriving at the check station after the initial draw will have the opportunity to select any stakes that are still available up to one hour before legal shooting time. Hunters may enter the subimpoundment up to ½ hour before legal shooting time or between 9:00 a.m. and 9:30 a.m.
- v) Hunting parties can only hunt from the staked hunting location that they chose in that day's drawing. No moving to or hunting from any other staked hunting location is allowed. Once a staked hunting location is killed out, no other hunting party may hunt from that stake for the remainder of that day.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

| ~~39)38)~~ Sahara Woods State Fish and Wildlife Area (1)

| ~~40)39)~~ Saline County State Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

| ~~41)40)~~ Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.

| ~~42)41)~~ Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
- B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Owner's Identification Cards before proceeding to area.

- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- K) When the Central Zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

| ~~43)42)~~ Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(42)(K)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

during the period from 10 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.

~~44)43)~~ Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited at Lower Bluff Lake. Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~45)44)~~ Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors. Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

~~46)45)~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- D) Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

~~47)46)~~ Shelbyville State Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described in this subsection (b)(46) except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, North Dunn, McGee, and Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing for the first 2 days of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply.
 - i) All parties must hunt within 10 yards of their assigned stake.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ii) All parties must be in place by ½ hour before hunting time.
 - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in this subsection (b)(46)(C). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis for the first 14 days of the Illinois Central Zone duck season, except as noted in this subsection (b)(46)(C). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas is required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which can be obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit hunting privileges at this site for the following year.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~48)47)~~ Sielbeck Forest State Natural Area (1)

~~49)48)~~ Stephen A. Forbes State Park

- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.
- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

~~50)49)~~ Ten Mile Creek State Fish and Wildlife Area (1)

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

~~51)50)~~ Turkey Bluffs State Fish and Wildlife Area (1)
All hunters must sign in and out and report kill.

~~52)51)~~ Union County State Fish and Wildlife Area (Firing Line Waterfowl Management Area)

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
- C) Access to blind sites is from Clear Creek Levee only.
- D) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- E) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- F) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~53)52)~~ Weinberg-King State Park – Spunky Bottoms Unit (1)
No access restrictions; sign in/sign out required.

~~54)53)~~ Wise Ridge State Natural Area (1)

(Source: Amended at 35 Ill. Reg. 13161, effective July 26, 2011)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d), (e) and (f) with the following exceptions:
 - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
 - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
 - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
 - 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
 - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be open to all goose hunting seasons:
- Blanding State Wildlife Area @
- Cache River State Natural Area *
- Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) *
- Chain O'Lakes State Park #
- Chauncey Marsh State Natural Area (permit required, available at Red Hills State Park)
- Clinton Lake State Recreational Area – early season goose hunting in waterfowl hunting areas east of Parnell Bridge and North of Route 54 only. Any goose

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hunting seasons after the regular Canada goose seasons will close March 15.

Des Plaines State Conservation Area #

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area *

Fort de Chartres Historic Site

Horseshoe Lake State Park (Madison County) (blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) # *

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting) *

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units * @

Meredosia Lake State Fish and Wildlife Area

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area, Crull Hollow Rest Area and Godar Rest Area; blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) @

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 16, 17, and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford State Conservation Area

Rend Lake Project Lands and Waters @

Saline County State Conservation Area *

Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek State Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Weinberg-King State Park – Spunky Bottoms Unit (1)

Woodford State Fish and Wildlife Area * @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada goose season:

Anderson Lake (closed after regular duck season) * @

Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6th only; no fishing north of County Road N6th during this season) * #

Lake Shelbyville – West Okaw and Kaskaskia State Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * @

Siloam Springs State Park (open prior to regular duck season only) * #

- d) The following sites will be open to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh State Fish and Wildlife Area * @

Braidwood State Fish and Wildlife Area (when duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit)*

Double T State Fish and Wildlife Area (hunters must check in and out at the self-check box on the site; hunting from stakes or pits only; 4 persons per stake; hunters cannot check in before 5:00 a.m. the day of the hunt; stakes or pots allocated on a first come-first served basis)*

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue State Fish and Wildlife Area *

Lake Sinnissippi State Fish and Wildlife Area

Mermet Lake State Fish and Wildlife Area * @

Newton Lake State Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area (hunting from registered blinds or within 10 yards of staked blind sites is permitted after the close of the duck season) *

Starved Rock State Park *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

William W. Powers State Conservation Area

- e) The following sites will be open to any goose hunting seasons that occur after the regular Canada goose hunting season:

Double T State Fish and Wildlife Area (from pits or staked blind sites only)*

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)

* @

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (site permit and harvest report required)

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)

Peabody River King State Fish and Wildlife Area (East Subunit only; no hunting on or adjacent to lakes or within 200 yards of roads, developed recreation areas, public use facilities and construction or industrial sites; hunting is on a first come-first served basis; no entry before 4:30 a.m.; waterfowl hunters must maintain a distance of 200 yards between hunting parties; no permanent blinds allowed; all blinds must be of a portable nature and/or constructed with natural vegetation at the blind site; no pits can be dug; all materials must be removed or dismantled at the end of the day's hunt; all waterfowl hunting parties must use at least 12 decoys that must be attended at all times and must be picked up at the end of each day's hunt) *

Pyramid State Park – Captain Unit (no hunting in Captain Unit Waterfowl Rest Area) @

Pyramid State Park – Denmark Unit (no hunting in Denmark Unit Waterfowl Rest Area) @

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit @

Sangchris Lake State Park *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Stephen A. Forbes State Park *

Snakeden Hollow State Fish and Wildlife Area (from pits only) *

Union County State Conservation Area (firing line and controlled hunting area) *
@

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Donnelley State Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Powerton Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake State Natural Area

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area (use of boats within drainage ditch is prohibited)

- h) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 13161, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) Section Number: 685.110 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendment: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 29, 2011; 35 Ill. Reg. 7169
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to remove Banner Marsh Fish and Wildlife Area from the listing of sites with youth hunting, as the youth hunt will be conducted on the federal youth hunt date.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 685
YOUTH HUNTING SEASONS

Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt (Repealed)
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009; amended at 34 Ill. Reg. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011.

Section 685.110 Youth Waterfowl Hunting

- a) Permit Requirements
 - 1) Permit reservations shall be accepted starting in September. Initial

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.

- 2) Only one permit per person shall be issued for the hunt on December 27 at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.
 - 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.
 - 4) Permit reservations and transferability.
 - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
 - B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
One Natural Resources Way
P.O. Box 19457
Springfield IL 62794-9457
 - 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.
- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Hours, Permits and Stamp Charges
 - A) Hunting hours at Horseshoe Lake State Conservation Area (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), ~~Banner Marsh State Fish and Wildlife Area~~ and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
 - B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
 - C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) ~~and Banner Marsh Fish and Wildlife Area~~, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
 - D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits are void. A drawing shall be held on the morning of the hunt to allocate blind sites.
 - E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

return.

- 3) Guns must be unloaded and encased at all times when not hunting.
 - 4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
 - 5) At Rend Lake State Fish and Wildlife Area, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.
- c) **Special Hunts**
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 35 Ill. Reg. 13228, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
730.10	Amendment
730.20	Amendment
730.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 29, 2011; 35 Ill. Reg. 7175
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Section 730.20(j)(1)(C) – added "inclement" prior to "weather" and added "adverse" prior to "conditions".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update statewide regulations, site-specific regulations, daily limits and possession limits and to clarify application and permit regulations.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section

730.10	Statewide Regulations
730.20	Regulations at Various Department-Owned or -Managed Sites
730.30	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)
730.40	Youth Dove Hunting

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 3, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003; amended at 28 Ill. Reg. 12865, effective September 1, 2004; amended at 29 Ill. Reg. 9797, effective June 24, 2005; amended at 30 Ill. Reg. 12251, effective June 28, 2006; amended at 31 Ill. Reg. 11738, effective July 27, 2007; amended at 32 Ill. Reg. 14857, effective August 27, 2008; amended at 33 Ill. Reg. 9702, effective June 26, 2009;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

amended at 34 Ill. Reg. 12831, effective August 20, 2010; amended at 35 Ill. Reg. 13234, effective July 26, 2011.

Section 730.10 Statewide Regulations

- a) Dove regulations are in accordance with Federal Regulations, unless the regulations in this rule are more restrictive. (50 CFR 20.103, 1990)
- b) Season dates, daily limits and possession limits for mourning doves and white-winged doves are in accordance with federal regulations. White-winged doves ~~Collared, ringed turtle, and white-winged doves~~ (Genus Streptopelia) shall be included in the daily limits and possession limits established for mourning doves. There is no daily bag limit or possession limit on collared and ringed turtle doves. If hunters reach their daily bag limit of mourning/white-winged doves, they may not remain in the field for the purpose of taking more Eurasian-collared doves or ringed turtle doves.
- c) Hunting hours: Sunrise to sunset.
- d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 35 Ill. Reg. 13234, effective July 26, 2011)

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7½, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Clinton Lake State Recreation Area (dove management fields only)

Des Plaines Conservation Area

Double T State Fish and Wildlife Area

Eldon Hazlet State Park (#)

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County) (#)

Horseshoe Lake State Park (Madison County) Gabaret,
Mosenthein, Chouteau Island Unit (#)

Johnson-Sauk Trail State Park

Jubilee College State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kankakee River State Park (#)

Kaskaskia River State Fish and Wildlife Area (designated areas)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only)

Mackinaw River State Fish and Wildlife Area

Marshall State Fish and Wildlife Area (#)

Mautino State Fish and Wildlife Area

Mazonia State Fish and Wildlife Area (#)

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Moraine View State Park

Mt. Vernon Game Propagation Center (#)

Peabody River King State Fish and Wildlife Area

Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Sam Parr State Fish and Wildlife Area (#)

Sand Prairie Pheasant Habitat Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Silver Springs State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

Spoon River State Forest

Ten Mile Creek State Fish and Wildlife Area (areas posted as rest area on the Eads and Belle Rive Units)

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
 - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
 - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided in 17 Ill. Adm. Code 510.
 - 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
 - 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:
- Argyle Lake State Park (season opens day after Labor Day) (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Cape Bend State Fish and Wildlife Area (#)

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Corps of Engineers managed areas of Rend Lake

Cypress Pond State Natural Area (#)

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (#)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Freeman Mine (permit required)

Marshall State Fish and Wildlife Area (#)

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

Meeker State Habitat Area (permit required; may be obtained at Sam Parr State Fish and Wildlife Area headquarters; must be returned by February 15)

Mermet Lake State Fish and Wildlife Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Oakford Conservation Area

Ray Norbut State Fish and Wildlife Area (#)

Red Hills State Park (#)

Sahara Woods State Fish and Wildlife Area (#)

Sand Ridge State Forest (permit required; must be returned by February 15)

Sangamon County Conservation Area

Sielbeck Forest Natural Area (#)

Spoon River State Forest (#)

Trail of Tears State Forest (#)

Weinberg-King State Park – Spunky Bottoms Unit (#)

Wildcat Hollow State Forest

Wise Ridge State Natural Area

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

September 1-5, drawing one hour before sunrise; black powder firearms only on September 2) (#)

Double T State Fish and Wildlife Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Jubilee College State Park (hunting allowed only on opening day, Saturdays, Sundays, Wednesdays and holidays) (#)

Mautino State Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Sam Dale Lake Conservation Area (#)

Sanganois State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Harry "Babe" Woodyard State Natural Area (permit required) (#)

Hidden Springs State Forest (dove management fields only)

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (season closes at the end of the first statewide split season) (#)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14; the defined Baldwin Lake Waterfowl Rest Area is closed) (#)

Kinkaid State Fish and Wildlife Area (#)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)

Marseilles State Fish and Wildlife Area (after Labor Day, site is closed on Fridays, Saturdays, and Sundays through October; hunters must leave their guns at the stake site when retrieving downed birds; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (#)

Middle Fork State Fish and Wildlife Area (dove management fields only) (#)

Moraine View State Park (dove management fields only; season closes October 14) (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Peabody River King State Fish and Wildlife Area (~~East Subunit~~ ~~subunit~~ closes October 14) (#)

Pyramid State Park (permit required; permit must be returned by February)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field, except for hunters who are part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (#)

Pyramid State Park – Captain Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land west of the Western Haul Road and all land east of the Eastern Haul Road to the shore of Super Lake to South Haul Road); all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting)

Pyramid State Park – Denmark Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land south of Quonset Hut Road to Tangen Cemetery Road to Brushy Creek Road); all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting)

Pyramid State Park – East Conant Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Pyramid State Park – Galum Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting)

Randolph County State Conservation Area (#)

Siloam Springs State Park (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

World Shooting and Recreation Complex (designated dove management fields only) (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

Lake Le Aqua Na State Park (#)

Sam Parr State Fish and Wildlife Area (#)

Shabbona Lake State Park (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Skinner Farm State Habitat Area (#)

Stephen A. Forbes State Park (season opens day after Labor Day) (#)

- g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Giant City State Park (#)

Saline County State Fish and Wildlife Area (#)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Fox Ridge State Park (except dove management units; shooting hours after September 5 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Middle Fork State Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

- i) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are sunrise to 11:30 a.m. daily September 1-5; season closes September 30. A drawing will be held one hour before sunrise if more hunters show up than can be accommodated.

Johnson-Sauk Trail State Recreation Area (#)

Mt. Vernon Game Propagation Center (#)

Rend Lake State Fish and Wildlife Area (#)

Ten Mile Creek State Fish and Wildlife Area (season closes on statewide closing date; permit required; must be returned by February 15)

- j) Permit Areas

- 1) Permit Season Regulations

A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed at the end of this subsection.

- B) Permit Applications

Permit applications will be accepted starting in June. Initial acceptance dates and methods for making applications will be publicly announced. A hunter can obtain up to 2 dove permits as follows: Only applications submitted by Illinois residents will be processed during the first lottery to apply for up to one dove permit. Non-residents and residents who did not receive a permit or did not apply in the first lottery will be eligible to participate in the second lottery to apply for their first dove permit. Residents will have priority in the 2nd lottery. Residents and non-residents can apply for a 2nd permit during the phone-in reservation period to be held after the lottery. Successful applicants will be sent confirmation via email or can access the Reservation Inquiry System to see if they were awarded a permit. Applicants must

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.~~

- C) ~~Drawings for permits at specific sites may be canceled at any time due to flooding, inclement weather, staff shortages or other adverse conditions beyond the Department's control. Hunters are urged to select a second choice of sites on their permit application. Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.~~
- D) Permits are not transferrable.
- E) Permits will be issued from the Springfield Permit Office for permit controlled sites. For other information, go to www.dnr.illinois.gov.
- ~~F)D~~ Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection ~~(j)(3)(i)(3)~~. All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection ~~(j)(3)(i)(3)~~.
- ~~G)E~~ Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
- ~~H)F~~ All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
- B) Non-permit hunting hours shall be 12 noon to sunset except as indicated in parentheses.
- C) No permits are required except as indicated in parentheses.
- D) Check in and check out is required except as indicated in parentheses.
- E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Coffeen Lake State Fish and Wildlife Area (non-permit hunting hours are 12 noon to 5:00 p.m.)

Des Plaines Conservation Area (non-permit hunting hours are 12 noon to 5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise to sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon to 5 p.m.)

Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (non-permit hunting hours are 12 noon to 5:00 p.m. September 6 through October 14)

Jim Edgar Panther Creek State Fish and Wildlife Area (for days 6 through 10 of the season, hunting hours are noon to 6:00 p.m. and hunters must check in and out at the site office; permit required as indicated in subsection (i) for days 11 through the end of the statewide dove season; hunting hours for days 11 through the end of the statewide dove season are sunrise to sunset; on the Controlled Unit only those hunters engaged in the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours sunrise to sunset; each permit authorizes the holder to bring one hunting partner)

Matthiessen State Park (non-permit hunting hours are sunrise to sunset)

Ramsey Lake State Park (non-permit hunting hours are 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September; designated fields will be open from sunrise to 12 noon starting the 6th day of the dove season)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

- k) Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 35 Ill. Reg. 13234, effective July 26, 2011)

Section 730.40 Youth Dove Hunting

- a) A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

~~Silver Springs State Park~~

Stephen A. Forbes State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (only nontoxic shot, as defined by the U.S. Fish and Wildlife Service in 50 CFR 20, #6 steel shot or #7½ bismuth shot or smaller may be possessed)

Mt. Vernon Game Farm

Ramsey Lake State Park

Sam Parr State Fish and Wildlife Area

Sangchris Lake State Park

Silver Springs State Fish and Wildlife Area

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.
- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10-15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervising adult is required to have a FOID card. Only one supervising adult in a hunting party is

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID card. All adult hunters must have a valid FOID card. The supervising adults shall be criminally liable for the actions of the youth in the hunting party and be subject to the criminal penalties provided by law.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. ~~Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made.~~ Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- i) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.18).

(Source: Amended at 35 Ill. Reg. 13234, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Number: 740.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)
- 5) Effective Date of Amendment: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 29, 2011; 35 Ill. Reg. 7195
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update the list of open sites and site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 740
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. 12882, effective September 1, 2004; amended at 29 Ill. Reg. 9814, effective June 27, 2005; amended at 30 Ill. Reg. 12267, effective June 28, 2006; amended at 31 Ill. Reg. 9199, effective June 18, 2007; amended at 32 Ill. Reg. 10125, effective June 30, 2008; amended at 33 Ill. Reg. 9719, effective June 26, 2009; amended at 34 Ill. Reg. 12848, effective August 20, 2010; amended at 35 Ill. Reg. 13254, effective July 26, 2011.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Butterfield Trail State Recreation Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzleloading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required; closed to snipe hunting)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season; the defined Baldwin Lake Waterfowl Rest Area is closed)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday-Thursday only through October; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only;
woodcock only)

~~Pyramid State Park~~

Ramsey Lake State Park (statewide hours until rabbit season begins; then
8:00 a.m. to 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area

Red Hills State Park

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed
areas of Rend Lake

Rice Lake Wildlife Area (season open during teal season only; sunrise
until 1:00 p.m.)

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season,
then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to
4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season,
hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and
530.110 which pertain to Sand Ridge State Forest)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Sielbeck Forest Natural Area

Skinner Farm State Habitat Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area
(closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then
8:00 a.m. to 4:00 p.m.)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out
required)

Wildcat Hollow State Forest

Wise Ridge State Natural Area

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (permit required)

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Units portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit or Controlled Unit permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Newton Lake State Fish and Wildlife Area (woodcock only; closed during firearm deer season)

[Pyramid State Park \(permit required; must be returned by February 15\)](#)

Pyramid State Park – Captain Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Pyramid State Park – Denmark Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – East Conant Unit (open to hunters with a quality upland permit, daily draw waterfowl permit and site permit)

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to DNR property boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh State Natural Area (obtain permit at Red Hills State Park)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

headquarters)

Clinton Lake State Recreation Area (hunting in waterfowl areas East of Parnell Bridge and North of Route 54 only)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of North 6th Avenue only; four hunters per blind site; no fishing north of North 6th Avenue during this season)

Cypress Pond State Natural Area

Deer Pond State Natural Area

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (permit required)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Kaskaskia River State Fish and Wildlife Area (the defined Baldwin Lake Waterfowl Rest Area is closed)

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited; use of boats within drainage ditch is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi Fish and Wildlife Area (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

Marshall State Fish and Wildlife Area – all management units (check-in and check-out required)

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds ½ hour before shooting time or the blind is open for that day's hunt; no hunting allowed in the designated Batchtown waterfowl rest area, Crull Hollow waterfowl rest area and Godar waterfowl rest area)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Pyramid State Park – Captain Unit (permit required; must be returned by February 15; hunting not allowed in Captain Unit waterfowl rest area)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Pyramid State Park – Denmark Unit (permit required; must be returned by February 15; hunting not allowed in Denmark Unit waterfowl rest area)

[Pyramid State Park – East Conant Unit \(permit required; must be returned by February 15\)](#)

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake (no trespassing or hunting allowed on Rend Lake Refuge during teal or early Canada goose seasons)

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

Wise Ridge State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Woodford Fish and Wildlife Area

e) Crow Hunting

- 1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 through statewide closing)

Hamilton County State Fish and Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (East and West Open Units)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

[Pyramid State Park \(permit required; must be returned by February 15\)](#)

Pyramid State Park – Captain Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Denmark Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – East Conant Unit (permit required, must be returned by February 15)

Pyramid State Park – Galum Unit (permit required, must be returned by February 15)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Ray Norbut Fish and Wildlife Area

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Sanganois State Fish and Wildlife Area (day after Canada goose season closes through statewide closing; nontoxic shot only; permit required)

Spoon River State Forest (all hunters must sign in/sign out)

Stephen A. Forbes State Park

Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

Wise Ridge State Natural Area

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by March 15 will result in loss of hunting privileges at that site for the following year:

Horseshoe Lake State Park (Madison County) (begins the day after controlled pheasant hunting closes through the end of February)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit

Sand Ridge State Forest

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 35 Ill. Reg. 13254, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Revocation Procedures for Conservation Offenses
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2530.240	Amendment
2530.310	Amendment
2530.320	Amendment
2530.330	Amendment
2530.340	Amendment
2530.350	Amendment
2530.390	Amendment
2530.420	Amendment
2530.488	Amendment
2530.490	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545]
- 5) Effective Date of Amendments: July 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 22, 2011; 35 Ill. Reg. 6754
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between proposal and final version: Section 2530.600 does not appear in this rulemaking as Department staff decided not to proceed with the adoption of the amendments proposed to Section 2530.600.
- 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
- 15) Summary and Purpose of Rulemaking: This rule details the process by which an individual's privileges can be suspended/revoked by DNR and the process for the individual to appeal that suspension/revocation. Amendments were made to: update and clarify the procedures, add 13-point criteria for falsifying license applications and reports under of the Fish and Aquatic Life Code (the rule currently includes these criteria for violations of the Wildlife Code); and add additional criteria for evidence pertaining to prior illegal or unlawful activities
- 16) Information and questions regarding these adopted amendments shall be directed to:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICESPART 2530
REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section	
2530.10	Applicability
2530.20	Definitions
2530.30	Filing
2530.40	Documents
2530.50	Computation of Time
2530.60	Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section	
2530.110	Applicability (Recodified)
2530.130	Rules Proposed by Member of Public (Recodified)
2530.140	Authorization of Hearing (Recodified)
2530.150	Notice of Hearing (Recodified)
2530.160	Hearing Officer (Recodified)
2530.180	Written Submission (Recodified)
2530.190	Record (Recodified)
2530.200	Revision of Proposed Rules (Recodified)
2530.210	Filing and Publication of Final Rules (Recodified)
2530.220	Applicability
2530.230	Point System
2530.240	Points
2530.245	Single Incident Rule
2530.250	Groups
2530.255	Types of Offenses
2530.260	Computation of Suspension Period
2530.270	Procedures
2530.280	Appeal and Hearing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: HEARINGS OF CONTESTED CASES

Section	
2530.310	Applicability
2530.320	General Procedures
2530.330	Parties
2530.340	Notice and Complaint (Department Initiated Proceeding)
2530.350	Service (Department Initiated Proceeding)
2530.360	Notice of Hearing
2530.370	Prehearing Conferences
2530.380	Authority of Hearing Officer
2530.390	Order of Administrative Hearings
2530.400	Official Notice
2530.410	Default
2530.420	Evidence
2530.430	Motions and Answers
2530.470	Record
2530.480	Briefs and Oral Arguments
2530.482	Disposition
2530.484	Compelling Appearance at Hearing
2530.486	Recording of Hearing
2530.488	Hearing on Timber Buyers – Second and Subsequent Suspensions
2530.490	Decision and Order

SUBPART D: INTERSTATE WILDLIFE VIOLATOR COMPACT

Section	
2530.500	Compact Membership

SUBPART E: REINSTATEMENT OF PRIVILEGES

Section	
2530.600	Reinstatement Procedures

SUBPART F: STATUTORILY MANDATED SUSPENSIONS

Section	
2530.700	Suspension of Operating Privileges

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625 and 805-545 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625 and 805/805-545].

SOURCE: Filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Subpart B recodified to 2 Ill. Adm. Code 825: Subpart B at 8 Ill. Reg. 4133, effective March 19, 1984; amended at 10 Ill. Reg. 20201, effective November 25, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 25 Ill. Reg. 3659, effective February 26, 2001; amended at 25 Ill. Reg. 14126, effective October 22, 2001; amended at 28 Ill. Reg. 9990, effective July 6, 2004; amended at 31 Ill. Reg. 9215, effective June 18, 2007; amended at 32 Ill. Reg. 17481, effective October 24, 2008; amended at 35 Ill. Reg. 13268, effective July 26, 2011.

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.240 Points

- a) Unless otherwise specified in subsection (b), points shall be assessed by classification of offense as follows:
 - 1) For a petty offense – 3 points
 - 2) For a Class C Misdemeanor – 6 points
 - 3) For a Class B Misdemeanor – 9 points
 - 4) For a Class A Misdemeanor – 12 points
 - 5) For a Class 4 Felony – 24 points
 - 6) For a Class 3 Felony or Higher – 60 points

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) Points for the following violations shall be assessed as follows:
- 1) For any violation committed during a period of suspension – 60 points
 - 2) For any person previously suspended once under Group C (Timber Buyers Licensing Act), a minimum of 60 points and up to a maximum of 120 points shall be assessed for a second suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.
 - 3) For any person previously suspended twice under Group C (Timber Buyers Licensing Act), a minimum of 120 points and up to a maximum of 900 points shall be assessed for a third or subsequent suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.
 - 4) Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation, rather than the federal classification of the offense.
 - 5) For any person found guilty of Section 2.33(cc) of the Wildlife Code [520 ILCS 5/2.33(cc)] – 13 points.
 - 6) For any person found guilty of Section 2.38 of the Wildlife Code [520 ILCS 5/2.38] – 13 points.
 - 7) For any person found guilty of Section 20-120(h) of the Fish and Aquatic Life Code [515 ILCS 5/20-120(h)] – 13 points.
 - 8) For any person found guilty of Section 20-125(d) of the Fish and Aquatic Life Code [515 ILCS 5/20-125(d)] – 13 points.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

SUBPART C: HEARINGS OF CONTESTED CASES

Section 2530.310 Applicability

This Subpart governs hearings and related procedures used in suspension or revocation of a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

license issued by the Department for both license revocation appeals pursuant to Subpart B and Department-initiated revocation/suspension proceedings.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.320 General Procedures

- a) The Director of the Department of Natural Resources shall designate a Hearing Officer. The Hearing Officer does not have to be an attorney. Staff members of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.
- b) ~~In license revocation hearings performed by the Department, any license or permit held by the respondent may be suspended, pending the outcome of the hearing. Respondent shall be given notice of the suspension in the complaint.~~
- b)e) In the case of a license revocation pursuant to Subpart B, no hearing shall be granted unless, within 34 days after mailing of Notice of Revocation and Suspension by the Department, a petition requesting hearing, citing the justification for such hearing, has been filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.330 Parties

- a) The Department, when initiating a revocation/suspension proceeding, shall be designated as the Complainant. Any adverse party shall be designated as the Respondent.
- b) In the case of a license revocation appeal pursuant to Section 2530.280, the party appealing shall be designated as the Petitioner and the Department designated as the Respondent.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~c)~~ Misnomer of a party is not ground for dismissal, but the name of any party may be corrected at any time.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.340 Notice and Complaint (Department Initiated Proceeding)

- a) Proceedings for revocation/suspension under this Subpart C, other than those imposed under Subpart B, shall be commenced by the service of a notice and a complaint upon the respondent.
- b) The complaint shall contain the following:
 - 1) A reference to the provision of the law or rules of which the respondent was found guilty (including supervision and conditional discharge) by a court of law;
 - 2) A description of the violation sufficient to advise respondents of the basis for revocation/suspension;
 - 3) A concise statement of the relief that the complainant seeks; and
 - 4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.350 Service (Department Initiated Proceeding)

- a) A copy of the notice and complaint shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt.
- b) Any pleadings, motions or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the Hearing Officer with proof of service. Proof of service of any

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

paper other than the complaint shall be by certificate of attorney, affidavit or acknowledgment.

- c) Notice of license revocation and suspension of privileges shall be mailed to the last known address of the person through the U.S. mail. An affidavit of mailing shall be proof that the notice was received 4 days after being mailed.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.390 Order of Administrative Hearings

The following shall be the order of all administrative hearings, subject to modification by the Hearing Officer for good cause;

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint/petition;
- b) Presentation of opening statements;
- c) Complainant's/Petitioner's case in chief;
- d) Respondent's case in chief;
- e) Complainant's/Petitioner's case in rebuttal;
- f) Statements from interested citizens, if authorized by the Hearing Officer;
- g) Respondent's closing argument, which may include legal argument;
- h) Complainant's/Petitioner's closing argument, which may include legal argument;
- i) Presentation and argument of all motions prior to final order.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.420 Evidence

- a) The Hearing Officer will receive evidence ~~that~~which is admissible under the law of the rules of evidence of Illinois pertaining to civil actions. In addition, the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hearing Officer may receive material, relevant evidence ~~that~~which would be relied upon by reasonably prudent persons in the conduct of serious affairs ~~that~~which is reasonably reliable and reasonably necessary to resolution of the issue for which it is offered.

- b) The Hearing Officer shall exclude from consideration immaterial, irrelevant, and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.
- d) The Hearing Officer may order the record of any relevant prior proceeding before the Department or part thereof incorporated into the record of the present proceeding.
- e) Relevant scientific or technical articles, treatises or materials may be introduced into evidence subject to refutation or disputation through any introduction of comparable documentary evidence or expert testimony.
- f) Aggravation and Mitigation
 - 1) A party may introduce evidence as grounds ~~that~~which would demonstrate factors in mitigation or factors in aggravation of the relief sought in the complaint/petition.
 - 2) The Hearing Officer shall take the following matters into consideration, if applicable, in contested cases in which the relief the Department, as the Complainant, seeks is suspension or revocation of a license or permit issued by the Department:
 - A) the Respondent's history of past conservation offenses;
 - B) any findings of guilt against the Respondent for offenses under other Acts that were related to those conservation offenses for which suspension or revocation is sought;
 - C) whether the Respondent's course of conduct constituted a threat to the biological balance of any species protected by the Act under which suspension or revocation is sought;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- D) whether the Respondent's course of conduct constituted a threat to the safety of the Respondent, Department Officials, or others;
 - E) any evidence of the Respondent's ignorance of a material fact ~~that~~which led to his/her unlawful conduct;
 - F) the degree of cooperation exhibited by the Respondent with Department Officials;
 - G) the degree to which the Respondent profited economically as a result of his/her unlawful conduct;
 - H) whether the Respondent has ever committed an illegal or unlawful taking or harvesting or has damaged State property in violation of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Endangered Species Protection Act [520 ILCS 10], the Timber Buyers Licensing Act [225 ILCS 735] or the Ginseng Harvest Act [525 ILCS 20] and whether the Respondent compensated the State for the illegal or unlawful taking, harvesting or damage in accordance with the appropriate Act; and
 - D)H) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.
- 3) The Hearing Officer shall take only the following matters into consideration in hearings for cases of suspension/revocation imposed under Subpart B:
- A) was the ~~Petitioner~~Respondent found guilty of the offenses outlined in the Notice of Suspension;
 - B) were points for those offenses properly assessed; and
 - C) was suspension/revocation properly imposed.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 2530.488 Hearings on Timber Buyers – Second and Subsequent Suspensions

Whenever a Timber Buyer receives notice that sufficient points have been assessed under Section 2530.240 ~~(b)(2) or (b)(3)(h) or (i)~~ for a second or subsequent suspension, a hearing shall be scheduled to determine the actual length of suspension to be imposed. In the event a default occurs, as defined in Section 2530.410, the Hearing Officer shall have authority to determine the length of suspension, taking into consideration items of evidence outlined in Section 2530.420 and the minimum and maximum points allowed under Section 2530.240 ~~(b)(2) or (b)(3)(h) and (i)~~.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.490 Decision and Order

- a) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations and the factors listed in Section 2530.420(f)(2) ~~or (f)(3)~~.
- b) Findings shall include specific references to principal supporting items of evidence in the record.
- c) Findings of fact and conclusions of law must be separately stated.
- d) The Department's final order may include any or all of the following:
 - 1) A direction to cease and desist from violations of the Department's rules and orders;
 - 2) Suspension of licenses or permits;
 - 3) Revocation of a license or permit. A ~~person~~respondent who has had a license revoked or privileges suspended shall not be issued any license or permit by the Department for a period not to exceed the maximum allowed by law. Such a person shall not legally possess a license or permit or engage in the activity such a license or permit would allow should that person obtain a license or permit during that period;
 - 4) Such other determinations that may be appropriate.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- e) The Department shall notify all parties or their agents either personally or by mail of any final order.
- f) The Department's order shall be the final administrative decision of the Department.

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
240.10	Amendment
240.131	Amendment
240.132	Amendment
240.133	Amendment
240.140	Amendment
240.150	Amendment
240.155	Amendment
240.160	Amendment
240.180	Amendment
240.185	Amendment
240.186	Amendment
240.190	Amendment
240.220	Amendment
240.250	Amendment
240.251	Amendment
240.310	Amendment
240.320	Amendment
240.340	Amendment
240.350	Amendment
240.370	Amendment
240.380	Amendment
240.390	Amendment
240.410	Amendment
240.420	Amendment
240.430	Amendment
240.455	Amendment
240.460	Amendment
240.465	Amendment
240.610	Amendment
240.630	Amendment
240.710	Amendment
240.750	Amendment
240.760	Amendment
240.780	Amendment

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.795	Amendment
240.810	Amendment
240.870	Amendment
240.875	Amendment
240.920	Amendment
240.945	Amendment
240.1040	Amendment
240.1050	Amendment
240.1110	Amendment
240.1130	Amendment
240.1132	Amendment
240.1140	Amendment
240.1150	Amendment
240.1240	Amendment
240.1305	Amendment
240.1360	Amendment
240.1460	Amendment
240.1500	Amendment
240.1600	Amendment
240.1610	Amendment
240.1640	Amendment
240.1650	New Section
240.1660	New Section
240.1700	Amendment
240.1710	Amendment
240.1720	Amendment
240.1805	Amendment
240.1810	Amendment
240.1820	Amendment
240.1835	Amendment
240.1850	Amendment
240.1852	Amendment
240.1910	Amendment
240.1930	Amendment

- 4) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725]
- 5) Effective Date of Amendments: July 26, 2011

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 25, 2011; 35 Ill. Reg. 3037
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Listed below is a list of the substantive changes made to these amendments. This list does not include any minor grammatical, spelling or punctuation changes made to the amendments.

Section 240.340(e)(1) – struck "~~Log₁₀~~"

Section 240.350(b)(1):

reinstated "mile"

struck "~~pH, Chloride, Total Dissolved Solids, and Specific Gravity~~"

replaced "ASTM" with "American Society for Testing and Materials (ASTM) standards, i.e., pH, using Standard D1293-99 (Standard Test Methods for pH of Water (2005)); Chloride, using Standard D4458-09 (Standard Test Method for Chloride in Brackish Water, Seawater and Brines (2009)); Total Dissolved Solids, using Standard D5907-10 (Standard Test Methods for Filterable Matter (Total Dissolved Solids) and Nonfilterable Matter (Total Suspended Solids) in Water (2010)); and Specific Gravity, using Standard D1429-08 (Standard Test Methods for Specific Gravity of Water and Brine (2008)) from ASTM International, P.O. Box C700, West Conshohocken PA 19428-2959 (all incorporations by reference contain no later amendments or additions)".

Section 240.380(c) – reinstated "not to exceed"

Section 240.390(c)(2)(A) – changed "Standards" to "standards listed in Section

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.350(b)(1)"

Section 240.390(c)(2)(B) –added – "listed in Section 240.350(b)(1)" before the period.

Section 240.410(f) – removed "existing" and added "dwelling" following "existing at the time the permit application is filed with the Department,"

Section 240.420 – This Section was added to this rulemaking, and the following underscored language was added to Section 240.420(a):

- "a) Whenever the topographical conditions (e.g., occupied dwellings, hills, creeks, ponds, lakes) or cultural features (e.g., buildings, roadways, powerlines, pipelines) of a drilling unit render it impractical to drill an oil or gas well at a location conforming to the requirements of Section 240.410, an oil or gas well may be drilled at a nonconforming location as follows:"

Section 240.810(c)(1) was changed to read as follows:

- "1) A containment dike shall have a capacity of at least 1½ times the largest tank it contains, and be bermed at least 18 inches above the ~~highest average~~ ground surface surrounding the outside of the containment dike and at least 18 inches above the highest ground surface inside of the containment dike."

Section 240.795(f) – following "standards", added "listed in Section 240.350(b)(1)".

Section 240.1110 – changed "C618" to "standard C618 (Specification for Coal Fly Ash and Raw or calcined Natural Possolan for Use in Concrete (2008)) (no later amendments or additions included)".

Section 240.1460(c)(2)(b) – struck "~~lessee~~" prior to "specifies" and added "lease" in its place.

Section 240.1500(a)(2)(A) – removed "\$" prior to "2,000"

Section 240.1650(b) – added "their" following "placing"

Section 240.1700(b)(3) added the following language:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- "3) the permittee notifies the Department in writing that a well for which the permittee has a valid permit has not been drilled and the permittee requests that the permit be cancelled."

Section 240.1805(c) – replaced "~~substane~~" with "subsurface"

Section 240.1820(b)(4) – changed "~~included~~" to "including".

Section 240.1910(b) – added "measurement" following "field"

- 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
- 15) Summary and Purpose of Rulemaking: This Part was amended to: add and clarify definitions; remove redundant language; add language to clarify who the hearing officer will be for various hearings, who qualifies to enter as a party of record and who is required to receive Notice of Hearings; increase the amounts of civil penalties; include requirement for a GPS survey location on applications for permits; clarify regulations for Class II well permits; establish additional production well operating requirements for public safety; clarify height requirements for containment dikes; clarify who is responsible for plugging a leaking unpermitted drill hole and who is responsible for plugging a leaking previously plugged well; who is not allowed to receive a liquid oilfield waste hauler permit, who is not allowed to receive a vacuum permit, who is not allowed to receive a test well permit, who is not allowed to have wells transferred to them, who is not allowed to receive an observation or gas storage permit and who is not allowed to receive a service well permit; identify when a bond can be released and when a bond is required for the plugging of a PRF well; and to clarify what is required on gas storage maps.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Springfield IL 62702-1271

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 240

THE ILLINOIS OIL AND GAS ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings – Notices (Repealed)
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.155	Civil Complaint
240.160	Director's Decision
240.170	Cessation Order (Repealed)
240.180	Enforcement Hearings and Enforcement Cessation Orders
240.185	Cessation of Oil Production Operations
240.186	Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment
240.190	Temporary Relief Hearings
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section

240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill or Operate
240.251	Revocation of Permit to Drill
240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section

240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, <u>or</u> Convert or Amend to a Class II UIC Well
240.311	Application for Freshwater Aquifer Exemption
240.312	Freshwater Aquifer Exemptions
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.385	Conversion of a Class II Well to a Water Well
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section

240.400	Definitions
---------	-------------

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,
COMPLETION AND WORKOVER REQUIREMENTS

Section	
240.500	Definitions
240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Saltwater or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes and Other Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS

Section	
240.600	Applicability
240.605	Drilled Out Plugged Hole (DOPH) Notification
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)
240.680	Escape of Unburned Gas Prohibited (Repealed)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section	
240.700	Applicability and Definitions
240.710	Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells
240.720	Surface and Production Casing Requirements for Conversion to Class II UIC Wells
240.730	Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements for Class II UIC Wells
240.750	Operating Requirements for Class II UIC Wells
240.760	Establishment of Internal Mechanical Integrity for Class II UIC Wells
240.770	Establishment of External Mechanical Integrity for Class II UIC Wells
240.780	Reporting Requirements for Class II UIC Wells
240.790	Confidentiality of Well Data
240.795	Commercial Saltwater Disposal Well

SUBPART H: LEASE OPERATING REQUIREMENTS

Section	
240.800	Definitions
240.805	Lease and Well Identification
240.810	Tanks, Tank Batteries and Containment Dikes
240.820	Flowlines
240.830	Power Lines
240.840	Equipment Storage
240.850	Concrete Storage Structures
240.860	Pits
240.861	Existing Pit Exemption For Continued Production Use
240.862	Existing Pit Exemption For Alternative Use
240.870	Leaking Unpermitted Drill Hole
240.875	Leaking Previously Plugged Well
240.880	Initial Spill Notification
240.890	Crude Oil Spill Remediation Requirements
240.891	Crude Oil Spill Waste Disposal and Remediation
240.895	Produced Water Spill Remediation Requirements

SUBPART I: LIQUID OILFIELD WASTE HANDLING AND

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

DISPOSAL ~~AND SPILL RELATED WASTE~~

Section

240.900	Definitions
240.905	Application for Permit to Operate a Liquid Oilfield Waste Transportation System
240.906	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.945	Lease Road Oiling
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds – Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section

240.1000	Definitions
240.1005	Applicability
240.1010	Application for Vacuum Permit
240.1020	Contents of Application
240.1030	Authority of Person Signing Application
240.1040	Notice and Hearing
240.1050	Issuance of Permit
240.1060	Permit Amendments

SUBPART K: PLUGGING OF WELLS

Section

240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.1115	Plugging Responsibility
240.1120	Plugging of Uncased Wells
240.1130	Plugging and Temporary Abandonment of Inactive Production Wells
240.1131	Extension of Future Use Status for Production Wells (Repealed)
240.1132	Plugging and Temporary Abandonment of Inactive Class II UIC Wells
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Fluid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements
240.1190	Filing Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section	
240.1200	Applicability
240.1205	Application for Permit to Drill a Test Well or Drill Hole
240.1210	Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall Be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
240.1270	Confidentiality
240.1280	Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section	
240.1300	Introduction
240.1305	Permit Requirements in Mine Areas
240.1310	Workable Coal Beds Defined
240.1320	Mining Board may Determine Presence of Coal Seams
240.1330	Well Locations Prohibited
240.1340	Notice to Mining Board

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 240.1350 Casing and Protective Work
- 240.1360 Operational Requirements Over Active Mine
- 240.1370 Inspection of Vehicles (Recodified)
- 240.1380 Transfer of Permits (Recodified)
- 240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)
- 240.1390 Records and Reporting Requirements (Recodified)
- 240.1395 Bonds – Blanket Surety Bond (Recodified)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section

- 240.1400 Definitions
- 240.1405 Transfer of Management (Repealed)
- 240.1410 Applicability
- 240.1420 Notification
- 240.1425 Authority of Person Signing Transfer Notification
- 240.1430 Responsibilities of Current Permittee
- 240.1440 Responsibilities of New Permittee or Proposed New Permittee
- 240.1450 Authority of Persons Signing Notification
- 240.1460 Conditions for and Effect of Issuance or Transfer of Permit to Operate
- 240.1465 Condition for and Effect of Transfer of PRF Wells
- 240.1470 Revocation of Permit to Operate
- 240.1480 Involuntary Transfer
- 240.1485 Administrative Record Correction
- 240.1490 Transfer Hearings

SUBPART O: BONDS

Section

- 240.1500 When Required, Amount and When Released
- 240.1510 Definitions
- 240.1520 Bond Requirements
- 240.1530 Forfeiture of Bonds

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section

- 240.1600 Definitions
- 240.1610 Plugging Leaking or Abandoned Wells

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

240.1620	Plugging Orphaned Wells
240.1625	Plugging Abandoned Wells Through Landowner Grant
240.1630	Emergency Well Plugging, Emergency Repair Work, Emergency Projects
240.1635	Emergency Well Plugging and Emergency Project Reimbursement
240.1640	Repayment of Funds
<u>240.1650</u>	<u>Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Abandonment</u>
<u>240.1660</u>	<u>Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Non-Payment of Annual Well Fees</u>

SUBPART Q: ANNUAL WELL FEES

Section

240.1700	Fee Liability
240.1705	Amount of Assessment
240.1710	Annual Permittee Reporting
240.1720	When <u>Annual Well</u> Fees are Due
240.1730	Opportunity to Contest Billing
240.1740	Delinquent Permittees

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
AND FOR GAS STORAGE AND OBSERVATION WELLS

Section

240.1800	Applicability
240.1805	Definitions
240.1810	Submission of Underground Gas Storage Field Map
240.1820	Permit Requests in a Underground Gas Storage Field
240.1830	Application for Permit to Drill or Convert Wells
240.1835	Content of Application for Permit to Drill or Convert to an Observation or Gas Storage Well
240.1840	Authority of Person Signing Application
240.1850	Issuance of Permit
240.1852	Gas Storage and Observation Well, Construction, Operating and Reporting Requirements
240.1855	Well Drilling Completion and Workover Requirements
240.1860	Storage Field Operating Requirements
240.1865	Liquid Oilfield Waste Disposal
240.1870	Plugging of Gas Storage and Observation Wells

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section

240.1900	Applicability
240.1905	Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
240.1910	Contents of Application for Permit to Drill or Convert to a Service Well
240.1920	Authority of Person Signing Application
240.1930	Issuance of Permit
240.1940	When Wells Shall Be Plugged and Department Notification
240.1950	Plugging and Restoration Requirements
240.1960	Converting to Water Well

AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 22314, effective December 14, 1998; amended at 25 Ill. Reg. 9045, effective July 9, 2001; amended at 35 Ill. Reg. 13281, effective July 26, 2011.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 240.10 Definitions

"Act" – means the Illinois Oil and Gas Act [225 ILCS 725].

"Annular or ~~Casing Injection/Disposal Well~~~~leasing injection/disposal well~~" – means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement" – means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K ~~of this Part~~.

"Class II ~~Fluids~~~~fluids~~" means:

Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or natural gas storage operations;

Produced water and/or other fluids from above, ~~that~~~~which~~ prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for ~~purposes~~~~purposed~~ integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Recovery Act (42 USC 6901 et seq. (RCRA));

Fresh water from groundwater or surface water sources ~~that~~which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) ~~that~~which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) ~~that~~which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under ~~RCRA~~the federal Resource Conservation and Recovery Act.

"Class II UIC ~~Well~~well" – means an ~~injection, disposal~~Injection, Disposal or ~~commercial disposal~~Commercial Disposal well into which fluids are injected:

~~That~~Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production, and may be commingled with wastewaters from gas plants ~~that~~which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons ~~that~~which are liquid at standard temperature and pressure.

"Commercial Disposal Well" – means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Commercial Production" – means oil and/or gas has been produced and sold from a well.

"Convert" – means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

new permit.

"Department" – means *the Department of Natural Resources, Office of Mines and Minerals of the State of Illinois*. (Section 1 of the Act)

"Directional Drilling" – means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Director" – means the Director of the ~~Department of Natural Resources or his or her designee~~Office of Mines and Minerals, as the designee of the Director, Illinois Department of Natural Resources.

"Disposal Well" – means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office" – means the Department's office for the district in which the well is located.

"Division" – means the Division of Oil and Gas within the Department of Natural Resources, Office of Mines and Minerals.

"Enhanced Oil Recovery" – means *any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by ~~in-situ~~in-site combustion, or by any combination thereof*. (Section 1 of the Act)

"Enhanced Oil Recovery Injection Well" – means a Class II UIC well used for enhanced oil recovery.

"Flowline" – means all injection, produced water, ~~oil or gas and oil~~ flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

"Fresh water" – means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and ~~that~~which will support aquatic life and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

contains less than 10,000 ~~ppmmg/liter~~ total dissolved solids.

"General Oilfield Waste" – means oily rags, chemical containers including any unused chemicals, oil filters and gaskets, used motor oil, lubricating oils, hydraulic fluids, diesel fuels, paint and solvent wastes and other similar wastes generated during drilling, completion, production and plugging activities and ~~that~~*which* are not exempt from the provisions of Subtitle C of ~~RCRA~~*the Federal Resource Conservation Recovery Act of 1976*.

"Injection Well" – means an enhanced oil recovery injection well or disposal well.

"Liquid Oilfield Waste" – means *oilfield brines, produced waters, Class II fluids, tank and pit crude oil bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976.* (Section 8c of the Act)

"Liquid Oilfield Waste Hauler" – means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well" – means *a well for which:*

~~no~~*No* fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years;

no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and

no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or saltwater intrusions into freshwater zones or onto the surface which may be caused by oil and gas operations. (Section 1 of the Act)

"Owner" – means *the person who has the right to drill into and produce from any pool, and to appropriate the production either for the person or for the person and another, or others, or solely for others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. An*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

owner may also be a person granted the right to drill and operate an injection (Class II UIC) well independent of the right to drill for and produce oil or gas. When the right to drill, produce, and appropriate production is held by more than one person, then all persons holding these rights may designate the owner by a written operating agreement or similar written agreement. In the absence of such an agreement, and subject to the provisions of Sections 22.2 and 23.1 through 23.16 of the Act, the owner shall be the person designated in writing by a majority in interest of the persons holding these rights. (Section 1 of the Act)

"Permit" – means *the Department's written authorization allowing:*

a well or test hole to be drilled, deepened, converted and/or operated by an owner (Section 1 of the Act); or

a tank battery or concrete storage structure to be constructed and operated; or

operation of a liquid oilfield waste transportation system or engage in lease road oiling.

"Permittee" – means *the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well. When the right and responsibility for operating a well is vested in a receiver or trustee appointed by a court of competent jurisdiction, the permit shall be issued to the receiver or trustee.*

(Section 1 of the Act) Permittee also means the owner or person required to hold the permit for a tank battery, pit, or concrete storage structure or a permit to engage in liquid oilfield waste hauling, lease road oiling, or test well and test hole drilling.

"Person" – means *any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind. (Section 1 of the Act)*

"PRF" – means the Department's Plugging and Restoration Fund, established under Section 6 of the Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"Pool" – means *a natural underground reservoir containing, in whole or in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool".* (Section 1 of the Act)

"Primary Oil Recovery" – means the initial drilling of a well in the effort to recover hydrocarbons for a pool that is not currently, nor was previously, subject to enhanced oil recovery.

"Post-Primary Oil Recovery" – means the drilling of a well in an effort to recover hydrocarbons from a pool that was previously subject to primary oil recovery or to enhanced oil recovery.

"Produced Water" – means water regardless of chloride and total dissolved solids (TDS) content ~~that~~which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"Production Casing" – means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure" – means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Reservoir" – for the purpose of this Part, is interchangeable with the term "pool".

"Rotary Drilling" – means the hydraulic process of drilling a well for oil or gas as ~~that~~such method is commonly used in the industry.

"Shooting" – means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Surface Waters" – means any river, stream, lake, pond or intermittent stream.

"Tank" – means a vessel into which oil or water is gathered, produced or stored.

"Tank Battery" – means one or more open or closed top tanks, of any capacity, that are located on a lease, unit or adjacent property, for the purpose of collecting, separating and/or storing crude oil and/or other liquid oilfield wastes that are generated as a result of oil and gas production operations.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"Undeveloped Limits of a Mine" – means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum" – means pressure ~~that~~^{which} is reduced below the pressure of the atmosphere.

"Water Drainage Way" – means any drainage ditch, roadside ditch, grassy waterway or any other natural or manmade surface or underground water drainage system.

"Well" – means any drill hole required to be permitted under ~~subsection (2) of~~ Section 6(2) of the Act, including coal or mineral groundwater monitoring wells, structure test holes, coal test holes, and mineral test holes, and any other well required to be permitted under Sections 6 and 12 of the Act, including oil and gas production wells, water supply wells, Class II UIC injection wells, gas storage and gas storage monitoring wells, orphan wells, unpermitted leaking drill holes and plugged wells.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.131 Unitization Hearings

- a) Commencement of Action
Where separately owned tracts of land are underlain by all or a portion of a common pool of oil or gas or both, an interested person may petition the Department for an order unitizing those tracts, that is to combine those tracts within a unified operation, pursuant to Section 23.3 of the Act. The petition for a unitization order shall contain the following:
- 1) *A legal description of the land and geologic description of the reservoirs within the proposed unit area;*
 - 2) *The names of all persons owning or having an interest in the oil and gas rights in the proposed unit area as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the unit area is situated, and their addresses, if known. If the address of any person or the name of any owner is unknown, the petition shall so indicate and shall state whether due diligence was used in*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

locating ~~thesueh~~ unknown address or unknown owner;

- 3) *A statement of the type of operations contemplated for the unit area;*
- 4) *A copy of a proposed plan of unitization signed by persons owning not less than 51% of the working interest underlying the surface within the area proposed to be unitized, which the petitioner considers fair, reasonable and equitable; said plan of unitization shall include (or provide in a separate unit operating agreement, if there be more than one working interest owner, a copy of which shall accompany the petition) the following:*
 - A) *A plan for allocating to each separately owned tract in the unit area its share of the oil and gas produced from the unit area and not required or consumed in the conduct of the operation of the unit area or unavoidably lost; the plan shall include the participation factors for each tract and a detailed description of the methodology and supporting data used to calculate the participation factors.*
 - B) *A provision indicating how unit expense shall be determined and charged to the several owners, including a provision for carrying or otherwise financing any working interest owner who has not executed the proposed plan of unitization and who elects to be carried or otherwise financed, and allowing the unit operator, for the benefit of those working interest owners who have paid the development and operating costs, the recovery of not more than 150% of such person's actual share of development costs of the unit plus operating costs, with interest. Recovery of the money advanced to owners wishing to be financed, for development and operating costs of the unit, together with such other sums provided for herein, shall only be recoverable from such owner's share of unit production from the unit area.*
 - C) *A procedure and basis upon which wells, equipment, and other properties of the several working interest owners within the unit area are to be taken over and used for unit operations, including the method of arriving at the compensation therefor.*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- D) *A plan for maintaining effective supervision and conduct of unit operations, in respect to which each working interest owner shall have a vote with a value corresponding to the percentage of unit expense chargeable against the interest of such owner.*
- E) A summary of the total cumulative production to date, the estimated additional total recoverable reserves from the proposed unit; and the estimated total development cost and operating cost of the unit;
- 5) The name and addresses of the proposed operator or operators of the unit;
- 6) A map showing the tracts or group of leases included within the proposed unit area, the location of the proposed injection well or wells and the name, permit number, and location of all oil and gas wells, including abandoned wells, active wells and dry holes and the reservoirs in which all such wells are currently completed, and the names of all operators offsetting the proposed unit area and the name, description and depth of the producing zones in those areas;
- 7) A map showing the structure of the geologic horizon that best represents the structure of the proposed reservoirs to be unitized;
- 8) A listing of the reservoirs to be unitized and a map showing the productive portion, thickness, and extent of each ~~such~~ reservoir;
- 9) An induction or electric log of a representative well completed in the proposed unitized reservoirs;
- 10) A description of the injection medium to be used, its source and the estimated amounts to be injected daily;
- 11) A description of the proposed plan of development of the area included within the unit;
- 12) An allegation of the facts required to be found by the Department under Section 23.5 of the Act. The required facts are as follows:
- A) *That the unitized management and operation is economically*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

feasible and reasonably necessary to increase the ultimate recovery of oil and gas, to prevent waste, and to protect correlative rights;

- B) *That the value of the estimated ultimate additional recovery of oil and gas will exceed the estimated additional cost, if any, incident to conducting the unit operation;*
- C) *That the areal extent of the pool or pools, or parts thereof, has been reasonably defined and determined by drilling operations, and the unitization and operation of such will have no substantially adverse effect upon the remainder of the pool or pools, or parts thereof;*
- D) That the allocation of unit production to each separately owned tract is fair, reasonable and equitable to all owners of oil and gas rights in the unit area;
- E) That the determination and allocation of unit expense is fair, reasonable and equitable to the working interest owners; and
- F) ~~That~~ the compensation or adjustment for wells, equipment and other properties of the working interest owners is fair, reasonable and equitable.

b) Execution and Filing

- 1) The petition for an order creating a unit pursuant to Section 23.3 of the Act shall be ~~sent to filed with~~ the Department ~~at One Natural Resources Way, office located in~~ Springfield ~~IL 62702, Illinois. The petition shall be deemed filed when it is received by the Department's Division of Oil and Gas.~~
- 2) Every petition shall be signed by the petitioner or his ~~or her~~ representative and ~~the petitioner's his~~ address shall be stated ~~on the petition thereon~~. The signature of the petitioner or his ~~or her~~ representative constitutes a certificate ~~by him~~ that he ~~or she~~ has read the petition and that, to the best of his ~~or her~~ knowledge, information and belief, there is good ground to support the ~~petition same~~.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) If ~~after the petition is filed, and prior to setting a hearing date,~~ the Department finds the petition deficient relative to the requirements of subsection (a) ~~above, or Section 240.250(b), the petition shall not be accepted and~~ the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.
- c) Notice of Hearing
- 1) *Upon the receipt of ~~an accepted~~ petition for unitization, the Department shall fix the time and place for a public hearing, which shall be no less than 30 days nor more than 60 days after the date of the filing of said petition. The Department shall prepare a notice of hearing, which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceedings, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands contained within the proposed unit area. (Section 23.4 of the Act) The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting ~~an~~ entry of appearance in writing to the Department and that ~~thereafter such~~ person shall be deemed a party of record in the proceeding.*
- 2) The Department shall mail ~~the~~ notice to the ~~petitioner~~ ~~Petitioner~~ who shall then serve ~~such~~ notice in the following manner:
- A) By mailing ~~the~~ notice by U.S. Postal ~~Service~~ ~~service~~ certified mail, return receipt requested, *directed to the persons named in the petition at their last known addresses* at least 20 days prior to the hearing; and
- B) *By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing, in a newspaper of general circulation published in each county containing some portion of the proposed unit area. (Section 23.4 of the Act)*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) Whenever the Department ~~determinesshall-determine~~ that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect ~~thatsueh~~ person's rights or property, the Department shall cause notice to be sent to ~~thesueh~~ person, as provided in this subsection (c).
- d) Pre-Hearing Conferences
- 1) Upon his or her own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet ~~with him~~ for a conference in order to:
- A) Simplify the factual and legal issues presented by the hearing request;
- B) Receive stipulations and, admissions of fact and of the contents and authenticity of documents;
- C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion ~~thereof~~.
- 2) Pre-hearing conferences may be held by telephone conference if ~~thatsueh~~ procedure is acceptable to all parties.
- e) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel ~~therein~~;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his or her own motion or for good cause shown on motion of any party of record.
- 2) Every interested person wishing to participate at the hearing shall enter ~~an~~his appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in the Circuit Court by stating his name and address. Thereafter, such person shall be deemed a party of record.
 - 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.
 - 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit ~~such~~ information ~~as is~~ necessary to reach a decision on the petition.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 6) Preliminary Matters: ~~When~~~~Where~~ applicable, the following shall be addressed prior to receiving evidence:
- A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of service of the notice of hearing, proof of publication and orders previously entered in the cause.
 - B) Ruling may be made on any pending motions.
 - C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.
- f) Evidence
- 1) Admissibility: A party shall be entitled to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct ~~such~~ cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence ~~that~~~~which~~ is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under ~~those~~~~such~~ rules of evidence may be admitted, except ~~when~~~~where~~ precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of ~~that~~~~such~~ fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the scope of examination or cross-examination.

- 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

- g) Record of Proceedings; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department ~~as such~~ and included in the record.
- h) Postponement or Continuance of Hearing
A hearing may be postponed or continued for due cause by the Hearing Officer upon his ~~or her~~ own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.
- i) Default
If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of ~~that such~~ party. If the failure to appear at ~~as such~~ pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of ~~the such~~ situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing will be continued or postponed pursuant to Section ~~240.131(h)240.130(h)~~. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his ~~or her~~ representative, or similar situations beyond the parties' control.
- j) Order

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry. The Department shall render a decision within 30 days after the hearing unless all parties that have appeared agree to waive this requirement.
- 2) The order shall grant the petition for unitization if based on the record the Hearing Officer finds all of the following:
 - A) *That the unitized management and operation is economically feasible and reasonably necessary to increase the ultimate recovery of oil and gas, to prevent waste, and to protect correlative rights;*
 - B) *That the value of the estimated ultimate additional recovery of oil and gas will exceed the estimated additional cost, if any, incident to conducting the unit operation;*
 - C) *That the areal extent of the pool or pools, or parts thereof, has been reasonably defined and determined by drilling operations, and the unitization and operation of such will have no substantially adverse effect upon the remainder of the pool or pools, or parts thereof;*
 - D) *That the allocation of unit production to each separately owned tract is fair, reasonable and equitable to all owners of oil and gas rights in the unit area;*
 - E) *That the determination and allocation of unit expense is fair, reasonable and equitable to the working interest owners; and*
 - F) *That the compensation or adjustment for wells, equipment and other properties of the working interest owners is fair, reasonable and equitable. (Section 23.5 of the Act)*
- 3) If the petition is granted the order shall provide for the authorization of the unit and unitized operation, as proposed by the petitioner, upon such terms

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and conditions as may be shown by the evidence to be fair, reasonable, equitable and ~~that~~^{which} are necessary or proper to protect and safeguard the respective rights and obligations of the working interest owners and royalty owners, and for the protection of correlative rights and the prevention of waste. The order shall state the time the unit operation shall become effective and the manner in which and the circumstances under which the unit operation shall terminate.

4) Except as provided in subsection (j)(5)~~below~~, the order shall deny and dismiss the petition for unitization if, based on the record, the Hearing Officer finds that the petitioner has failed to establish the requirements for formation of a unit set forth in subsection (j)(2)~~above~~. An order denying and dismissing a petition for unitization shall be entered within 30 days after the hearing. *Such order shall set forth the reasons for dismissal, and the same shall be promptly filed by the petitioner, if notice was filed under ~~paragraph (2) of~~ Section 23.3(2) of the Act, in the recorder's office of the county or counties wherein the land is situated.* (Section 23.6 of the Act)

5) As an alternative to denying the petition for unitization, the Department may issue an interim order outlining the substantive deficiencies that must be cured by the ~~petitioner~~^{Petitioner} in order to avoid dismissal. If the ~~petitioner~~^{Petitioner} supplies the information requested by the Department, a new hearing shall be scheduled in order to examine ~~the~~^{such} documents. If the ~~petitioner~~^{Petitioner} fails to comply with the interim order, the petition shall be denied. The Department shall send notice of ~~the~~^{such} hearing to all parties of record.

k) ~~Approval of Plan~~^{Approval of Plan} ~~of Utilization~~^{of Utilization} ~~unitization~~ – ~~Effective Date~~^{effective date} ~~of Order~~^{of Order}
No order of the Department providing for unit operations shall become effective unless and until the plan of unitization has been approved in writing by those persons who, under the order, will be required to pay at least 51% of the unit expense, and also by the persons owning at least 51% of the unit production or proceeds thereof that will be credited to interests which are free of unit expense, including but not limited to, royalties, overriding royalties, carried interests, net profit interests, and production payments, and the Director has made such a finding, either in the order providing for unit operations or in a supplemental order, that the plan of unitization has been so approved; provided, however, that if any person is obligated to pay 51% or more, but less than 100% of the unit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

expense, the approval of that person and at least one other such person shall be required; and if one person entitled to production or proceeds thereof will be credited to interests which are free of unit expense, owns 51% or more, but less than 100%, the approval of that person and at least one other such person shall be required. If the plan of unitization has not been so approved at the time the order providing for unit operations is issued, the Department shall, upon petition and notice, hold such supplemental hearings as may be required to determine if and when the plan of unitization has been so approved and shall issue a supplemental order evidencing such approval. If the requisite number of persons and the requisite percentage of interests in the unit area do not approve the plan of unitization within a period of 6 months from the date on which the order providing for unit operations is made, such order shall be revoked by the Department unless for good cause shown the Department extends said time for an additional period of time not to exceed one year. (Section 23.8 of the Act)

l) *Notice of Order – Recordation*

Within 10 days after an order has been issued, a copy of ~~the~~ such order shall be mailed by the Department to each person or his ~~or her~~ attorney of record who has entered ~~an~~ his appearance in the matter pursuant to which ~~the~~ such order is issued. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the unit is situated a copy of the order providing for unit operations.

m) *Order – Final Administrative Decision*

The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.132 Integration Hearingsa) *Commencement of Action*

~~When~~ ~~Where~~ the oil or gas rights within a drilling unit are separately owned and the owners of those rights have not voluntarily agreed to integrate or pool those rights to develop the oil or gas, an owner may petition the Department for an order integrating those rights, pursuant to Section 22.2 of the Act. The petition for an order integrating interests shall contain the following:

- 1) The name and address of the petitioner;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) The petitioner's reasons for desiring to integrate the separately owned interests;
 - 3) A legal land description of the drilling unit sought to be established;
 - 4) A geologic report of the area where the proposed drilling unit is to be located, indicating the potential presence of reservoirs;
 - 5) A description of the interest owned by the petitioner and each person named in the petition;
 - 6) The names of all persons who have not agreed to integrate their interests owning or having an interest in the oil and gas rights in the proposed drilling unit as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the drilling unit is situated, and their addresses, if known. If the address of any person is unknown, the petition shall so indicate;
 - 7) A statement that the owners have not agreed to integrate their interests;
 - 8) A statement that the petitioner has exercised due diligence to locate each owner and that a bona fide effort was made to reach an agreement with each owner as to how the unit would be developed;
 - 9) A statement that no action has been commenced by the owners seeking permission to drill pursuant to the provisions of the Oil and Gas Rights Act [765 ILCS 520];
 - 10) Any other information relevant to protect correlative rights of the parties sought to be affected by the order.
- b) Execution and Filing
- 1) The petition for an order requiring integration pursuant to Section 22.2 of the Act shall be ~~sent to filed with~~ the Department at One Natural Resources Way, Springfield IL 62702 ~~offices located in Springfield, Illinois. The petition shall be deemed filed when it is received by the Department's Division of Oil and Gas.~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) Every petition shall be signed by the ~~petitioner~~Petitioner or his ~~or her~~ representative and ~~the petitioner's~~his address shall be stated ~~on the petition~~thereon. The signature of the petitioner or ~~the petitioner's~~his representative constitutes a certificate ~~by him~~ that he ~~or she~~ has read the petition and that, to the best of his ~~or her~~ knowledge, information and belief, there is good ground to support the ~~petition~~same.
- 3) If ~~after the petition is filed, and prior to setting a hearing date,~~the Department finds the petition deficient relative to the requirements of subsection (a) ~~above, or Section 240.250(b), the petition shall not be accepted and~~ the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.
- c) Notice of Hearing
- 1) Upon the receipt of ~~an accepted~~a petition for integration, the Department ~~will~~shall fix the time and place for a hearing.
- 2) The Department shall prepare a notice of hearing ~~that~~which shall issue in the name of the State of Illinois and shall be signed by the Director. ~~The~~Such notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands embraced within the proposed drilling unit. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting ~~an~~such entry of appearance in writing to the Department and that ~~thereafter~~ such person shall be deemed a party of record in the proceeding.
- 3) The Department shall mail ~~the~~such notice to the ~~petitioner~~Petitioner who shall then serve ~~such~~ notice in the following manner:
- A) By mailing ~~the~~such notice by U.S. Postal ~~Service~~service certified mail, return receipt requested, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) By publication of ~~thesueh~~ notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
- 4) Whenever the Department shall ~~determines~~~~determine~~ that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect ~~thatsueh~~ person's rights or property, the Department shall cause notice to be sent to ~~thesueh~~ person, as provided in this subsection ~~(c)~~.
- d) Pre-Hearing Conferences
- 1) Upon his ~~or her~~ own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet ~~with him~~ for a conference in order to:
- A) Simplify the factual and legal issues presented by the hearing request;
- B) Receive stipulations, admissions of fact and the contents and authenticity of documents;
- C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion ~~thereof~~.
- 2) Pre-hearing conferences may be held by telephone conference if ~~thatsueh~~ procedure is acceptable to all parties.
- e) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel ~~therein~~;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
 - F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his or her own motion or for good cause shown on motion of any party of record.
- 2) Every interested person wishing to participate at the hearing ~~appearing~~ shall enter an ~~his~~ appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in the Circuit Court by stating his name and address. Thereafter, such person shall be deemed a party of record.
 - 3) All participants in the hearing shall have the right to be represented by counsel.
 - 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit ~~such~~ information ~~as is~~ necessary to reach a decision on the petition.
- 6) Preliminary Matters: ~~When~~~~Where~~ applicable, the following shall be addressed prior to receiving evidence:
 - A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.
 - B) Ruling may be made on any pending motions.
 - C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.
- f) Evidence
 - 1) Admissibility: A party shall be entitled to present his ~~or her~~ case by oral or documentary evidence, to submit rebuttal evidence, and to conduct ~~such~~ cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence ~~that~~~~which~~ is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under ~~those~~~~such~~ rules of evidence may be admitted, except ~~when~~~~where~~ precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of ~~that~~~~such~~ fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
- 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

g) Record of Proceedings; Testimony

The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department ~~as such~~ and included in the record.

h) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his ~~or her~~ own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of any emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

i) Default

If a party, after proper ~~services~~ notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of ~~that~~ party. If the failure to appear at ~~a~~ pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of ~~the~~ situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing will be continued or postponed pursuant to Section

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~240.132(h)~~~~240.130(h)~~. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the parties' control.

- j) Order
- 1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.
 - 2) *In making the determination of integrating separately owned interests, and determining to whom the permit should be issued, the Department may consider:*
 - A) *The reasons requiring the integration of separate interests;*
 - B) *The respective interests of the parties in the drilling unit sought to be established, and the pool or pools in the field where the proposed drilling unit is located;*
 - C) *Any parties' prior or present compliance with the Act and the Department's rules; and*
 - D) *Any other information relevant to protect the correlative rights of the parties sought to be affected by the integration order.*
 - 3) Each order integrating separately owned interests *shall authorize the drilling, testing, completing, equipping, and operation of a well on the drilling unit; provide who may drill and operate the well; prescribe the time and manner in which all the owners in the drilling unit may elect to participate therein; and make provision for the payment by all those who elect to participate therein of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. Should an owner not elect to voluntarily participate in the risk and costs of the drilling, testing, completing and operation of a well as determined by the Department, the integration order shall provide either that:*
 - A) *The nonparticipating owner shall surrender a leasehold interest to*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the participating owners on a basis and for such terms and consideration the Department finds fair and reasonable; or

- B) *The nonparticipating owner shall share in a proportionate part of the production of oil and gas from the drilling unit determined by the Department, and pay a proportionate part of operation cost after the participating owners have recovered from the production of oil or gas from a well all actual costs in the drilling, testing, completing and operation of the well plus a penalty to be determined by the Department of not less than 100% nor more than 300% of such actual costs.*
- 4) *For the purpose of this Section, the owner or owners of oil and gas rights in and under an unleased tract of land shall be regarded as a lessee to the extent of a 7/8 interest in and to said rights and a lessor to the extent of the remaining 1/8 interest therein.*
- 5) *In the event of any dispute relative to costs and expenses of drilling, testing, equipping, completing and operating a well, the Department shall determine the proper costs after due notice to interested parties and a hearing thereon. The operator of such unit, in addition to any other right provided by the integration order of the Department, shall have a lien on the mineral leasehold estate or rights owned by the other ~~owners~~owner therein and upon their shares of the production from such unit to the extent that costs incurred in the development and operation upon said unit are a charge against such interest by order of the Department or by operation of law. Such liens shall be separable as to each separate owner within such unit, and shall remain liens until the owner or owners drilling or operating the well have been paid the amount due under the terms of the integration order. (Section 22.2 of the Act)*
- 6) *As an alternative to denying the petition for integration, the Department may issue an interim order outlining the substantive deficiencies that must be cured by the ~~petitioner~~Petitioner in order to avoid dismissal. If the ~~petitioner~~Petitioner supplies the information requested by the Department, a new hearing shall be scheduled in order to examine ~~thesueh~~ documents. If the ~~petitioner~~Petitioner fails to comply with the interim order, the petition shall be denied. The Department shall send notice of ~~thesueh~~ hearing to all parties of record.*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

7) An integration order establishing a drilling unit shall terminate one year from the effective date of the order unless a well has been drilled on the unit within that time. If a well has been drilled on the unit within that time, the integration order shall terminate when the well is plugged.

k) Notice of Order – Recordation

Within 10 days after an order has been issued, a copy of ~~thesueh~~ order shall be mailed by the Department to each person or his ~~or her~~ attorney of record who has entered ~~anhis~~ appearance in the matter pursuant to which ~~thesueh~~ order is issued and to each working interest owner who has not agreed to an integration. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the drilling unit is situated a copy of the order providing for integration of the separate interests.

l) Order – Final Administrative Decision

The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the ~~Illinois Oil and Gas~~ Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.133 Hearings to Establish Pool-Wide Drilling Units

a) Commencement of Action

- 1) Any interested person may petition the Department for a hearing to *establish a drilling unit or units for the production of oil and gas or either of them for each pool* to which the interested person owns some portion of the oil and gas. (Section 21.1 of the Act)
- 2) The petition for hearing to establish a drilling unit or units shall contain the following:
 - A) The name and address of the petitioner;
 - B) A legal description of the size of the drilling unit sought to be established;
 - C) A legal description of the extent of the reservoir to which the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

drilling unit or units are sought to be established;

- D) A list of the names and addresses of all permittees of oil or gas interests in the reservoir ~~as described in subsection (c) above;~~
 - E) A geologic description of the pool and an isopach and structure map of the reservoir, for which the drilling unit is sought showing the productive limits of the reservoir;
 - F) A plat showing all oil and gas or water injection or storage wells completed within the pool (reservoir);
 - G) Geologic and engineering reports outlining the reasons for and data supporting the proposed size of the drilling unit or units.
- 3) If the establishment of a drilling unit or units would require the integration of separately owned interests in the drilling unit or units, the petitioner may contemporaneously file a petition under Section 240.132 and the matters shall then be consolidated and heard together.

b) Execution and Filing

- 1) The petition to establish drilling units shall be ~~sent to filed with~~ the Department at One Natural Resources Way, Springfield IL 62702 ~~Department's office located in Springfield, Illinois. The petition shall be deemed filed when it is received by the Department's Division of Oil and Gas.~~
- 2) Every petition shall be signed by the petitioner or his or her representative and ~~the petitioner's~~ his address shall be stated on the petition ~~thereon~~. The signature of the petitioner or his or her representative constitutes a certificate ~~by him~~ that he or she has read the petition and that, to the best of his or her knowledge, information and belief, there is good ground to support the petition ~~same~~.
- 3) If ~~after the petition is filed, and prior to setting a hearing date,~~ the Department finds the petition deficient relative to the requirements of subsection (a) ~~above, or Section 240.250(b), the petition shall not be accepted and~~ the Department shall return the petition to the applicant with

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.

c) ~~Hearing~~—Notice of Hearing

- 1) Upon the receipt of ~~an accepted~~the petition to establish drilling units, the Department shall fix the time and place for a hearing.
- 2) The Department shall prepare a notice of hearing, which shall issue in the name of the State of Illinois and shall be signed by the Director. ~~The~~Such notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the affected lands. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting ~~an~~such entry of appearance in writing to the Department and that ~~thereafter such~~ person shall be deemed a party of record in the proceeding.
- 3) The Department shall mail ~~the~~such notice to the ~~petitioner~~Petitioner who shall then serve ~~such~~ notice in the following manner:
 - A) By mailing ~~the~~such notice by U.S. Postal Service certified mail with return receipt, directed to the persons named in the petition pursuant to subsection (a)(2)(D)-~~above~~ at their last known addresses at least 20 days prior to the hearing; and
 - B) By publication of ~~the~~such notice for service on those persons whose addresses are unknown or whose names are unknown and for those owners of unleased mineral rights, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
- 4) Whenever the Department ~~determines~~shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect ~~that~~such person's rights or property, the Department shall cause notice to be sent to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~thesueh~~ person, as provided in this subsection (c).

d) Pre-Hearing Conferences

1) Upon his ~~or her~~ own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet ~~with him~~ for a conference in order to:

A) Simplify the factual and legal issues presented by the hearing request;

B) Receive stipulations, admissions of fact and ~~of~~ the contents and authenticity of documents;

C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and

D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion ~~thereof~~.

2) Pre-hearing conferences may be held by telephone conference if ~~thatsueh~~ procedure is acceptable to all parties.

e) Hearing

1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

A) To administer oaths and affirmations;

B) To receive relevant evidence;

C) To regulate the course of the hearing and the conduct of the parties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and their counsel ~~therein~~;

- D) To consider and rule upon procedural requests;
- E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record.

2) Every interested person wishing to participate at the hearing shall enter an appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in the Circuit Court. Every person desiring to participate in the hearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record.

- 3) All participants in the hearing shall have the right to be represented by counsel.
- 4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

5) At ~~least~~lease one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit ~~such~~ information ~~as is~~ necessary to reach a decision on the petition.

6) ~~When~~Where applicable, the following shall be addressed prior to receiving evidence:

- A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) Ruling may be made on any pending motions.
- C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.
- f) Evidence
- 1) Admissibility: A party shall be entitled to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence thatwhich is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under thosesuch rules of evidence may be admitted, except whenwhere precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of thatsuch fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
 - 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- g) Record of ~~Proceedings~~~~proceedings~~; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department ~~as such~~ and included in the record.
- h) Postponement or Continuance of Hearing
A hearing may be postponed or continued for due cause by the Hearing Officer upon his ~~or her~~ own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.
- i) Default
If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of ~~that~~~~such~~ party. If the failure to appear at ~~a~~~~such~~ pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of ~~the~~~~such~~ situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section ~~240.133(h)~~~~240.130(h)~~. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his ~~or her~~ representative, or similar situations beyond the parties' control.
- j) Order
- 1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department ~~representatives~~~~representative~~, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.
 - 2) The order shall grant the petition based on the record if the Hearing Officer finds that establishing the drilling unit will prevent waste, protect

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the correlative rights of the owners in the pools, and prevent the unnecessary drilling of wells.

- 3) No drilling unit shall be established *which requires the allocation of more than 40 acres of surface area nor less than 10 acres of surface area to an individual well for production of oil from a pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) provided, however, that the Department may permit the allocation of greater acreage to an individual well and provided further that the spacing of wells in any pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) shall not include the fixing of a pattern except with respect to the 2 nearest external boundary lines of each drilling unit.* (Section 21.1 of the Act)
- 4) The drilling units established by an order under this Section *shall be of approximately uniform size and shape for each entire pool, except that where circumstances reasonably require, the Department may grant exceptions to the size or shape of any drilling unit or units, in which case the order shall state the particular circumstances that require ~~thesueh~~ exception.*
- 5) *Each order establishing drilling units shall specify the size and shape of the unit, which shall be such as will result in the efficient and economical development of the pool as a whole, and subject to the provisions of subsection (j)(3) ~~above~~, the size of no drilling unit shall be smaller than the maximum area that can be efficiently and economically drained by one well.*
- 6) *Each order establishing drilling units for a pool shall cover all lands determined or believed to be underlain by such pool. Each order establishing drilling units may be modified by the Department to change the size thereof, or to permit the drilling of additional wells.*
- 7) *Each order establishing drilling units shall prohibit the drilling of more than one well on any drilling unit for the production of oil or gas from the particular pool with respect to which the drilling unit is established and subject to the provisions of subsection (j)(3) ~~above~~ shall specify the location for the drilling of such well thereon, in accordance with a*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the application. If the Department finds, after notice and hearing, notice being made as provided in this Section to all parties of record in the proceeding, that surface conditions would substantially add to the burden or hazard of drilling such well at the specified location, or for some other reason it would be inequitable or unreasonable to require a well to be drilled at the specified location, the Department may issue an order permitting the well to be drilled at a location other than that specified in the order establishing drilling units.

- 8) *After the date of the notice for a hearing called to establish drilling units, no additional well shall be commenced for production from the pool until the order establishing drilling units has been issued unless the commencement of the well is authorized by order of the Department.*
- 9) *After an order establishing a drilling unit or units has been issued by the Department, the commencement of drilling of any well or wells into the pool with regard to which such unit was established for the purpose of producing oil or gas therefrom, at a location other than that authorized by the order, or by order granting exception to the original spacing order is hereby prohibited. (Section 21.1 of the Act)*
- 10) As an alternative to denying the petition for a drilling unit, the Department may issue an interim order outlining the substantive deficiencies that must be cured by the ~~petitioner~~Petitioner in order to avoid dismissal. If the ~~petitioner~~Petitioner supplies the information requested by the Department, a new hearing shall be scheduled in order to examine ~~thesueh~~ documents. If the ~~petitioner~~Petitioner fails to comply with the interim order, the petition shall be denied. The Department shall send notice of ~~thesueh~~ hearing to all parties of record.

- k) Order – Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.140 Violations Not Requiring Formal Action

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) When an inspector or other authorized employee or agent of the Department determines that any permittee is in violation of any requirement of the Act or this Part or any permit condition, and the inspector or other authorized employee or agent also finds ~~When an inspector or other authorized employee or agent of the Department determines that any permittee is in violation of any requirement of the Act or this Part or any permit condition, and the inspector or other authorized employee or agent also finds [225 ILCS 725/8a]-1)~~ that the violation was not caused by the permittee's deliberate action; ~~2)~~ that any action necessary to abate the violation ~~is able to~~ ~~was commenced immediately and was or will~~ be completed within a specified date certain, as established by the Department representative, not to exceed 120 days from the date of the determination that the permittee is in violation; and ~~3)~~ that the violation has not caused and cannot reasonably be expected to cause significant environmental harm or damage to property; ~~;~~ the violation shall be noted on an inspection report, compliance schedule or other written notification without the need for the issuance of a notice of violation pursuant to Section 240.150. The written inspection report, compliance schedule or other written notification shall indicate the nature and circumstances of the violation, and the time within which and the means by which the violation is to be abated. A copy of the inspection report, compliance schedule or other written notification shall be delivered to the permittee or his or her representative at the time it is prepared, and the original shall be forwarded to the Director ~~or his designee~~.
- b) If, following investigation, the Director ~~or his designee~~ determines that abatement was not completed as specified in the inspection report, compliance schedule or other written notification, the Director ~~or his designee~~ shall issue a notice of violation in accordance with Section 240.150 and/or a cessation order in accordance with Sections 240.185 and 240.186.
- c) The provisions of this Section shall not apply to the following violations:
- 1) Drilling or operating, without a permit or permit transfer from the Department, a well required to be permitted under the Act;
 - 2) Operating an annular or casing injection/disposal well or a well with pressure on the annulus;
 - 3) Failure to maintain required performance bond or pay annual well fees for wells under permit;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 4) Failure to renew ~~Temporary Abandonment~~~~Future Use~~ status on a well or secure approved ~~Temporary Abandonment~~~~Future Use~~ status following a denial of ~~Temporary Abandonment~~~~Future Use~~ status on a well;
- 5) Failure to establish mechanical integrity on a Class II well or repair a Class II well following failure of mechanical integrity;
- 6) Operating a well that has been placed in the Plugging and Restoration Program;
- 7) Failure to provide emergency response for a crude oil or saltwater spill;
- 8) Improper discharge or disposal of produced fluids;
- 9) Operating a well in violation of spacing requirements or permit conditions; and
- 10) Failure to restore a well site after plugging.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.150 Notice of Violation

- a) *When an inspector or other authorized employee or agent of the Department determines that any permittee, or any person engaged in conduct or activities required to be permitted under the Act is in violation of any requirement of ~~the~~~~this~~ Act or ~~this Part~~ ~~the rules adopted hereunder~~ or any permit condition, ~~or has falsified or otherwise misstated any information on or relative to the permit application~~, a notice of violation shall be completed and delivered to the Director of the Department or his designee (Section 8 of the Act), ~~(Ill. Rev. Stat. 1988 Supp. ch. 96-1/2, par. 5413)~~ except as provided by Section 240.140. A person cannot be held liable under Section 240.160(d) in the absence of notice of the issuance of the underlying notice of violation.*
- b) ~~The notice of violation shall contain:~~*The notice of violation shall contain:*
 - 1) A statement regarding the nature of the violation, including a citation to the specific Section of the Department's rules or Section of the Act alleged

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~to have been violated; a statement regarding the nature of the violation, including a citation to the specific Section of the Department's rules or Section of the Act alleged to have been violated;~~

2) ~~The suggested~~ action needed to abate the violation, including any appropriate remedial measures to prevent future violations, such as replacement, repair, testing, and reworking a well and any appurtenances and equipment;

3) ~~The~~ time within which the violation ~~is to~~ should be abated (Section 8 of the Act); and

4) Any factors known to the person completing the notice of violation in aggravation or mitigation of the violation and the existence of any factors indicating that the permit should be conditioned or modified. ~~any factors known to the person completing the notice of violation in aggravation or mitigation of the fact of the violation and the existence of any factors indicating that the permit should be conditioned or modified. (Ill. Rev. Stat. 1988 Supp., ch. 96-1/2, par. 5413)~~

c) The Director ~~or his designee~~ shall mail a copy of the notice of violation to the person or permittee charged with the violation ~~violation(s)~~. ~~The inspector or other employee or agent of the Department issuing the notice of violation shall deliver a copy of the notice to the person or permittee charged with the violation(s), if possible.~~

d) The person or permittee charged with the violation ~~violation(s)~~ may provide the Department, in writing, any information in mitigation of the violation within 14 days after violation(s) on or before fourteen (14) days of the mailing of the notice of violation. ~~The~~ Such written information may include a proposed alternative to the Department's suggested action needed to abate the violation.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.155 Civil Complaint

a) The Department may elect to file an action with the Attorney General with or without issuing ~~and not issue~~ a notice of violation pursuant to Section 240.150.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) In accordance with Section 11 of the Act, the Department through the Attorney General shall *bring an action in the name of the People of the State of Illinois against such person in the circuit court of the county wherein any part of the land or any activity which is the subject matter of such action is located, or a final administrative order was entered, to restrain such person from continuing such violation or from carrying out the threat of violation. In such action the Department, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, or other enforcement orders as the facts may warrant, including but not limited to:*
- 1) *an assessment of civil penalties not to exceed \$1,000 per day for each and every act of violation*~~an assessment of a \$1,000 civil penalty per~~ documented ~~event~~ in the previous 2 years; and/or
 - 2) submission of a bond in accordance with Subpart O; and/or
 - 3) denial of new drilling and/or operating permits.
- c) The provisions of this Section apply to the following:
- 1) violations of any requirement of the Act that the Department determines creates a substantial and imminent danger to the health or safety of the public; or
 - 2) violations of the Act that pose an imminent danger of substantial environmental harm or cause environmental damage to property or contamination of surface or ground waters of the State as a result of improper disposal, release, or discharge of produced fluid; or
 - 3) ~~if~~ the permittee has shown a pattern of documented events involving improper disposal, release, or discharge of produced fluids within the previous 2 years from the date of the most recent event.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.160 Director's Decision

- a) Upon receipt of a notice of violation, the Director shall conduct an investigation

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation, the Director shall consider: Upon receipt of a notice of violation, the Director of the Department, or his designee, shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation the Director shall consider:~~

- 1) *the person's or permittee's history of previous violations, including violations at other locations and under other permits;*
 - A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 240.180 or if the time to request ~~asuch~~ review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;
 - B) No violation for which the notice or order has been vacated shall be counted;
 - 2) *the seriousness of the violation, including any irreparable harm to the environment or damage to property;*
 - 3) *the degree of culpability of the person or permittee; and*
 - 4) *the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee.*
- b) *Modification of the notice of violation may include:*
- 1) *any different or additional remedial actions ~~required~~necessary to abate the violation, as set forth in Section 240.150(b)(2), and the time within which the violation must be abated;*
 - 2) *the assessment of civil penalties not to exceed \$1,000 a day for each and every act of violation;*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) *probationary or permanent modification or conditions on the permit, which may include special monitoring or reporting requirements; and*
 - 4) *revocation of the permit. (Section 8a of the Act)*
- c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a) ~~above~~. If a penalty is assessed by the Department, the penalty shall be computed as follows, but shall not exceed \$1,000 per day for each and every act of violation:
- 1) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department ~~or the failure to notify the Department before setting surface casing, setting tubing and packer, or plugging a well~~, shall be assessed on ~~an~~ permittee-specific basis. The Department may assess a penalty up to \$250 for an administrative violation as follows:
 - A) No previous violation of the same rule: \$5025.
 - B) One previous violation of the same rule: \$10050.
 - C) Two previous violations of the same rule: \$15075.
 - D) Three ~~or more~~ previous violations of the same rule: \$200100.
 - E) Four or more previous violations of the same rule: \$500250.
 - 2) Operating violations, including, but not limited to, operating a well required to be permitted under the Act without first obtaining a proper permit from the Department, operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority, operating a well in violation of Department spacing requirements, pressure on the annulus, failure to maintain the well and flow line in a leak-free condition, failure to configure the wellhead for the inspection of the annulus, failure to comply with specified permit conditions, failure to report a spill, failure to maintain containment dikes, failure to maintain required performance bond in force for the wells under permit, ~~and~~ failure to pay annual well fees or failure to notify the Department before setting surface casing, setting tubing and packer, or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

plugging a well, shall be assessed on a permittee-specific basis. ~~Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations.~~ The Department may assess a ~~penalty up to \$500~~ for an operating violation by considering elements of subsection (c)(2)(A), (B) and (C) as follows:

A) History of Violations:

- i) No previous violation of the same rule: ~~\$10050~~.
- ii) One previous violation of the same rule: ~~\$250400~~.
- iii) Two ~~or more~~ previous violations of the same rule: ~~\$500150~~.
- iv) Three previous violations of the same rule: \$750.
- v) Four previous violations of the same rule: \$1,000.
- vi) Five or more previous violations of the same rule: \$2,500.

B) Seriousness:

- i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add ~~\$10050~~; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add ~~\$250400~~; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, groundwater, livestock or wildlife: add ~~\$1,000200~~.
- ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add ~~\$2,000500~~.

C) Permittee's Actions:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$~~500~~100.
 - ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$~~250~~50; or, if the violation occurred as a result of the permittee's deliberate conduct, including lack of reasonable maintenance of equipment: add \$~~500~~200.
 - iii) ~~If the permittee abated the violation within the violation deadline or within the specified time frame in an approved extension deadline: subtract \$250.~~
- 3) ~~Specified violations, including operating~~Operating an annular or casing injection/disposal well; operating wells by a permittee for whom wells have been placed into, or funds have been expended from, the PRF; failure to provide emergency response or remediate a crude oil or produced water spill; or the improper disposal or discharge of produced fluids shall result in a penalty. The Department may assess a penalty for specified violations by considering elements of subsections (c)(3)(A), (B) and (C)an ~~assessment computed~~ as follows:
- A) History of Violations:
One or more previous violations of the same rule in accordance with subsection (a)(1)(A) ~~of this Section~~: \$~~500~~100 per violation.
 - B) Seriousness:
 - i) If the violation caused environmental damage to surface water, ground water or wildlife: add \$~~1,000~~200.
 - ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$~~2,000~~500.
 - C) Permittee's Action:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

If the violation occurred as a result of the permittee's lack of reasonable care: add \$500; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$1000.

- d) *Any ~~responsible~~ person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section. (Section 8a of the Act)*
- e) The Director ~~or his designee~~ shall serve the person or permittee with his or her decision at the conclusion of ~~the~~his investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be served in accordance with Section 8a of the Act.
- f) A Director's decision not appealed in accordance with Section 240.180 within 30 days after service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.
- g) The permittee may, within 30 days from the date of service of the Director's decision, submit to the Department, in writing, any mitigating factors ~~that~~which permittee believes to be relevant to the violation cited in the Director's decision.
- h) Upon further investigation, the Director ~~of the Department, or his designee,~~ may enter into a settlement agreement, issue an amended Director's decision, or issue a replacement Director's decision.
- 1) A settlement agreement shall be issued to:
- A) extend the amount of time provided to complete remedial actions necessary to abate the violations set forth in the Director's decision; or
- B) reduce the civil penalty assessed in the Director's decision; or
- C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) An ~~amended~~**Amended** Director's decision shall be issued to:
- A) extend the amount of time provided to complete remedial action necessary to abate the violation set forth in the Director's decision; or
 - B) reduce the civil penalty assessed in the Director's decision.
- 3) A replacement Director's decision shall be issued to correct an administrative error contained in the Director's decision or the Notice of Violation.
- 4) The permittee shall have no right to hearing associated with the issuance of an amended or replacement Director's decision.
- i) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Director's decision.
- j) *All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Section 8a of the Act)*

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.180 Enforcement Hearings and Enforcement Cessation Orders

- a) *A person or permittee shall have 30 days from the date of service of the Director's decision to request a hearing. (Section 8a of the Act) ~~Except as provided in subsection (b) below,~~ a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department, by cashiers check or money order, together with a timely request for hearing. The assessed amount shall be deposited by the Department pending the outcome of the hearing. The assessed amount shall be refunded to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Department's office located in Springfield, Illinois.*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) ~~If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty in order to contest either the amount of the penalty or the fact of the violation.~~
- b)e) Upon receipt of a request for hearing submitted in accordance with subsection (a) ~~or (b)~~, the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. (Section 8a of the Act) The hearing shall be conducted by a Hearing Officer~~an impartial hearing officer designated not employed~~ by the Director~~Department~~ and shall be conducted in accordance with the following procedures:
- 1) Pre-Hearing Conference
 - A) A pre-hearing conference:~~A)~~ shall be scheduled within 30 days after the request for hearing:
 - i) to define the factual and legal issues to be litigated at the administrative hearing;
 - ii) to determine the timing and scope of discovery available to the parties;
 - iii) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each ~~such~~ witness;
 - iv) to schedule a date for the administrative hearing; and
 - v) to arrive at an equitable settlement of the hearing request, if possible.
 - B) Pre-hearing conferences under this Section may be conducted via telephone conference if ~~that~~~~such~~ procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted the place designated by the Hearing Officer~~hearing~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~officer.~~

- C) Either party may file motions for default judgment, motions for summary judgment, motions for protective orders and motions for orders ~~compelling~~compelling discovery. The Department's ~~Hearing Officer~~Hearing Officer shall render an order granting or denying ~~such~~ motions filed within 15 days after service. Any order granting a motion for default judgment or a motion for summary judgment shall constitute the Department's final administrative decision as to the ~~matter~~Director's Decision or cessation order being contested.
- 2) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of violation or cessation order was issued will be deemed to have waived all right to further review of the violation or civil penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the ~~Hearing Officer~~Hearing Officer and shall constitute the Department's final administrative decision as to ~~matter~~the Director's Decision or cessation order being contested.
- 3) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield, ~~Illinois~~, to the production and/or injection/disposal well identified in the Director's decision being contested if facilities are available and convenient satisfactory to the Department.
- 4) At the hearing the Department shall have the burden of proving the facts of the violation alleged in the notice of violation at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the ~~Hearing Officer~~Hearing Officer if the person or permittee believes the ~~Hearing Officer~~Hearing Officer is prejudiced against him or her or has a conflict of interest. If the Hearing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~Officer~~~~hearing officer~~ disqualifies himself ~~or herself~~, the Director shall designate a new ~~Hearing Officer~~~~hearing officer~~. The ~~Hearing Officer~~~~hearing officer~~ shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

- 5) The Director shall review the administrative record in conjunction with the ~~Hearing Officer's~~~~hearing officer's~~ recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. *Within 30 days after the close of the hearing record or expiration after the time to request a hearing, the Department shall issue a final administrative decision. (section 8a of the Act)*~~The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.~~

~~c)d)~~ *Failure of the person or permittee to timely request a hearing or, if a civil penalty has been assessed, to timely tender the assessed civil penalty.*~~The person or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the Director's decision, including the amount of any civil penalty assessed. Within 30 days of the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act. (Section 8a of the Act)~~

~~d)e)~~ *If, at the expiration of the period of time originally fixed in the Director's decision or at the expiration of any subsequent extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order the cessation of operations or the portions thereof relevant to the violations. (Section 8(a) of the Act)*~~[225 ILCS 725/8a]~~

~~e)f)~~ Notice of the cessation order shall be served in accordance with Section 240.185~~(c)(d)~~. The notice shall contain a scheduled hearing date ~~that~~~~which~~ shall be within ~~305~~ days after the issuance of the cessation order to determine whether the person or permittee has complied with any final administrative order upon which the cessation order is based. The hearing shall be conducted by a ~~Hearing Officer~~~~hearing officer~~, designate by the ~~Director~~~~Department~~, and held in the Department office in Springfield, Illinois.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ~~f)g)~~ The cessation order shall provide that the person or permittee named in the order has the right to request a temporary relief hearing before the scheduled date of the cessation order hearing, within 14 days from the date of issuance of the cessation order in accordance with Section 240.190.
- ~~g)h)~~ *A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. (Section 8a of the Act)[225 ILCS 725/8a]* The filing of a request for temporary relief₂ under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief₂ in accordance with Section 240.190.
- ~~i)~~ ~~A cessation order not subject to temporary relief in accordance with subsection (g) above shall become a final administrative decision of the Department pursuant to Section 10 of the Act.~~

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.185 Cessation of Oil Production Operations

- a) The Department may issue orders requiring the cessation of operations, with or without issuing a notice of violation in accordance with Section 240.160.
- b) *If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or this Part or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. (Section 19.1 of the Act)[225 ILCS 725/19.1]* The following constitute procedures or violations mandating the issuance of a cessation order under this subsection: operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority; operating a well in violation of the Department's spacing requirements; operating wells without paying annual well fees; or operating wells without maintaining the required amount of performance bond in force; or operating wells by a permittee for whom funds have been expended and not reimbursed from the PRF ~~in accordance with Subpart Q of this Part.~~
- c) *The cessation order shall be served by personal delivery to the person or*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. (Section 19.1 of the Act)[225 ILCS 725/19.1]

- d) The cessation order shall contain a date for a hearing that shall be held within 30 days after the issuance of the cessation order. The hearing shall be conducted by ~~a Hearing Officer~~~~an impartial hearing officer~~, designated by the ~~Director~~~~Department~~, held in the Department's office in Springfield, Illinois, and conducted in accordance with Article 10 of the Illinois Administrative Procedure Act ~~[5 ILCS 100/Art. 10]~~.
- e) The cessation order shall also provide that the person or permittee named in the order has the right to request a temporary relief hearing, within 14 days from the date of issuance of the cessation order, in accordance with Section 240.190. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed by certified mail, return receipt requested, to the person or permittee at his ~~or her~~ last known address.
- f) At the cessation order hearing scheduled to determine whether the person or permittee has complied, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard of proof shall be a preponderance of the evidence. The ~~Hearing Officer~~~~impartial hearing officer~~ shall conduct the hearing, hear the evidence and, at the conclusion of the hearing, render findings of fact ~~and~~ conclusions of law and issue the final administrative decision of the Department, pursuant to Section 10 of the Act.
- g) ~~A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. [225 ILCS 725/8a]~~ The filing of a request for temporary relief under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.186 Cessation of Conditions Creating an Imminent Danger to Public Health

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and Safety and the Environment

- a) The Department may issue cessation orders requiring the cessation of conditions causing, or the correction of any condition that creates, a threat to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, with or without issuing a notice of violation in accordance with Section 240.160.
- b) *If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or this Part or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of the condition or practice. (Section 19.1 of the Act)[225 ILCS 725/19.1]* The following constitute conditions or violations mandating the issuance of a cessation order under this subsection: drilling or operating, without a permit from the Department, a well required to be permitted under the Act; operating an annular or casing injection/disposal well; or failure to repair a leak or cease improper discharge of saltwater, oil or other liquid oilfield wastes from a well, tank or flowline or by a liquid oilfield waste hauler.
- c) *If a responsible party cannot be readily located, in the judgment of the employee or agent issuing the cessation order, or fails to respond, within the time frame specified in the cessation order, to correct the condition endangering the public health, safety or the environment, the employee or agent may take any action he or she deems necessary to cause a cessation of operations and abatement of any condition observed (Section 19.1 of the Act)~~violation-observed [225 ILCS 725/19.1]~~, including emergency activities specified in Section 240.1630.*
- d) *The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. (Section 19.1 of the Act)[225 ILCS 725/19.1]* The notice shall contain a scheduled hearing date that shall be held within 305 days after the issuance of the cessation order. The hearing shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act by a Hearing Officer~~an impartial hearing officer~~ designated by the Director~~Department~~ and held in the Department's office in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois.

- e) At the hearing, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard of proof shall be a preponderance of the evidence. The ~~Hearing Officer~~impartial hearing officer shall conduct the hearing, hear the evidence, and, at the conclusion of the hearing, render findings of fact ~~and~~, conclusions of law and issue the final administrative decision of the Department, pursuant to Section 10 of the Act.
- f) *A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department (Section 8(a) of the Act)[225 ILCS 725/8(a)].* A cessation order issued under this Section is not subject to temporary relief under Section 240.190 ~~of this Part~~.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.190 Temporary Relief Hearings

- a) ~~Pending the holding of a hearing in accordance with Section 240.185(d) or 240.180(e) relating to a cessation order issued under Section 240.185 or 240.180, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief.~~*Pending the holding of a hearing in accordance with Section 240.185(d) or 240.180(f) relating to a cessation order issued under Section 240.185 or 240.180, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief. (Section 8a of the Act)* The person or permittee shall serve the request for temporary relief within 14 days after service of the cessation order.
- b) ~~The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant that relief, under such conditions as it may prescribe, if the person or permittee requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him or her and the relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property.~~*The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant such relief, under such conditions as it may prescribe, if the person or permittee requesting*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him and such relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property. (Section 19.1 of the Act)~~

- c) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.
- d) At the hearing, the permittee shall have the burden of proving that temporary relief from the cessation order will not adversely affect the health or safety of the public or cause environmental harm or significant damage to property. The ~~Hearing Officer~~ hearing officer shall conduct the hearing, hear the evidence and, at the conclusion of the hearing, render findings of fact, conclusions of law and the disposition of the case.
- e) The ~~Hearing Officer~~ hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days after the close of the administrative record, pursuant to Section 10 of the Act. Temporary relief shall not extend for more than 90 days, after which the cessation order shall be reinstated pending the outcome of the cessation order and pending a resolution of the violations of the Act specified in the cessation order.
- f) ~~The person's or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the cessation order.~~

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section 240.220 Contents of Application

The application for a permit to drill, deepen or convert to a production well shall include:

- a) The name of the well.
- b) The ~~well~~ surveyed location surveyed by an Illinois licensed land surveyor or Illinois registered professional engineer, the GPS (Global Positioning System)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

latitude and longitude location, and ground elevation of the well. A survey or GPS location is not required for a converted or deepened well, for a drilled out plugged hole if the original well location was surveyed, or for a well permitted under Section 240.210(d). The GPS location shall be recorded as degrees and decimal degrees recorded to 6 decimal places in the North American Datum 1983 projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement.

- c) A map showing:
- 1) the boundaries of the leasehold or enhanced oil recovery unit;
 - 2) the exact location of the well proposed to be drilled, deepened or converted, and an outline of the proposed drilling unit;
 - 3) the location of all producing wells previously drilled on the drilling unit; and
 - 4) the location of all offset wells on adjacent drilling units.
- d) Information to show the applicant has 100% of the ~~rights~~right to drill and to operate a well on the lands in question. The applicant shall submit copies of the recorded operative lease instruments or assignment.
- e) A statement as to whether ~~the~~such proposed well location is within the limits of any incorporated city, town, or village. If the consent of municipal authorities for the drilling of a well is required, a certified copy of the official consent must be submitted.
- f) The name and address of the drilling contractor~~;~~ and the type of drilling tools or equipment to be used.
- g) If the well is located over an active mine, over a temporarily abandoned mine or within the undeveloped limits of a mine, or if the coal rights are owned by someone other than the lessor under the oil and gas lease, the applicant shall submit documentation establishing compliance with Section 240.1305~~-of this Part.~~
- h) If the application is for a newly drilled well located over an underground gas

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

storage field as defined in Section 240.1805(c) ~~of this Part~~ or the gas storage rights are owned by someone other than the lessor under the oil and gas lease, the applicant shall submit documentation establishing compliance with Section 240.1820 ~~of this Part~~.

- i) The proposed depth of the well and the name of the lowest geologic formation to be tested.
- j) A statement whether the applicant has ever had a well bond forfeited by the Department, and if so when and for what well.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.250 Issuance of Permit to Drill or Operate

- a) If the applicant satisfies requirements of the Act and this Part, Rules the Department shall issue a permit.
- b) A permit shall not be issued to an applicant if where:
 - 1) *the applicant has falsified or otherwise misstated any information on or relative to the permit application;*
 - 2) *the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;*
 - 3) *an officer, director, agent, power of attorney or partner in the applicant, or a person with an interest in the applicant exceeding 5%, was or is an officer, director, partner, agent, power of attorney or person with an interest exceeding 5%, in another entity that failed to abate a violation of the Act specified in a final administrative decision of the Department;*
 - 4) *the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5%, in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department (Section 8a of the Act);*
 - 5) funds have been expended obligated and remain outstanding from the PRF Plugging and Restoration Fund to plug wells, under Subpart P, for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

which the applicant was a previous permittee; or the applicant was or is an officer, director, agent, power of attorney partner, or person with an interest exceeding 5%; in a permittee for which funds were expended~~obligated~~; or *an officer, director, agent, power of attorney or partner in the applicant, or a person with an interest in the applicant exceeding 5%, was or is* an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee for which funds were expended~~obligated~~; or

- 6) the applicant is delinquent in the payment of Annual Well Fees; or the applicant was or is an officer, director, agent, power of attorney, partner, or person with an interest exceeding 5%; in another permittee who is delinquent in payment of Annual Well Fees; or *an officer, director, agent, power of attorney or partner in the applicant, or person with an interest in the applicant exceeding 5%, was or is* an officer, director, agent, power of attorney, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.

- c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed 2 years from date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set or; conversion operations completed ~~or well re-permitted. If the drilling rig is removed prior to the expiration of the permit, any further drilling or deepening shall require re-permitting.~~

- d) Permits are not transferable prior to the drilling of the well.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.251 Revocation of Permit to Drill

- a) The Department may revoke a permit if:
- 1) The permittee fails to meet permit conditions; or
 - 2) The permit was issued in error; or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) The permittee is not in compliance with Section 240.250(b)-~~of this Subpart.~~
- b) The Department shall notify the permittee of the Department's intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (c)-~~below.~~
- c) If a written objection to the permit revocation is filed within 30 days after the date of the notice:
 - 1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.
 - A) A pre-hearing conference shall be scheduled in order to:
 - i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - iv) Set a hearing date; and
 - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.
 - B) Pre-hearing conferences may be held by telephone conference if ~~thatsueh~~ procedure is acceptable to all parties.
 - 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois by a Hearing Officer designated by the Director and conducted in accordance with Article 10 of the Illinois Administrative Procedure Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- d) At the hearing, the Department shall present evidence in support of its determination under subsection (a)-~~above~~. The permittee may present evidence contesting the Department's determination under subsection (a)-~~above~~. The ~~Hearing Officer~~~~hearing-officer~~ may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- e) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a final administrative decision.
- f) The permittee's failure to request a hearing in accordance with subsection (c) to reinstate the permit or require the well to be plugged shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.310 Application for Permit to Drill, Deepen, or Convert or Amend to a Class II UIC Well

- a) No person shall drill, deepen or convert any well for use as a Class II UIC well without a permit from the Department.
- b) No person shall inject into a freshwater aquifer or be issued a permit to inject into a freshwater aquifer unless:
- 1) the freshwater aquifer into which injection is proposed has been excepted as specified in Section 240.312; or
 - 2) a completed application requesting an aquifer exemption was submitted to the Department prior to February 1, 1998 and USEPA Region V has completed a technical review, determined that the application meets the relevant criteria, and intends to put the application forward for final approval by the USEPA under 40 CFR 146.4; or
 - 3) a request for an aquifer exemption is submitted to the Department in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

accordance with Section 240.311 and approved by the USEPA under 40 CFR 146.4.

- c) Application for a permit to drill, deepen or convert to a Class II UIC well or amend existing Class II UIC well permit in accordance with Section 240.390(a) ~~of this Part~~ shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100 and the required bond under Subpart L.
- d) At the time of application they must specify the type of Class II well being permitted as an ~~injection~~injection well, ~~disposal~~disposal well or commercial disposal~~Commercial Disposal~~ well.
- e) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.
- f) *Any well for which a permit is required under the Act, other than a plugged well, which was drilled prior to the effective date of the Act and for which no permit has previously been issued, is required to be permitted.* Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart ~~OL~~. If application is made on or before August 14, 1991, no permit fee is required, but all other requirements of this Subpart shall apply. An application made after that date shall be accompanied by the non-refundable fee of \$100. *After August 14, 1991, any unpermitted well to which this Subpart applies will be deemed to be operating without a permit and subject to the penalties set forth in the Act. (Section 12 of the Act)[225 ILCS 725/12]*

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.320 Contents of Application

The application for a permit to drill, deepen or convert shall include:

- a) The name of the well.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) The ~~wellsurveyed~~ location surveyed by an Illinois licensed land surveyor or Illinois registered professional engineer, the GPS (Global Positioning System) latitude and longitude location and ground elevation of the well. A survey or GPS location is not required for a converted or deepened well, for a drilled out plugged hole if the original well location was surveyed, or for a well permitted under Section 240.310~~(f)(d)~~. The GPS location shall be recorded as degrees and decimal degrees recorded to 6 decimal places in the North American Datum 1983 projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement.
- c) A map showing:
- 1) the boundaries of the leasehold or enhanced oil recovery unit, if applicable;
 - 2) the names of all permittees of producing leaseholds within $\frac{1}{4}$ mile of the proposed Class II UIC Well;
 - 3) the location of the well proposed to be drilled, deepened or converted;
 - ~~4) the wells from which fresh water analyses were obtained in accordance with Section 240.350; and~~
 - ~~4)5)~~ the location of all wells penetrating the proposed injection interval within the $\frac{1}{4}$ mile area of review as defined in Section 240.360.
- d) If the well is not located within the boundaries of a leasehold or enhanced oil recovery unit, the applicant shall submit copies of the recorded operative lease instruments or assignment documentation showing the applicant has 100% of the rightsapplicant's right to drill and to operate the well.
- e) A statement as to whether ~~thesuch~~ proposed well location is within the limits of any incorporated city, town, or village. If the consent of municipal authorities for the drilling of a well is required, a certified copy of the official consent must be submitted.
- f) The name and address of the drilling contractor; and the type of drilling tools or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

equipment to be used.

- g) If the well is located over an active mine, over a temporarily abandoned mine or within the undeveloped limits of a mine, or if the coal rights are owned by someone other than the lessor under the oil and gas lease, the applicant shall submit documentation establishing compliance with Section 240.1305-~~of this Part~~.
- h) If the application is for a newly drilled well located over an underground gas storage field as defined in Section 240.1805(c)-~~of this Part~~ or the gas storage rights are owned by someone other than the lessor under the oil and gas lease, the applicant shall submit documentation establishing compliance with Section 240.1820-~~of this Part~~.
- i) The proposed well construction and operating parameters in accordance with Section 240.340-~~of this Part~~.
- j) Evidence of notification required under Section 240.370.
- k) Information regarding groundwater and potable water supplies in accordance with Section 240.350.
- l) Cementing, casing and plugging records for all wells penetrating the injection interval within the ¼ mile area of review in accordance with Section 240.360.
- m) A statement whether the applicant has ever had a well bond forfeited to the Department, and, if so, when and for what well.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.340 Proposed Well Construction and Operating Parameters

- a) Well Construction Records for Conversion Wells
If the application is for the conversion of a previously drilled well, the applicant shall:
 - 1) submit a complete copy of all available geophysical logs run on the well; and
 - 2) submit a copy of the initial Completion Report or casing and cementing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

records of the well; and

- 3) establish external mechanical integrity in accordance with Section 240.770(c) ~~of this Part~~.

b) Schematic Diagram

The applicant shall submit a schematic diagram of the proposed injection well showing:

- 1) the total depth and plugged back depth of the well;
- 2) the sizes and depths of the holes drilled for the surface casing, mine or intermediate casing, and production casing;
- 3) the sizes and depths of all casing in the well, and any additional casing to be used in the well;
- 4) the amount of cement used for each string of casing in the well, and any additional cement to be used in the well;
- 5) the size of the tubing and setting depth of the packer;
- 6) the top and bottom depths of all perforated intervals in the casing; and
- 7) the geologic name and the depth of the top and bottom of the proposed injection interval.

c) Proposed Injection Rate

The applicant shall submit the proposed injection rate expressed in average barrels per day.

d) Injection Fluid

The applicant shall submit the depth and geologic name of the ~~formations~~ formation(s) from which the injection fluid is to be obtained, a standard laboratory analysis of a representative sample of the fluid to be injected and the date the sample was obtained. The sample shall be analyzed for at least the following parameters: pH, Chloride, Total Dissolved Solids, and Specific Gravity. The sample shall be obtained and analyzed no earlier than one (+) year prior to the date of filing of the application. If the injection fluid is other than

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

water, the sample shall be analyzed for the chemical components and Specific Gravity of the fluid.

e) Proposed Maximum Injection Pressure

- 1) The applicant shall submit the proposed maximum injection pressure in accordance with the following formula:

$$MIP = \text{Log}_{10}(.80 - (.433 \times \text{Sp. Gr.})) \times \text{Depth} - 14.7$$

Where:

M.I.P = maximum allowable injection pressure

Sp.Gr = specific gravity of the injection fluid

Depth = depth of the top of the injection interval

- 2) If the proposed maximum injection pressure exceeds the amount calculated in accordance with subsection (e)(1)-~~above~~, the applicant shall submit the most recent information showing that the proposed maximum injection pressure will not initiate or propagate fractures in the injection interval or overlying strata that could enable the injection fluid or the fluid in the injection interval to leave the permitted injection intervals. The types of information that will be considered acceptable by the Department include, but are not limited to:

- A) A copy of the ticket and pressure chart from a "frac" or "acid" treatment in the injection interval in the proposed well, or from the same interval or a stratigraphically higher interval from a well within 1 mile of the proposed well, ~~thatwhich~~ shows the Instantaneous Shut-In Pressure (ISIP). The maximum allowable injection pressure shall be 10% less than the ISIP measured at the surface unless the specific gravity of the treatment fluid is less than the specific gravity of the proposed injection fluid, in ~~thatwhich~~ case the ISIP shall be measured at the injection interval.
- B) The results of a step rate test from the injection interval in the proposed well, or from the same interval or a stratigraphically higher interval in a well within 1 mile of the proposed well ~~thatwhich~~ shows that the proposed maximum injection pressure

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

will not propagate fractures allowing the injection fluid to migrate out of the permitted injection interval. The maximum allowable injection pressure shall be 10% less than the pressure, measured at the surface, at which the formation broke during the test. A step rate test shall include the following:

- i) A zero injection rate (pressure stabilizing) step, at least three rate steps of equal length below the fracture opening pressure and at least two rate steps above the fracture opening pressure. The rate of increase for each step following fracture opening shall be at least 120 percent of the preceding rate. Each step shall be at least 4 minutes in length.
- ii) The results of a step rate test shall be plotted on a graph with the pressure at the end of each step plotted against the injection rate at the end of the same step. Best fit lines shall be constructed using the points before and after fracture opening.
- iii) If the Department has reason to believe induced fractures have occurred as a result of long term injection above the fracture pressure, the Department shall determine if the results of a step rate test are acceptable to permit the proposed maximum injection pressure.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.350 Groundwater and Potable Water Supply Information

- a) The applicant shall submit a statement certifying there are no potable water wells located within ~~two hundred (200)~~ feet of the proposed Class II UIC well, and there are no municipal water supply wells located within ~~two thousand five hundred (2500)~~ feet of the proposed Class II UIC well.
- b) Freshwater~~FreshWater~~ Analyses
 - 1) The applicant shall submit a standard laboratory analysis of fresh water from ~~two (2)~~ or more freshwater wells located within ~~1/4 one (1)~~ mile of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

proposed injection well and showing the location and depth of the well, and the dates the samples were obtained. The samples shall be analyzed for at least the following parameters: ~~pH, Chloride, Total Dissolved Solids, and Specific Gravity~~ using the applicable American Society for Testing and Materials (ASTM) standards, i.e., pH, using Standard D1293-99 (Standard Test Methods for pH of Water (2005)); Chloride, using Standard D4458-09 (Standard Test Method for Chloride in Brackish Water, Seawater and Brines (2009)); Total Dissolved Solids, using Standard D5907-10 (Standard Test Methods for Filterable Matter (Total Dissolved Solids) and Nonfilterable Matter (Total Suspended Solids) in Water (2010)); and Specific Gravity, using Standard D1429-08 (Standard Test Methods for Specific Gravity of Water and Brine (2008)) from ASTM International, P.O. Box C700, West Conshohocken PA 19428-2959 (all incorporations by reference contain no later amendments or additions). The samples shall be obtained and analyzed no earlier than ~~one~~ (1) year prior to the date of filing of the application. The locations of the well from which the freshwater samples were obtained shall also be shown on the map required in Section 240.320.

- 2) If, due to circumstances beyond his or her control, the applicant cannot obtain the analysis required under subsection (b)(1) ~~above~~, the applicant shall submit in lieu of ~~that~~ sueh analysis a statement explaining why the analysis could not be obtained.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.370 Public Notice

- a) Contents of Notice and Publication
Public notice shall be given no earlier than 30 days prior to the filing of the application. A notice that an application for a permit to drill, deepen or convert to a Class II UIC well has been or will be filed with the Department shall be published by the applicant in a newspaper of general circulation and published in the county in which the proposed injection well is to be located. The applicant shall submit the original of the Certificate of Publication to the Department prior to approval of the application.
 - 1) The notice shall include:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) the name and address of the applicant;
 - B) the date the application will be filed;
 - C) the legal description of the location of the proposed injection well;
 - D) the geologic name and depth of the injection ~~intervals~~interval(s);
 - E) the proposed maximum injection pressure and maximum injection rate;
 - F) the address and telephone number for the Oil and Gas Division of the Department; and
 - G) a statement that the public has ~~fifteen (15)~~ days from the date the application is filed, as stated in the public notice, to comment on the application and that comments must be made in writing to the Department.
- 2) If the notice does not contain all of the ~~above~~ information listed in subsection (a)(1); or, if the application is not received on or before the date designated in subsection (a)(1)(B) ~~above~~, the applicant shall be required to re-publish the notice.
- b) Notice Within the Area of Review
A copy of the published notice, or a letter containing the same information as in the notice, shall be mailed by certified mail, return receipt requested ~~Certified Mail Return Receipt Requested~~ to the owner of the surface of the land on which the proposed injection well is to be located, and to each permittee of a producing leasehold, and the owner or manager of all mines, including the mined-out area and undeveloped limits of all mines, located within ~~one-fourth (1/4)~~ mile of the proposed Class II UIC well. Evidence of mailing shall be submitted to the Department prior to approval of the application. The returned certified mail ~~Certified Mail~~ receipt card, or a ~~photostatic~~ copy of the cards ~~such~~, shall serve as evidence of mailing.
- c) Objections
If a written objection to the application is filed within ~~fifteen (15)~~ days after the filing of the application, the Department shall consider the objection in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

determining whether the permit should be issued. If the objection raises a factual or legal question regarding the sufficiency of the application in meeting the requirements for a permit, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

d) Public Hearing

- 1) Any public hearing held pursuant to subsection (c) ~~above~~ shall be an informal hearing conducted by the Department solely for the purpose of resolving the factual or legal question raised by the objection.
- 2) Notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing ~~the~~ notice by United States mail, postage prepaid, addressed to their last known home addresses.
- 3) A certified court reporter shall record the hearing at the Department's expense.
- 4) A Hearing Officer designated by the ~~Director~~ Department shall conduct the hearing. The Hearing Officer shall allow all parties to the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determines ~~the~~ evidence is irrelevant, immaterial, unduly repetitious, or of such a nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs.
- 5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence.
- 6) Within ~~ten~~ (10) days ~~after~~ of the closing of the record or the receipt of the transcript of the hearing, whichever comes later, the Department shall render a decision on the objection.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.380 Issuance of Permit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) If the applicant satisfies the requirements of the Act and this Part, the Department shall issue a permit.
- b) A permit ~~shall~~ may not be issued to an applicant not in compliance with Section 240.250(b) ~~of Subpart B. [Section 8a of the Act]~~
- c) Permits shall expire ~~1~~ one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed ~~2 years~~ ~~1~~ year from the date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set ~~or~~; conversion operations completed ~~or well-repermitted~~.
- d) Permits are not transferable prior to the drilling of the well.
- e) If during drilling the well is lost (collapsed casing or hole, etc.), the permittee is required to submit a new application; and receive a ~~new~~ permit prior to drilling an offset well.
- f) The Department may revoke a permit in accordance with Section 240.251(a) ~~of this Part~~.
- g) The Department shall notify the permittee of its intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (h) ~~below~~.
- h) If a written objection to the revocation is filed within 30 days after the date of the notice:
 - 1) A pre-hearing conference shall be held within 15 days after the receipt ~~of~~ after the request for hearing.
 - A) A pre-hearing conference shall be scheduled in order to:
 - i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations ~~and~~; admissions of fact and of the contents and authenticity of documents;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - iv) Set a hearing date; and
 - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion ~~thereof~~.
- B) Pre-hearing conferences may be held by telephone ~~conferenceconferenees~~ if ~~thatsuch~~ procedure is acceptable to all parties.
- 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois by a Hearing Officer designated by the Director and conducted in accordance with Article 10 of the Illinois Administrative Procedure Act.
- i) At the hearing, the Department shall present evidence in support of its determination under subsection (f) ~~above~~. The permittee may present evidence contesting the Department's determination under subsection (f) ~~above~~. The Hearing Officer~~hearing officer~~ may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
 - j) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a decision.
 - k) The permittee's failure to request a hearing in accordance with subsection (h) shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.390 Permit Amendments

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) Change of Injection Interval
- 1) The permittee shall not change to an unpermitted injection interval without obtaining a permit amendment from the Department.
 - 2) The permittee shall make application for amendment on a form provided by the Department.
 - 3) The application for amendment shall include all the information or data required under 2 and be in accordance with 2 Sections 240.320 and 240.330, except that a survey under Section 240.320(b) is not required.
- b) Change in Injection Pressure or Rate
- 1) The permittee shall not inject at a pressure or rate greater than the maximum permitted pressure or rate without obtaining a permit amendment from the Department.
 - 2) The permittee shall make application for amendment on a form prescribed by the Department.
 - 3) The application for amendment shall include all of the information or data required under 2 and be in accordance with 2 Sections 240.330 and 240.340(c) and (e).
- c) Change in Injection Fluid
- 1) The permittee shall not change the injection fluid without obtaining a permit amendment from the Department.
 - 2) The permittee shall make application for an amendment on a form prescribed by the Department. The application shall include a statement identifying the proposed injection fluid along with the depth and name of the geologic formation from which the injection fluid is to be obtained.
 - A) If the proposed fluid is water, the application shall include an analysis of the water with the date of sample collection (must be no older than 1 year) and must include the following parameters:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Chlorides, Total Dissolved Solids, pH, and Specific Gravity using ASTM standards listed in Section 240.350(b)(1).

B) If the proposed fluid is other than water, the application shall include a chemical analysis identifying the components and the Specific Gravity of the proposed injection fluid using the applicable ASTM standards listed in Section 240.350(b)(1).

- d)e) Change in Well Location
No well may be drilled at a location other than that specified on the permit, except as provided in Subpart D ~~of this Part.~~

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART D: SPACING OF WELLS

Section 240.410 Drilling Units

- a) Oil Wells
The Department shall not issue a permit for the drilling or deepening of a well for the production of oil within the State of Illinois unless the proposed well location and spacing conform to the following drilling units:
- 1) ~~ten (10)~~ acres of surface area lying within the quarter-quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a reservoir other than limestone/dolomite, the top of which lies less than ~~four thousand (4,000)~~ feet beneath the surface; the location of the well shall not be less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit, nor less than ~~six hundred and sixty (660)~~ feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or
 - 2) ~~twenty (20)~~ acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a limestone/dolomite reservoir, the top of which lies less than ~~four thousand (4,000)~~ feet beneath the surface; the location

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

of the well shall not be less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit, nor less than ~~six hundred and sixty (660)~~ feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or

- 3) ~~forty (40)~~ acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a reservoir, the top of which lies at or below ~~four thousand (4,000)~~ feet beneath the surface; the location of the well shall be not less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit, nor less than ~~nine hundred (900)~~ feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir.

b) Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of gas within the State of Illinois unless the proposed well location and spacing conform to the following drilling units:

- 1) ~~ten (10)~~ acres of surface area lying within the quarter-quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a reservoir other than limestone/dolomite, the top of which lies less than ~~two thousand (2,000)~~ feet beneath the surface; the location of the well shall not be less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit, nor less than ~~six hundred and sixty (660)~~ feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or
- 2) ~~twenty (20)~~ acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a limestone/dolomite reservoir, the top of which lies less than ~~two thousand (2,000)~~ feet beneath the surface; the location of the well shall not be less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit, nor less than ~~six~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~hundred and sixty (660)~~ feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or

- 3) ~~forty (40)~~ acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a reservoir, the top of which lies between ~~two thousand (2,000)~~ feet below the surface; and ~~five thousand (5,000)~~ feet or the top of the Trenton Formation, whichever depth is greater; the location of the well shall not be less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit nor less than ~~nine hundred (900)~~ feet from the nearest location of a producing well or well being drilled or for which a permit has previously been issued but not yet drilled for a well to the same individual reservoir.
- 4) Establishment of Drilling Units for Deep Gas
 - A) In the case of wells drilled or deepened for the production of gas from a reservoir lying below ~~five thousand (5,000)~~ feet or the top of the Trenton formation, whichever depth is greater, no permit shall be issued for an exploratory well unless the proposed spacing and well location provide for a minimum of 160 acres of surface area lying within a quarter section of land (as established by the official United States Public Land Survey) with the well location not less than ~~six hundred sixty (660)~~ feet from the nearest external boundary line of the drilling unit.
 - B) After completion of the exploratory well or wells, but prior to commencement of production activities, application shall be made to the Department for the adoption of rules establishing spacing and well location requirements for the reservoir or reservoirs completed. The application shall identify the lands underlying the reservoir or reservoirs for which spacing and well location rules are requested, and shall include any geological, engineering or economic data, studies or reports upon which the requested spacing and well location rules are based.
 - C) Within ~~twenty (20)~~ days after receipt of the application, the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department shall submit proposed spacing and well location rules for the reservoir or reservoirs in accordance with Section 5-40 of the Illinois Administrative Procedure Act (~~Ill. Rev. Stat. 1991, ch. 127, par. 1005-40~~), which shall include notice of a public hearing to be commenced no later than ~~twenty (20)~~ days after publication of the notice of proposed rulemaking in the Illinois Register. In addition to the notice requirements of the Illinois Administrative Procedure Act, the applicant shall give notice of public hearing, at least 10 days prior to the date of the hearing, to all permittees of record and leaseholders whose wells or leases are within $\frac{1}{4}$ of oil or gas wells within $\frac{1}{2}$ mile of the area described in the proposed rules by first class mail, postage pre-paid, and by publication in a newspaper of general circulation in each county in which any portion of the area described in proposed rules is located ~~at least ten (10) days prior to the public hearing~~.

- D) The public hearing shall be conducted in accordance with the provisions of ~~subsections (d)(4) and (d)(5) of~~ Section 240.370 (d)(4) and (d)(5). The Department shall fully consider the record from the public hearing and any other public comment received during the first notice period; and, prior to commencement of the second notice period, shall make such changes to the proposed rules as may be necessary to prevent waste, protect correlative rights and prevent the unnecessary drilling of wells.
- c) Coalbed Gas Wells
The Department shall not issue a permit for the drilling or deepening of a well for the production of coalbed gas from unmined seams of coal unless the proposed well location and spacing conform to drilling unit requirements of ~~ten (10)~~ acres of surface area lying within a quarter-quarter-quarter section of land (as established by the official United States Public Land Survey); the location of the well shall be not less than ~~three hundred thirty (330)~~ feet from the nearest external boundary lines of the drilling unit.
- d) Coal Mine Gas Wells
A well drilled into a mine void or a pillar within the mined out area for the production of gas from an abandoned coal mine is exempt from the spacing requirements of this Subpart.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- e) Other Wells
Class II UIC wells, coal, mineral and structure test holes, observation wells, water supply wells used in relation to oil or gas production, and gas storage wells, are exempt from the requirements of this Section.
- f) All new well locations shall not be less than 200 feet from the nearest occupied dwelling existing at the time the permit application is filed with the Department, unless the permittee obtains a written agreement with the surface owner upon which the dwelling is located specifically allowing for a closer well location.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.420 Well Location Exceptions within Drilling Unit

- a) Whenever the topographical conditions (e.g., hills, creeks, ponds, lakes) or cultural features (e.g., occupied dwellings, buildings, roadways, powerlines, pipelines) of a drilling unit render it impractical to drill an oil or gas well at a location conforming to the requirements of Section 240.410, an oil or gas well may be drilled at a nonconforming location as follows:
- 1) The permittee is allowed, without prior approval from the Department, to move the location maximum of 30 feet from the permitted location, provided the amended location is not closer than 330 feet (or other applicable setback) to the nearest lease boundary line, and provided the amended location is surveyed and an amended application, showing the amended location and the reason the location was moved, is submitted to the Department within 10 days of moving the location.
 - 2) If the proposed well location is more than 30 feet from a location conforming to the requirements of Section 240.410, an application must be submitted showing the proposed location and the reason the location is requested. Approval for such location must be received from the Department prior to the commencement of drilling. If the proposed location is less than 330 feet (or other applicable setback) from the nearest lease boundary line, the application shall be accompanied by a written agreement or agreements between the applicant and any leaseholders or mineral rights owners (if no leaseholder exist) whose leases or mineral rights are adjacent to and less than 330 feet (or other applicable setback)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

from the proposed location. In lieu of the submission of a written agreement or agreements, the applicant shall give notice by certified mail, return receipt requested, to any leaseholders or mineral rights owners (if no leaseholders exist) whose leases or mineral rights are adjacent to and less than 330 feet (or other applicable setback) from the proposed location. The notice shall include the proposed location of the well and the reason the location is requested, and shall inform the leaseholders or mineral rights owners that they may file written objections with the Department within 15 days after service of the notice. If a written objection is received, the matter shall be set for hearing, which shall be conducted in accordance with the provisions of Section 240.370(d) of this Part.

- 3) In determining whether to approve a proposed nonconforming location, the Department will consider the feasibility and expense of drilling on location, any hazard or damage to persons or property or to the environment, and whether the proposed location would adversely affect the correlative rights of any of the owners of the reservoir or result in waste or the drilling of unnecessary wells.
- b) If at the time of application, a lease immediately adjacent to a proposed drilling unit has producing wells located less than 330 feet from the common boundary line, then a well on the proposed drilling unit may be located at a distance closer than 330 feet but no closer than the distance to the common boundary line of the immediately offsetting well.
- c) If a drilling unit is located over an active mine, the mined-out or inaccessible portion of an active mine, an abandoned mine, or the undeveloped limits of a mine, the proposed well can be located so that it will be drilled into an existing or proposed mine pillar subject to the conditions and limitations set forth in subsections (a) and (b) above.
- d) If during drilling the well is lost (collapsed casing or hole, etc.), the permittee may terminate drilling and move the rig up to 30 feet from the permitted location and commence drilling operations, provided that:
 - 1) the permittee notifies the District Office prior to the move and receives approval;
 - 2) a new application and fee is submitted within 10 days in accordance with

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 240.220 of this Part; and

- 3) the new location is in compliance with all other requirements of this Part.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.430 Drilling Unit Exceptions

- a) In the case of irregular sections containing more or less than ~~six hundred forty~~ ~~(640)~~ acres, in those areas where the United States Government has not made an official survey, in areas covered by the old French Surveys and Grants, in meandered lands, in government lots, and in subdivisions thereof where the acreage in quarter-quarter-quarter sections and quarter-quarter sections do not conform to the requirements of Section 240.410, the Department shall establish drilling units for wells such that drilling units will not cause a greater well density than would be encountered in regular official surveys relative to the distance between wells and the external drilling unit boundary lines specified in Section 240.410.
- b) If the proposed oil wells will be part of an enhanced oil recovery project, spacing requirements for oil or gas production wells are as follows:
 - 1) Except as provided in subsection ~~(b)(2) below~~, the drilling unit and well location requirements of Section 240.410 do not apply to an oil well ~~that which~~ is part of an enhanced oil recovery project. For purposes of this ~~Subpart~~~~subpart~~, an enhanced oil recovery project is a lease, or a unit composed of a group of leases operating under an agreement ~~that which~~ provides for the sharing of production by all of the owners within the unit, which has one or more enhanced oil recovery injection wells permitted and in operation at the time an application for a permit to drill and operate an oil well is filed. The enhanced oil recovery injection wells in operation must be injecting into the reservoir ~~that which~~ will be produced in order for the project to ~~be classified~~~~classify~~ as an enhanced oil recovery project.
 - 2) Oil wells permitted and drilled in accordance with this ~~Section~~~~section~~ must be located no less than 330 feet ~~from~~~~of~~ the nearest lease boundary line or unit boundary, except that, if, at the time of application, a lease immediately adjacent to the proposed well has producing wells located less than 330 feet from the common boundary line, then the proposed well

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

may be located at a distance closer than 330 feet, but no closer than the distance to the common boundary line of the immediately offsetting well.

- c) If the proposed well is to be a post-primary recovery well:
- 1) The spacing requirements shall comply with Section 240.410; or
 - 2) A new drilling unit may be designated consisting of two or more drilling units of the same size, shape and location as that required in Section 240.410 and located in the same reservoir. At least one-half of the drilling units used to make up the new drilling unit are required to contain at least one plugged or non-producing well. The new drilling unit shall not contain any drilling unit of a well actively producing from the same individual reservoir. The new drilling unit may cross section lines. In a reservoir in which the top lies less than 4,000 feet beneath the surface, the well shall be no less than 330 feet from the nearest external boundary lines of the new drilling unit nor less than 660 feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued (but under which the well has not yet been drilled) using the same individual reservoir. In a reservoir in which the top lies at or below 4,000 feet beneath the surface, the well shall be no less than 330 feet from the nearest external boundary lines of the new drilling unit nor less than 900 feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued (but under which the well has not yet been drilled) using the same individual reservoir.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.455 Horizontal Drilling

- a) For purposes of this Subpart, a horizontal well is a wellbore ~~that~~^{which} has an overall length within the reservoir of twice the thickness of the reservoir.
- b) An oil or gas production well may be developed with one or more horizontal drainholes drilled from a single vertical wellbore and may be considered a single well and permitted in accordance with the provisions of Subpart B.
- c) If the proposed horizontal well will be part of an enhanced oil recovery project,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the spacing requirements for all portions of the horizontal drainholes shall comply with Section 240.430(b).

- d) If the proposed horizontal well is to be a primary recovery well:
- 1) ~~The~~ spacing requirements ~~for all portions of the horizontal drainholes shall comply with Section 240.410, or if a modified or special drilling unit is requested, in compliance with Section 240.460 and/or 240.465. Section 240.410; or~~
 - 2) A horizontal drilling unit may be designated consisting of two or more drilling units of the same size, shape and location as that required for a well of the same depth in accordance with Section 240.410 set out in a north-south or east-west pattern. The north-south or east-west pattern of a horizontal drilling unit may cross section lines. In a reservoir in which the top lies less than 4,000 feet beneath the surface, all portions of the horizontal drainhole shall be no less than 330 feet from the nearest external boundary lines of the horizontal drilling unit nor less than 660 feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued (but under which the well has not yet been drilled) using the same individual reservoir. In a reservoir in which the top lies at or below 4,000 feet beneath the surface, all portions of the horizontal drainhole shall be no less than 330 feet from the nearest external boundary lines of the horizontal drilling unit nor less than 900 feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued (but under which the well has not yet been drilled) using the same individual reservoir.
- e) If the proposed horizontal well is to be a post-primary recovery well:
- 1) The spacing requirements shall comply with Section 240.410; or
 - 2) A horizontal drilling unit may be designated consisting of two or more drilling units of the same size, shape and location as that required for a well of the same depth in accordance with Section 240.410 and located in the same reservoir. At least one-half of the drilling units used to make up the horizontal drilling unit are required to contain at least one plugged or non-producing well. The horizontal drilling unit shall not contain any

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

drilling unit of a well actively producing from the same individual reservoir. The horizontal drilling unit may cross section lines. In a reservoir in which the top lies less than 4,000 feet beneath the surface, all portions of the horizontal drainhole shall be no less than 330 feet from the nearest external boundary lines of the horizontal drilling unit nor less than 660 feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued (but under which the well has not yet been drilled) using the same individual reservoir. In a reservoir in which the top lies at or below 4,000 feet beneath the surface, all portions of the horizontal drainhole shall be no less than 300 feet from the nearest external boundary lines of the horizontal drilling unit nor less than 900 feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued (but under which the well has not yet been drilled) using the same individual reservoir.

- f) If a horizontal drilling unit configuration other than that allowed in subsection (d) or (e) is necessary because of geology or reservoir conditions, a modified or special drilling unit is required in compliance with Section 240.460 and/or Section 240.465.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.460 Modified Drilling Unit

- a) Upon application of any person having an interest in oil or gas in a lease or drilling unit, the Department shall schedule a hearing to consider a petition for modification of the location of the standard drilling unit described in Section 240.410, based on geologic or engineering characteristics of the reservoir, relative to the land survey system specified in Section 240.410 and well density specified in Section 240.465 ~~of this Part~~.
- b) Contents of petition shall include:
- 1) the name and address of the petitioner;
 - 2) the petitioner's geologic or engineering reason for requesting a modified drilling unit; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) a legal land description of the drilling unit sought to be established.
- c) Execution and Filing
- 1) The petition to modify a drilling unit in accordance with this Section or establish a special drilling unit in accordance with Section 240.465 shall be ~~sent to filed with~~ the Department offices located in Springfield, Illinois. ~~The petition shall be deemed filed when it is received by the Department's Division of Oil and Gas.~~
 - 2) Every petition shall be signed by the petitioner or his or her representative and ~~the petitioner's~~ address shall be stated ~~on the petition~~ thereon. The signature of the petitioner or his or her representative constitutes a certificate by him or her that he or she has read the petition and that to the best of his or her knowledge, information and belief there is good ground to support the ~~petition~~ same.
 - 3) If ~~after the petition is filed, and prior to setting a hearing date,~~ the Department finds the petition deficient relative to the requirements of subsection ~~(a) or (b) above or Section 240.250(b),~~ the petition shall not be accepted and the Department shall return the petition to the applicant with a statement as to the deficiencies. The Department shall return any unaccepted petition within 30 days after its receipt. A returned petition shall not be considered filed until the deficiencies have been cured.
- d) Notice of hearing shall be given by the applicant to all mineral owners within the boundaries set forth in the application, and to all permittees whose wells or leases are within 1/4 ~~having oil or gas wells within 1/2~~ mile of the boundaries of the lease or drilling unit, ~~which are completed in the proposed zone of production,~~ by U.S. Postal Service certified mail, return receipt requested, and by publication in a newspaper of general circulation in each county in which any portion of the proposed lease or drilling unit or units is located, at least 10 days prior to the hearing.
- e) Pre-Hearing Conferences
- 1) Upon his or her own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet ~~with him~~ for a conference in order to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations and; admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just ~~conclusion~~ thereof.
- 2) Pre-hearing conferences may be held by telephone conference if thatsueh procedure is acceptable to all parties.
- f) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:
 - A) To administer oaths and ~~affirmations~~ affirmation;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel ~~therein~~;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

time each witness may testify;

F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record.

2) Every interested person ~~wishing~~desiring to participate ~~at~~in the hearing shall enter ~~an~~his appearance in writing. The Hearing Officer shall determine if the interested person shall be allowed to enter as a party of record. The Hearing Officer shall base that determination on the same standards used to determine parties in Circuit Court by stating his name and address. Thereafter, such person shall be deemed a party of record.

3) All participants in the hearing shall have the right to be represented by counsel.

4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument~~arguments~~ as may be relevant to the proceeding~~preceding~~.

5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit ~~such~~ information ~~as is~~ necessary to reach a decision on the petition.

6) ~~When~~Where applicable, the following shall be addressed prior to receiving evidence:

A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

B) Ruling may be made on any pending motions.

C) Any other preliminary matters appropriate for disposition prior to presentation of evidence may be addressed.

g) Evidence

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Admissibility: A party shall be entitled to present his ~~or her~~ case by oral or documentary evidence, to submit rebuttal evidence, and to conduct ~~such~~ cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence received by the presiding Hearing Officer shall exclude evidence ~~thatwhich~~ is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under ~~thosesuch~~ rules of evidence may be admitted, except ~~whenwhere~~ precluded by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.
 - 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of ~~thatsuch~~ fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.
 - 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.
 - 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.
- h) Record of Proceedings; Testimony
The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department ~~as such~~ and included in the record.
- i) Postponement or Continuance of Hearing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

A hearing may be postponed or continued for due cause by the Hearing Officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing.

j) Default

If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of that party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.460(i)240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the parties' control.

k) If the Department finds, based on the reservoir's geological and engineering characteristics, that a modified drilling unit or units is necessary to prevent waste, to protect correlative rights, and to prevent the unnecessary drilling of wells, the Department shall enter an order establishing the drilling unit or units. Each order shall:

- 1) specify the location of each drilling unit relative to the land survey system; and
- 2) specify the set back from the drilling unit boundaries for the location of the oil or gas well on each drilling unit; and-
- 3) terminate 1 year from the effective date of the order unless a well has been drilled on the drilling unit within that time. If a well has been drilled within that time, the order shall terminate when the well is plugged.

l) Order – Final Administrative Decision

The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.465 Special Drilling Unit

a) Upon application of any person having an interest in oil and gas in a lease or drilling unit, the Department shall schedule a hearing to consider a petition for the establishment of a special drilling unit for ~~±~~a drilling unit size (acreage) and shape other than specified in Section 240.410 if:

~~1)A)~~ ~~the~~provided well density specified in Section 240.430(a) is maintained; and

~~2)B)~~ a standard drilling unit cannot be formed utilizing the integration provisions of Section 240.132.

~~2)~~ ~~the purpose of horizontal drilling in accordance with Section 240.455.~~

b) Contents of petition shall include:

1) the name and address of the petitioner;

2) the petitioner's reason for requesting a special drilling unit, including the submission of supporting geologic and engineering data; and

3) a legal land description of the drilling unit sought to be established.

c) Applications to establish a special drilling unit shall be processed in accordance with the petition filing, execution and hearing provisions specified under Section 240.460(c) through (l).

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS**Section 240.610 Construction Requirements for Production Wells**

a) Surface Casing Requirements for Wells Drilled After May 13, 1994

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Steel surface casing or fiberglass casing meeting API standards (Fiberglass Casing and Tubing; 15AR, May 1987, published by the American Petroleum Institute, 1220 L Street NW, Washington, ~~DCD.C.~~ 20005-4070; no later editions or amendments included) shall be set to a depth of at least 100 feet, or 50 feet below the base of the fresh water, whichever is deeper, unless an alternative surface casing procedure is used as outlined in subsection (b).
 - 2) Surface casing or alternative surface casing shall be set in the presence under the supervision of a representative of the Department and the permittee shall give at least 24 hours notice to the appropriate District Office prior to setting the surface casing. ~~The In lieu of a Department representative being present during the setting of surface casing, the~~ District Office may approve the setting of surface casing without a Department representative being present. If the District Office approves the setting of surface casing without a Department representative being present, the permittee is required to submit ~~submission of~~ cement and casing records verifying the setting of surface casing. If cement and casing records are ~~required~~ requested, the permittee shall provide the records to the District Office within 24 hours after ~~immediately following~~ completion of the work.
 - 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
 - 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than 4 hours.
- b) Alternative Surface Casing Procedures
- 1) Prior to the commencement of drilling, the permittee shall notify the District Office for the county where the well will be located of the permittee's intent to use an alternative surface casing procedure.
 - 2) Notice shall be given on a form prescribed by the Department and received in the District Office at least 24 hours prior to the commencement of drilling.
 - 3) The following alternative surface casing procedures may be used unless

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the well is located over a coal mined out area or a gas storage field:

- A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the fresh water and the production casing shall be either cemented to surface from total depth or cemented from the cement basket to surface.
 - B) If the unconsolidated material is greater than 25 feet thick, surface casing is required to be set and cemented, in accordance with subsection (a), to the top of the bedrock, and the production casing shall be either cemented to surface from total depth or cemented from the cement basket (placed 50 feet below the base of the fresh water) to surface.
 - C) For wells in which the total depth is less than 500 feet below the base of the fresh water, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.
- 4) For wells located over a coal mined out area or a gas storage field:
- A) at least 100 feet of surface casing and cement shall be set before drilling to the depth of the mined out area, into the mined out area or to the depth of the gas storage zone; and
 - B) a cement basket shall be set 50 feet below the base of the fresh water and the production casing shall be cemented from the basket to the surface or, if required under Section 240.1360, a mine string shall be set in accordance with Section 240.1360(b).
- c) **Production Casing Requirements for Wells Drilled After May 13, 1994**
Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of 250 feet above the shallowest producing interval. The casing shall be set no higher than 50 feet above the top of the uppermost producing interval in an open hole completion.
- d) **Production Casing Requirements for Wells Drilled Prior to May 13, 1994**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) For all existing wells without production casing:
 - A) If surface casing was previously set, production casing shall be set and cemented a minimum of 250 feet in accordance with subsection (c).
 - B) If surface casing was not previously set, production casing shall be set and cemented to surface.
- 2) Wells drilled prior to May 13, 1994 that contain drive pipe without cement behind the drive pipe will require no further cementing work.
- e) Tubing and Packer in Flowing Wells
All wells flowing as a result of an enhanced oil recovery project shall be produced through tubing and packer. The packer shall be set within 200 feet of the top of the producing interval and within the cemented portion of the production casing. The permittee shall contact the District Office in which the well is located at least 24 hours prior to the initial setting or any resetting of the packer to enable an inspector to be present when the packer is set.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.630 Operating Requirements

- a) The well shall be maintained and operated in accordance with all permit conditions or be subject to permit revocation in accordance with Section 240.251.
- b) The well and wellhead shall be maintained in a leak-free condition.
- c) All spills of produced water or oil occurring at the ~~well site~~well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart I.
- d) Wells that have not ~~had commercial production within the last~~had commercial production within the last~~produced for more than~~ 2 years shall be temporarily abandoned or plugged in accordance with Subpart K.
- e) Casinghead gas, produced in conjunction with oil production, that is not collected for use or sale, shall be flared unless the Department approves an exemption from

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

this requirement. In determining whether to approve an exemption, the Department shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures and crops, inhabited structures, public buildings, and public roads and railways.

- f) If hydrogen sulfide gas (H₂S) is present in excess of 20 ppm within 5 feet in any direction from the wellhead or the end of the flare line, the Department shall specify measures to be taken by the permittee to protect against waste and injury to the public health and safety, which may include the erection of flare lines, the posting of warning signs, and the erection of fencing. The Department may also require the setting of a temporary mechanical or cement plug during any period of time in which the well is not producing or during any period of time necessary to effectuate safety measures. In specifying the measures to be taken by the permittee, the Department shall consider the quantities of H₂S being emitted, the topographical and climatological features at the well site and the proximity of inhabited structures, public buildings, and public roads and railways.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART G: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR CLASS II UIC WELLS

Section 240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells

- a) Surface Casing
- 1) Steel surface casing shall be set to a depth of at least 100 feet, or 50 feet below the base of the freshwater zone, whichever is deeper, unless an alternative surface casing procedure is used as outlined in subsection (b).
 - 2) Surface casing shall be set in the presence~~under the supervision~~ of a representative of the Department and the permittee shall give at least 24 hours notice to the District Office prior to setting the surface casing. The~~In lieu of a Department representative being present during the setting of surface casing, the~~ District Office may approve the setting of surface casing without a Department representative being present. If the District Office approves the setting of surface casing without a Department

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~representative being present, the permittee is required to submit~~ ~~submission~~
~~of~~ cement and casing records verifying the setting of surface casing. If
cement and casing records are ~~required~~ ~~requested~~, the permittee shall
provide the records ~~to the District Office within 24 hours after~~ ~~immediately~~
~~following~~ completion of the work.

- 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
- 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than 4 hours.

b) Alternative Surface Casing Procedures

- 1) Prior to the commencement of drilling, the permittee shall notify the District Office for the county where the well will be located of the permittee's intent to use an alternative surface casing procedure.
- 2) Notice shall be given on a form prescribed by the Department and received in the District Office at least 24 hours prior to the commencement of drilling.
- 3) The following alternative surface casing procedure may be used unless the well is located over a coal mined out area or a gas storage field:
 - A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the fresh water and the production casing either cemented to surface from total depth, or cemented from the cement basket to surface.
 - B) If the unconsolidated material is greater than 25 feet thick, surface casing is required to be set, and cemented in accordance with subsection (a), to the top of the bedrock, and the production casing shall be either cemented to surface from total depth or cemented from the cement basket (placed 50 feet below the base of the fresh water) to surface.
 - C) For wells in which the total depth is less than 500 feet below the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

base of the fresh water, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

- 4) For wells located over a coal mined out area or a gas storage field:
 - A) at least 100 feet of surface casing and cement shall be set before drilling to the depth of the mined out area, into the mined out area or to the depth of the gas storage zone; and
 - B) a cement basket shall be set 50 feet below the base of the fresh water and the production casing shall be cemented from the basket to the surface or, if required under Section 240.1360, a mine string shall be set in accordance with Section 240.1360(b).
- c) **Production Casing**
Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of 250 feet above the shallowest permitted injection interval. The casing shall be set no higher than 50 feet above the top of the uppermost permitted injection interval in an open hole completion.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.750 Operating Requirements for Class II UIC Wells

- a) The wellhead shall be maintained in a leak-free condition.
- b) Spills of injected fluids occurring at the ~~well site~~well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart I.
- c) Wells ~~that~~which are not equipped with tubing and packer shall be temporarily abandoned or plugged in accordance with Subpart K.
- d) The injection pressure shall not exceed the maximum injection pressure established in accordance with Section 240.340(e) ~~of this Part~~, unless amended in accordance with Section 240.390(b) ~~of this Part~~.
- e) No change shall be made in the permitted injection zones except in accordance

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

with Section 240.390(a) ~~of this Part~~ or Section 240.395 ~~of this Part~~.

~~f)~~ No change shall be made in the permitted injection fluid except in accordance with Section 240.390(c).

~~g)~~ Within the Area of Review as defined in 62 Ill. Adm. Code 240.360, injection fluids shall be confined to the permitted injection zones. If the injection fluids are migrating into unpermitted zones, or into the freshwater zone or to the surface from the well in question or from other wells within the Area of Review, the permittee shall notify the Department, and shut in the well until remedial action that prevents the fluid migration is completed.

~~h)~~ Mechanical integrity must be established in accordance with Sections 240.760 and 240.770.

~~i)~~ Only Class II fluids can be injected into a Class II well.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells

- a) For purposes of this Section, establishment of internal mechanical integrity includes proper placement of the packer in accordance with subsection (b) and successful completion of a pressure test in accordance with subsection (g). If the Department determines that the packer is not set in accordance with subsection (b) or (c), the permittee shall be required to remove the tubing and packer from the well and reset it in the presence of a Department representative in accordance with this Section.
- b) Injection shall be through tubing and packer unless alternative construction methods are approved by the U.S. Environmental Protection Agency. The packer shall be placed no higher than 200 feet above the uppermost permitted perforations or the casing seat in an open ~~hole~~ completion, provided the packer is within the cemented portion of the production casing such that there is at least 50 feet of cement above the packer, and further provided the packer is no less than 100 feet below the base of the fresh water. No perforations shall be left open above the packer unless they are isolated by a dual packer or concentric packer system. If a dual packer is used, the uppermost packer must satisfy the placement requirements of this subsection.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- c) If the packer cannot be set in accordance with subsection (b) due to existing well construction, casing leaks within the cemented portion of the production casing, or an obstruction in the well, the permittee may request and the Department may specify an alternative packer setting depth provided the packer remains within the cemented portion of the production casing. In determining an alternative packer setting depth the Department shall take into consideration the current construction of the well, the depth of the fresh water and the nature of the obstruction.
- d) The permittee shall contact the District Office in which the well is located at least 24 hours prior to the initial setting or any resetting of the packer in a Class II UIC well to enable an inspector to be present when the packer is set. Setting of the packer must be reported on a form prescribed by the Department.
- e) An internal mechanical integrity test shall be performed:
- 1) prior to initial injection into a newly permitted Class II UIC well;
 - 2) prior to initial injection into a Class II UIC well after a change to a new, permitted injection zone;
 - 3) prior to resuming injection into any Class II UIC well after any workover of the well involving the resetting or movement of a packer;
 - 4) prior to initial injection into a Class II UIC well after the well has been reactivated from temporary abandonment status;
 - 5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and ~~240.180~~~~240.170 of this Part~~, that the Class II UIC well may be leaking or improperly constructed; and
 - 6) at least once every 5 years measured from the date of the last successful test unless a temporary abandonment is approved in accordance with Section 240.1132.
- f) All Class II UIC wells not subjected to an internal mechanical integrity pressure test as of September 1, 1990 were required to be tested by September 1, 1995, unless ~~Temporary Abandonment~~~~Future Use~~ status was approved prior to July 14,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2000. During the first 4 years, each permittee shall conduct an internal mechanical integrity test each year commencing September 1 on at least 20% of the permittee's total Class II UIC wells of record as of September 1 as reported to each permittee by the Department. During the fifth year each permittee shall conduct an internal mechanical integrity test on all remaining untested Class II UIC wells that were of record September 1, 1994 or were acquired during the year ending September 1, 1995. Class II UIC wells sold or acquired during the first 4 years shall not affect the total number of wells from which the 20% testing requirement is derived for that year. Wells tested during the year in which they are transferred shall count toward the 20% testing requirement of the permittee who conducted the test. Class II UIC wells temporarily abandoned, converted to production wells or plugged in accordance with the provisions of Subpart K during any year shall count toward the 20% testing requirement.

g) Pressure Test

The following pressure test shall be performed on Class II UIC wells to establish the internal mechanical integrity of the tubing, casing and packer of the well. The permittee shall contact the District Office in which the well is located at least 24 hours prior to conducting a pressure test to enable an inspector to be present when the test is done. The permittee shall report the test results on a form prescribed by the Department.

1) Pressure Test

The casing-tubing annulus above the packer shall be tested ~~in~~^{under} the ~~presencesupervision~~ of ~~the~~ Department ~~representative~~ at a minimum pressure differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than 5 percent of the starting test pressure during the test. The well may be operating or shut in during the test.

2) Monitoring Test

For those wells ~~that~~^{which} are structurally unable to withstand the pressure test specified in subsection (g)(1) because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

- A) the volume of the casing-tubing annulus;
 - B) depth of packer;
 - C) pressure below the packer; and
 - D) type of tubing and packer.
- h) Any Class II UIC well ~~that~~which fails an internal mechanical integrity test, or on which an internal mechanical integrity test has not been performed when required by subsections (e) and (f), shall be shut in until the well is plugged or until remedial work is commenced and completed and an internal mechanical integrity test is successfully completed. The necessary work shall be completed and an internal mechanical integrity test successfully completed within 90 days, or within any greater length of time established by the Department due to weather conditions.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.780 Reporting Requirements for Class II UIC Wells

- a) Well Completion Reports
 - 1) Contents

The Well Completion Report shall be completed on a form prescribed by the Department and shall contain:

 - A) the name and location of the well;
 - B) information on the construction of the well;
 - C) information on the injection zones and the type of completion treatment performed on each zone; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- D) injection rates, injection pressures and type of injection fluid pressures.
- 2) Newly drilled or converted wells
A Well Completion Report shall be submitted to the Department within 30 days after the conclusion of initial completion activities (i.e., setting of tubing and packer) or within 30 days after the expiration of the permit if the well was not drilled or converted.
- 3) Existing wells
A Well Completion Report shall be completed and submitted to the Department for each recompletion of any existing injection well. Recompletion includes injection into a zone not previously used for injection in the well. The Well Completion Report shall be submitted within 30 days after the completion of any such workover or recompletion activity.
- b) Well Drilling Report
- 1) For all wells drilled or deepened, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.
- 2) The Well Drilling Report shall be submitted to the State Geological Survey within 90 days after drilling ceases and shall contain:
- A) the name and location of the well;
- B) drilling information;
- C) the geologic names and depths of the formations encountered in drilling the well;
- D) the results of all drill stem tests; and
- E) a copy of the drilling time or geolograph record if a geophysical log was not run, unless the well is drilled with air rotary tools.
- 3) Well Drilling Reports are not required for well conversions not entailing a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

deepening of the well.

c) Geophysical Logs

A copy of all open hole wire line or geophysical logs run on the well shall be submitted to the State Geological Survey within 90 days after drilling ceases but; ~~or~~ in the case of a conversion of an existing well, only if the well is deepened.

d) Drill Cuttings

1) Notification and Collection of Drill Cuttings

The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each 10 feet of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois. When cuttings are required, a Drilling Time log shall also be submitted.

2) When Drill Cuttings Required

Drill cuttings shall be submitted for each well when drill cuttings have not previously been submitted from any well within ½ mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within ½ mile, drill cuttings shall be requested from the approximate previously submitted depth to the total depth in the newly permitted well.

e) Annual Well Status Report

The permittee of each Class II UIC well shall file an Annual Well Status Report on forms prescribed by the Department. The report shall be filed by May 1 of each year for the preceding calendar year for all wells which have not received Department approval for temporary abandonment or been plugged by the end of the reporting year, and shall include:

- 1) the name and location of the well;
- 2) the names of all injection intervals;
- 3) the setting depth of the packer; and
- 4) the average and maximum monthly injection rates and pressures.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- f) Annual Enhanced Oil Recovery Project Report
The operator of an enhanced oil recovery project shall complete an annual project report on forms prescribed by the Department and submit the report to the State Geological Survey by May 1 of each year.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.795 Commercial Saltwater Disposal Well

- a) Only Class II fluids, as defined in Section 240.10, shall be disposed of into a commercial saltwater disposal well~~Commercial Saltwater Disposal Well~~, or stored at a commercial saltwater disposal facility.
- b) All Class II fluids being stored at a commercial saltwater disposal well facility~~Commercial Saltwater Disposal Well Facility~~ shall be stored in either leak free steel or fiberglass tanks or concrete storage structures. All tanks and concrete storage structures shall be constructed and maintained in accordance with Sections~~Section~~ 240.810 and 240.850.
- c) The permittee of the commercial saltwater disposal well~~Commercial Saltwater Disposal Well~~, or a permitted liquid oilfield waste transporter, shall be present when Class II fluids are being delivered to the facility.
- d) All commercial saltwater disposal well~~Commercial Saltwater Disposal Well~~ Facilities shall be surrounded by a fence of at least ~~four (4)~~ feet in height above ground level and a gate with a lock to restrict access to the facility. The facility must be kept locked from 11:00 p.m. to 5:00 a.m.
- e) Records
- 1) Accurate records shall be maintained by the permittee of the commercial saltwater disposal well~~Commercial Saltwater Disposal Well~~, or his or her authorized representative, of all Class II fluids delivered to the facility. These records shall include all of the following:
- A1) the name of the permittee from which the fluid is delivered;
- B2) the date of delivery;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ~~C3~~) the number of barrels of fluid delivered;
- ~~D4~~) the name and location of the lease from which the fluids were produced; and
- ~~E5~~) the name and vehicle permit number of the liquid oilfield waste hauler~~Liquid Oilfield Waste Hauler~~ delivering the fluid.
- 2) These records shall be maintained at the facility or principal place of business for a minimum of ~~three (3)~~ years and shall be made available for inspection by a Department representative upon request.
- f) Upon request by a representative of the Department, a sample of Class II fluid from the facility shall be analyzed by the permittee to determine fluid quality. The samples shall be analyzed for at least the following parameters: pH, Total Dissolved Solids, Chloride, and Specific Gravity using the applicable ASTM standards listed in Section 240.350(b)(1). If deemed necessary for the protection of the environment, the Department may request the samples be analyzed for additional constituents.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART H: LEASE OPERATING REQUIREMENTS

Section 240.810 Tanks, Tank Batteries and Containment Dikes

- a) Tank Battery Registration
- 1) All new tank batteries constructed after July 1, 2001 shall be registered with the Department, when the tank battery is constructed, by the permittee of the wells on the lease where the tank battery is located. Registration shall be on a form prescribed by the Department.
 - 2) All tank batteries existing on July 1, 2001 are required to be registered with the Department, by the permittee of the wells on the lease where the tank battery is located.
 - 3) All tank batteries shall be transferred, at the time of associated well

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

transfers, on forms prescribed by the Department.

- 4) No fee will be charged for tank registration and tank battery transfer.
- 5) The tank battery registration number shall be displayed on the tank battery.

b) Tank and Tank Battery Requirements

- 1) All tanks and tank batteries containing produced fluids or equipped to receive produced fluids shall be surrounded by containment dikes.
- 2) Tanks shall not be buried.
- 3) All tanks shall be maintained in a leak-free condition.
- 4) All open top tanks shall be covered with bird netting or other system designed to keep birds and flying mammals from landing in the tank.
- 5) New tank batteries constructed after July 1, 2001 shall not be located:
 - A) within 200 feet of an existing occupied dwelling, unless the current owner of the structure has provided a written waiver consenting to the construction closer than 200 feet, in which case the tank battery shall be completely fenced to prevent unauthorized access; or
 - B) within 200 feet of a stream, body of water, or marshy land, unless the permittee can demonstrate to the Department that construction standards or topography will prevent accidental discharge into these features.

c) Containment Dike Construction

- 1) A containment dike shall have a capacity of at least 1½ times the largest tank it contains; and be bermed at least 18 inches above the highest average ground surface surrounding the outside of the containment dike and at least 18 inches above the highest ground surface inside of the containment dike.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) Containment dikes shall be constructed of native soil. In areas of sand, containment dikes shall be constructed of clay ~~soil~~soils and the bottom of the dike area shall be lined with at least 6 inches of clay soil.
- 3) Alternative Construction of Containment Dikes
Containment dikes may be constructed of formed corrugated galvanized steel sheeting and a synthetic flexible liner at least 30 mils in thickness that is manufactured specifically for this purpose. The containment dike structure shall be constructed in accordance with the manufacturer's specifications and must meet the following requirements:
- A) The bottom of the corrugated steel enclosure shall be set into the soil to a depth of at least 6 inches below the ground surface.
- B) The corrugated steel enclosure shall be secured to galvanized steel braces placed around the outside perimeter at intervals that will prevent sagging or collapse of the structure.
- C) Adjoining sections of the liner must be sealed together to prevent leaks.
- D) The liner shall be secured to the top of the entire perimeter of the steel enclosure.
- E) The containment dike structure shall be approved by a Department representative prior to being placed into service. If the construction is not approved by the Department, any deficiencies shall be remedied by the permittee and approved by the Department prior to the structure being placed into service.
- F) The containment dike structure shall be maintained in a leak-free condition. If the Department has reason to believe the liner has a leak, the permittee shall immediately cease use of the enclosed tank battery until the liner has been repaired to a leak-free condition and has been inspected and approved for future use by the Department.
- G) The containment dike structure shall meet all other requirements of subsections (c), (d) and (e).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~4)3)~~ Containment dikes shall not have any breach or other uncontrolled conduit that penetrates the dike and allows the discharge of produced water, liquid oilfield wastes or stormwater.

~~5)4)~~ Discharge of produced fluids, stormwater or other liquid oilfield wastes is prohibited, unless the permittee obtains an NPDES permit from the Illinois Environmental Protection Agency (IEPA).

d) Containment Dike Maintenance

- 1) The area within the dike shall remain free of liquid oilfield waste, general oilfield waste, equipment debris, stormwater runoff and excessive vegetation.
- 2) Any spill or discharge of produced fluids or other liquid oilfield wastes occurring within a containment dike shall be remediated in place in accordance with Section 240.891(a).
- 3) Any spill escaping from a containment dike shall be cleaned up in accordance with Sections 240.890 and 240.895 ~~of this Part~~.

e) Tank and Containment Dike Restoration

- 1) Remove all tanks and aboveground piping and flowlines coming into tank battery.
- 2) Level and grade soil containment dikes.
- 3) Remove from site all non-soil constructed containment dikes.
- 4) Remediate all oil contaminated soil at tank site in accordance with Section 240.891(a).

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.870 Leaking Unpermitted Drill Hole

~~a)~~ ~~When~~Where any fluids are potentially leaking into the fresh water as determined

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

by geologic and field investigation or are leaking onto the surface, through an unpermitted drill hole, the unpermitted drill hole shall be plugged by the current permittee of the lease where the unpermitted drill hole is located ~~if such permittee is operating an injection well or has a permitted Class II well within the lease unit, or contiguous group of leases operated by the same permittee~~. Pending plugging of the well, all injection wells within a ¼ mile radius of the leaking drill hole shall be ~~shut in~~ ~~shut-in~~ until the leaking drill hole is plugged. The leaking or previously leaking drill hole shall be plugged regardless of well status at the time of plugging.

- b) Within 24 hours after notification by the Department of the leaking drill hole, the current permittee of the lease shall take all necessary actions required to contain the leaking drill hole fluids to prevent any further migration and environmental damage until the drill hole is properly plugged and restored. These actions may include, but are not limited to, the digging of containment pits and/or building containment dikes to collect and contain the leaking fluids, hauling and disposing of the collected fluids, and the use of absorbent materials to pick up leaking fluids. All collected and contained fluids shall be properly disposed of in a permitted Class II injection well. All used absorbent materials shall be disposed of in accordance with Section 240.891(b).
- c) If the current permittee does not take the required actions to contain the leaking fluids within 24 hours after notification by the Department, or within the time frame of any extensions granted by the Department because of extenuating circumstances such as weather conditions, the permittee shall not operate any wells on the lease where the leaking drill hole is located until all required actions have been taken and may be issued a Notice of Violation and assessed a civil penalty of up to \$2,000 in accordance with Section 240.160(c)(3)(B) and (C).
- d) Within 90 days after notification by the Department of the leaking drill hole, or within the time frame of any extensions granted by the Department because of extenuating circumstances, including but not limited to weather conditions, the non-availability of plugging equipment, or downhole construction or conditions, the current permittee of the lease shall properly plug and restore the leaking drill hole in the presence of a Department well inspector.
- e) If the current permittee does not plug the leaking drill hole within 90 days after notification by the Department, or within the time frame of any extensions granted by the Department, the current permittee shall not operate any wells on

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the lease where the leaking drill hole is located until the leaking drill hole has been properly plugged in the presence of a Department well inspector.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.875 Leaking Previously Plugged Well

AGENCY NOTE: For purposes of subsections (b) and (d), "permittee" means the last permittee of record for the well when the well was last plugged if that permittee undertakes the actions required by this Section, or means the current permittee of the lease where the leaking well is located if the last permittee does not undertake the required actions.

- a) When~~Where~~ any fluids are potentially leaking into the freshwater zones or to the surface as determined by geologic and field investigation, through a well plugged under the supervision of the Department, the ~~Department well~~ shall ~~notify~~be replugged by the last permittee of record for the ~~well lease on which the leaking well was located~~ when the well was last plugged. The last permittee shall then undertake the necessary actions to comply with the provisions of this Section. If the last permittee is no longer in existence, ~~or cannot be located,~~ does not take the necessary actions, or does not diligently pursue the necessary actions, ~~the well shall be plugged or replugged by~~ the current permittee of the lease where the well is located shall take the necessary actions. The current permittee, if required to undertake any containment or plugging operations pursuant to this Section, shall have a right of action against the last permittee of record for the well when the well was last plugged for the reasonable cost and expense incurred in plugging, replugging, repairing or restoring the well, and shall have a lien enforceable upon the interest of the obligated persons in accordance with Section 19.5 of the Act. Pending plugging of the well, all injection wells within a ¼ mile radius of the leaking well shall be ~~shut in~~shut in until the leaking well is plugged. The leaking or previously leaking well shall be plugged regardless of well status at the time of plugging.
- b) Within 24 hours after notification by the Department of the leaking well, the permittee shall take all necessary actions required to contain the leaking well fluids to prevent any further migration and environmental damage until the well is properly plugged and restored. These actions may include, but are not limited to, the digging of containment pits and/or building containment dikes to collect and contain the leaking fluids, hauling and disposing of the collected fluids, and use of absorbent materials to pick up leaking fluids. All collected and contained fluids

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

shall be properly disposed of in a permitted Class II injection well. All used absorbent materials shall be disposed of in accordance with Section 240.891(b).

- c) If the current permittee of the lease is required to undertake any containment actions and does not take the required actions to contain the leaking fluids within 24 hours after notification by the Department, or within the time frame of any extensions granted by the Department because of extenuating circumstances such as weather conditions, the current permittee shall not operate any wells on the lease where the leaking well is located until all required actions have been taken and may be issued a Notice of Violation and assessed a civil penalty in accordance with Section 240.160(c).
- d) Within 90 days after notification by the Department of the leaking well, or within the time frame of any extensions granted by the Department because of extenuating circumstances, including but not limited to weather conditions or the non-availability of plugging equipment or downhole construction or conditions, the permittee shall properly plug and restore the leaking well in the presence of a Department well inspector.
- e) If the current permittee is required to undertake any plugging operations and does not plug the leaking well within 90 days after notification by the Department, or within the time frame of any extensions granted by the Department, the current permittee shall not operate any wells on the lease where the leaking well is located until the leaking well has been properly plugged and restored in the presence of a Department well inspector.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART I: LIQUID OILFIELD WASTE ~~AND SPILL RELATED~~
~~WASTE~~-HANDLING AND DISPOSAL

Section 240.920 Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits

- a) If the applicant satisfies requirements of this Subpart, the Department shall issue a permit to operate a liquid oilfield waste transportation system ~~that~~~~which~~ shall be kept in the office of the permittee.
- b) If the applicant satisfies requirements of this Subpart, the Department shall issue a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

vehicle permit, and permit sticker, for each tank. The permit shall be kept in the business office of the liquid oilfield waste transportation system permittee. The sticker shall be affixed to the back of the tank and kept visible.

- c) No permit under this Subpart shall be issued to an applicant not in compliance with Section 240.250(b)~~where a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.~~
- d) Permits to operate a liquid oilfield waste transportation system shall be valid for as long as the permittee maintains the bond required under Subpart O ~~of this Part~~ and otherwise complies with the provisions of this Subpart.
- e) Vehicle (tank) permits shall be valid for ~~two (2)~~ years from the date of issuance and shall be renewed by making application to the Department, accompanied by the required fee, at least 30 days prior to expiration of the vehicle permit.
- f) Liquid oilfield waste transportation system and vehicle permits are not transferable.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.945 Lease Road Oiling

- a) Lease road oiling shall not be allowed without receiving a permit from the Department.
- b) The permittee shall apply for and receive a lease road oiling permit for each lease or unit from the Department on a form prescribed by the Department prior to oiling any lease road.
- c) Application for a lease road oiling permit shall include:
 - 1) the location of the lease or unit;
 - 2) the permittee's name and address;
 - 3) the method to be used for application of the bottom sediments;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 4) a map showing the lease roads to be oiled and the location of any surface drainage features on or immediately adjacent to the lease or unit; and
 - 5) written consent from the current surface owner or owners allowing the crude oil bottom sediment application.
- d) Upon approval, crude oil bottom sediment shall be applied to lease roads in such a fashion as to avoid run-off during application onto immediately adjacent land areas. Immediately following completion of the application, all liquids shall be incorporated or otherwise absorbed into the soil with no visible freestanding oil.
 - e) No lease road shall be oiled more than twice yearly.
 - f) Lease road oiling shall not be conducted when the ground is frozen or during precipitation events and is prohibited in areas subject to frequent flooding.
 - g) Crude oil bottom sediments used for lease road oiling shall not have a produced water content of greater than 10% free water by volume.
 - h) Lease road oiling permits are not transferable and are required for each lease or unit. The permit shall be valid for as long as the lease or unit is actively operating~~active~~ under the current permittee. The permit shall become invalid upon a change of~~or~~ the surface owner or if the surface owner withdraws consent to apply crude oil bottom sediment. A withdrawal of consent shall be made in writing to the Department~~named on the permit does not change~~.
 - i) Lease road oiling material applied without a permit shall be removed from the road and properly disposed of.
 - j) Lease road oiling permits are subject to revocation in accordance with Section 240.251.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART J: VACUUM

Section 240.1040 Notice and Hearing

- a) On or before the date of filing a Vacuum Permit application with the Department,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the applicant shall notify, by ~~certified mail, Certified Mail~~ return receipt requested, all ~~permittees whose wells or leases are within a 1/4 mile radius of the well. The applicant shall post a general notice, by publication in a newspaper of general circulation in the county where the well is located~~ other Permittees operating oil or gas production wells within a 1/4 mile radius of the well where the use of vacuum is proposed.

b) The ~~notice~~ Notice shall contain:

- 1) Name and depths of the formations on which vacuum will be applied;
- 2) the exact location of the well or wells to be affected by the use of such vacuum;
- 3) the address and telephone number of the Oil and Gas Division of the Department; and
- 4) a statement that the public has ~~fifteen (15)~~ days, from the date postmarked on the ~~notice~~ Notice, to comment on the application and that comments must be made in writing to the Department.

c) Objections

If a written objection to the application is filed within ~~fifteen (15)~~ days after the date postmarked on the ~~notice~~ Notice, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a factual or legal question regarding the sufficiency of the application in meeting the requirements for a permit or presents data indicating correlative rights may not be protected, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

d) Public Hearing

- 1) Any public hearing held pursuant to subsection (c) ~~above~~ shall be conducted by the Department solely for the purpose of resolving the factual, legal or correlative rights questions raised by the objection;
- 2) ~~Notice~~ notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing ~~the~~ notice by United States

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

mail, postage prepaid, addressed to their last known home address;

- 3) ~~A~~~~a~~ certified court reporter shall record the hearing at the Department's expense;
- 4) ~~A~~~~a~~ Hearing Officer designated by the ~~Director~~~~Department~~ shall conduct the hearing. The Hearing Officer shall allow all parties to the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determined ~~the~~~~such~~ evidence is irrelevant, immaterial, unduly repetitious, or of such nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs;
- 5) ~~The~~~~the~~ Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence;
- 6) ~~After~~~~after~~ receipt of the transcript of the hearing, the Department shall render a decision on the objection.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1050 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and this Part, the Department shall issue a permit ~~fifteen (15)~~ days after the postmark date on the ~~notice~~~~Notice~~ sent to adjacent ~~permittees~~~~Permittees~~ in accordance with ~~Section~~ 240.1040(a) ~~of this Subpart~~.
- b) A permit shall not be issued ~~to an applicant not in compliance with Section 240.250(b) where a final administrative order of the Department is outstanding against the applicant or against a person or Permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.~~
- c) Permits are valid for the life of the well and are automatically transferred when the well is transferred in accordance with Subpart N.
- d) A permit shall not be issued if, after notice and hearing, the Department determines the issuing of a vacuum permit will not protect the correlative rights of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

adjacent ~~permittees~~Permittees.

- e) If through field investigation by the Department, or upon written request by a ~~permittee~~Permittee within ¼ mile of an existing well with a vacuum permit, the Department determines correlative rights of adjacent ~~permittee~~Permittee are not protected, the existing permit may be revoked after hearing and notice in accordance with Section 240.1030(d)~~-of this Subpart~~.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART K: PLUGGING OF WELLS

Section 240.1110 Definitions

For the purpose of this Subpart, the term:

"Cased Well" means a well in which production casing has been set.

"Cement" means class A neat cement with a minimum weight of 14.5 pounds per gallon, unless the cement contains additives ~~thatwhich~~ improve the ability of the cement to provide necessary protection and ~~thatwhich~~ maintains a minimum compressive strength of 500 PSI after 72 hours. If fly ash is used as an additive, the maximum amount of fly ash allowable is 35% by weight of the total cement mixture. Only Class C and Class F fly ash, as defined in ASTM standard C618 (Specification for Coal Fly Ash and Raw or Calcined Natural Possolan for Use in Concrete (2008)) (no later amendments or additions included), is allowable. The generator of the fly ash must certify in writing to the cement blending company that the fly ash meets those specifications. A copy of that certification is required to be provided to the Department upon request. Also, 5% to 6% by weight of cement grade bentonite gel is required to be used in the cement and fly ash mixture. The gel is required to be cement grade and may be either wet or dry blended with the cement and fly ash mixture. The cement and fly ash dry mixture is required to be thoroughly and uniformly blended with either a mechanical or pneumatic cement blender prior to the addition of any water. An authorized representative of the cement blending company is required to certify in writing that the dry mixture contains a maximum of 35% fly ash and has been properly blended. The well cement contractor is required to provide the certification to the Department's representative prior to use of the mixture unless otherwise directed by the Department. If the Department determines or has reason to believe, by

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

testing or visual inspection, that the mixture has not been properly blended, the mixture shall not be used until properly blended and has been approved for use by a Department representative.

"Circulation Method" means placement of cement used in plugging a well by circulating cement through a pipe set at a specified depth in the well.

"Dump Bailer Method" means placement of cement used in plugging a well by using a dump bailer on a wire line.

"Inactive Well" means a well that has ceased operation for a period of up to 24 consecutive months.

"Mud" means a drilling mud with a minimum Marsh ~~funnel~~Funnel viscosity of 45 seconds. Mud may contain water (fresh or brine), bentonite~~Bentonite~~, attapulgit~~Attapulgit~~ or other additives if they do not reduce the viscosity below 45 seconds.

"Plugging Fluid Waste" means plugging fluids, including cement, that are generated from the well during plugging activities.

"Producing Lease" or "Producing Unit" means a lease or waterflood/enhanced oil recovery unit ~~that~~which has produced and sold oil within the preceding 12 month period.

"Uncased Well" means a well in which production casing has not been set.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1130 Plugging and Temporary Abandonment of Inactive Production Wells

- a) Any idle production well on an active lease or unit that has not had commercial production during the last~~been in operation for~~ 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600(c)~~-of this Part~~, and plugged in accordance with Section 240.1140~~-of this Part~~ unless the well has been approved for Temporary Abandonment~~Future Use~~ status in accordance with subsection (c).
- b) Any idle production well on an inactive lease or unit, if~~where~~ the lease or unit has

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

not ~~had commercial production during the last~~^{been in operation for} 24 consecutive months, shall be deemed abandoned and not eligible for ~~Temporary Abandonment~~^{Future Use} status, pending a hearing held in accordance with Section 240.1610.

- c) The permittee shall apply for ~~Temporary Abandonment~~^{Future Use} status by making written application on forms provided by the Department. The Department may place the well on ~~Temporary Abandonment~~^{Future Use} status and issue a ~~Temporary Abandonment~~^{Future Use} permit, if the well meets the following conditions (which shall be continuing requirements):
- 1) The well:
 - A) shall have proper bond in effect in accordance with the Act, if applicable; and
 - B) cannot be the subject of any final administrative decision for abandonment.
 - 2) The well shall have an intact leak free wellhead, or be capped with a valve, and configured to monitor casing or ~~annular~~^{annual} pressure.
 - 3) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsections (c)(5) and (6) do not apply.
 - 4) The wellhead shall be above ground level.
 - 5) The fluid level is no higher than 100 feet below the base of the fresh water as evidenced by an annual fluid level test conducted by the permittee, after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually unless the permittee elects to satisfy the requirements of subsection (c)(6)(A) or (B).
 - 6) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water, the permittee, ~~in~~^{under} the ~~presence~~^{supervision} of ~~the~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department representative, shall:

- A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level annually in accordance with subsection (c)(5); or
- B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes.
- d) If a Temporary Abandonment~~Future-Use~~ request is denied, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved Temporary Abandonment~~Future-Use~~ permit.
- e) Temporary Abandonment~~Future-Use~~ status for production wells shall not be terminated until the well has been inspected by a Division well inspector is active for a period of one year and a Temporary Abandonment~~Future-Use~~ termination request is approved by the Department. Temporary Abandonment~~Future-Use~~ termination requests shall be on a form prescribed by the Department ~~and shall be accompanied by evidence of the sale of oil or natural gas during the preceding 12 month period.~~
- f) Temporary Abandonment~~Future-Use~~ status will be granted every 2 years~~annually~~ provided the wells remain in compliance with subsection (c) ~~of this Section~~ and the lease or unit on which the wells are located remains active.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1132 Plugging and Temporary Abandonment of Inactive Class II UIC Wells

- a) Any Class II UIC well located on an active lease, equipped with tubing and packer and ~~that~~which has previously established mechanical integrity in accordance with Section 240.760, shall maintain mechanical integrity in accordance with Section 240.760 ~~of this Part~~ or shall be plugged in accordance

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

with Section 240.1140 ~~of this Part~~ unless the well has been approved for Temporary Abandonment~~Future Use~~ status in accordance with subsection (e).

- b) Any inactive Class II UIC well located on an inactive lease, when the lease has not been in operation for 24 consecutive months, shall be deemed abandoned and not eligible for Temporary Abandonment~~Future Use~~ status pending a hearing held in accordance with Section 240.1610.
- c) Any inactive Class II UIC well located on an active lease, without tubing and packer, and ~~that~~which has previously established mechanical integrity in accordance with Section 240.760, shall be plugged in accordance with Section 240.1140 ~~of this Part~~ unless the well is approved for Temporary Abandonment~~Future Use~~ status in accordance with subsection (e).
- d) Any inactive Class II UIC well located on an active lease, equipped with tubing and packer or without tubing and packer, and that has not previously established mechanical integrity in accordance with Section 240.760, shall be plugged in accordance with Section 240.1140 unless the well is approved for Temporary Abandonment~~Future Use~~ status in accordance with subsections (e)(1), (2) and (3) and establishes mechanical integrity as follows:
 - 1) a cast iron plug shall be set within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and the casing shall be pressure tested by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes; or
 - 2) install tubing and a packer and conduct a passing internal mechanical integrity test in accordance with Section 240.760 ~~of this Part~~.
- e) The permittee shall apply for Temporary Abandonment~~Future Use~~ status by making written application on forms provided by the Department. The Department shall place the well on Temporary Abandonment~~Future Use~~ status and issue a Temporary Abandonment~~Future Use~~ permit if the well meets the following conditions (which shall be continuing requirements):
 - 1) The well shall:
 - A) have proper bond in effect in accordance with the Act if

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

applicable; and

B) not be the subject of any final administrative decision for abandonment.

- 2) The well shall have an intact, leak free wellhead, or be capped with a valve, be configured to monitor casing or annular pressure, and have injection lines disconnected.
- 3) The wellhead shall be above ground level.
- 4) The fluid level is no higher than 100 feet below the base of the fresh water and evidenced by ~~aan annual~~ fluid level test conducted every 2 years by the permittee, after notice to and in the presence of a~~under the supervision of the~~ Department representative, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct ~~aan annual~~ fluid level test without the presence of a well inspector, the permittee shall report the ~~annual~~ fluid level test on a form prescribed by the Department. The fluid level test shall be conducted every 2 years~~annually~~.
- 5) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water, the permittee, in the presence of a~~under supervision of the~~ Department representative, shall:
 - A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level every 2 years~~annually~~; or
 - B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 240.1140 General Plugging Procedures and Requirements

- a) Notification of District Office
The permittee shall contact the District Office at least ~~twenty-four (24)~~ hours prior to plugging a cased well, or as soon as possible after determination has been made to plug an uncased well.
- b) Well Drilling and Construction Data
For all cased wells, the permittee shall have a well log and the well completion report at the site for review by the well inspector at the scheduled time of plugging. If the permittee cannot locate well logs or the well completion report, the permittee shall make available at the site copies of any logs and well construction records maintained by the Illinois State Geological Survey. For all uncased wells, all available drilling and well construction information shall be at the well site for review by the well inspector at the time of plugging.
- c) Foreign Material Prohibited
- 1) Except for an unavoidable loss of drilling or logging tools or ~~producing~~~~producing~~ equipment, placing or lodging any material or substance in an unplugged well to either fill or bridge the hole for the purpose of avoiding proper plugging procedures is prohibited.
 - 2) Foreign materials ~~that~~~~which~~ have been placed in the hole shall be removed before plugging operations are commenced.
- d) Plugging A Bridged Well
When a well becomes plugged or obstructed because of the loss of drilling or logging tools or producing equipment ~~that,~~~~which~~ would be impractical to remove, the Department may vary the plugging requirements of this Section and specify alternative plugging requirements. In determining whether to approve and in selecting alternative plugging requirements, the Department shall consider the time and cost of removing lost tools or equipment, the potential for damage to fresh water and coal seams and the depth of the lost tools or equipment in relation to the depth of freshwater zones and coal seams, and well construction characteristics.
- e) Methane Monitoring Requirements During Plugging Operations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Plugging operations for all wells shall be continuously monitored by a methane gas detector that is properly calibrated and in proper working order to ensure the methane concentration in the work area remains less than 3%. If the methane concentration in the work area reaches 3%, plugging operations shall cease immediately and shall not resume until corrective actions have been taken and the methane concentration in the work area has been reduced to less than 3%.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1150 Specific Plugging Procedures

- a) Circulation of Cement
Cement may be circulated from total depth or plugged back total depth to surface in lieu of the placing of plugs specified in subsection (b), (c) and (d) ~~below~~, provided both the workable coal and the freshwater zones have been protected by cement in direct contact with both strata.
- b) Producing Interval Plug
 - 1) Cased Wells
 - A) Circulation Method
When using the circulation method~~Circulation Method~~, a cement plug shall be placed opposite each perforated interval, and each interval that is exposed after removal of production casing ~~that~~which has produced oil or gas or into which injection is occurring within $\frac{1}{4}$ mile radius of the well, and extend ~~fifty (50)~~ feet below the deepest perforated interval, total depth, or plugged back total depth, and extend to ~~fifty (50)~~ feet above the shallowest perforated interval or ~~fifty (50)~~ feet above the open hole interval.
 - B) Dump Bailer Method
When using the dump bailer method~~Dump-Bailer Method~~, a cast iron plug shall be set immediately above each perforated interval, and each interval that is exposed after removal of production casing ~~that~~which has produced oil or gas or into which injection is occurring within $\frac{1}{4}$ mile radius of the well, and a minimum of ~~ten (10)~~ feet of cement shall be placed on top of each cast iron plug. As an alternative to setting a cast iron plug, a standard cement

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

pump down plug can be placed in the well and a minimum of ~~fifty~~ ~~(50)~~ feet of cement placed on top of each plug. To insure the cement plug has been properly set, the cement plug shall be tagged after a minimum of ~~two~~ ~~(2)~~ hours. The use of the cement pump down plug is prohibited if the well is flowing fluid to the surface.

2) Uncased Wells

Wells shall be filled with mud before commencement of plugging operations and a cement plug shall be placed opposite any exposed interval ~~that~~~~which~~ has produced oil or gas or into which injection is occurring within ¼ mile radius of the well. The cement plug shall extend from 50 feet below the exposed zone to ~~fifty~~ ~~(50)~~ feet above the zone. The cement plug may be placed using either the circulation or dump bailer method.

3) All wells shall be left open overnight or for a minimum of 12 hours after the surface plug has been set to allow for the verification of the top of the cement. If, after the required waiting period, the top of the cement has fallen more than 4 feet below the ground surface, additional cement shall be placed in the well to bring the top of the cement up to within approximately 4 feet of the ground surface.

c) Coal ~~Plugs~~~~plugs~~—

A plug shall be placed across each workable coal seam in accordance with Section 240.1151 ~~of this Part~~.

d) Surface Plug—

Surface casing shall not be pulled from any well and a cement plug shall be placed across the freshwater zones using either the circulation or dump bailer method as follows:

1) Wells with Surface Casings~~surface casing~~

A) If surface casing extends ~~fifty~~ ~~(50)~~ feet below the freshwater zones with cement circulated to the surface, a cement plug shall be placed in direct physical contact with the strata and surface casing from ~~twenty five~~ ~~(25)~~ feet below the setting depth of the surface casing and extend to the surface. If production casing is left in the hole and there is no cement behind the production casing, cement

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

shall be placed inside and outside of the production casing from ~~twenty-five (25)~~ feet below the setting depth of the surface casing and extend to the surface. Cement shall be placed outside of the production casing by perforating the casing 25 feet below the setting depth of the surface casing and squeezing cement behind the production casing to the surface, or by inserting tubing down the backside of the production casing to a depth of 25 feet below the setting depth of the surface casing and circulating cement to the surface.

B) If surface casing does not extend ~~fifty (50)~~ feet below the base of the freshwater zone, a continuous cement plug shall be placed in direct physical contact with strata from a depth of ~~fifty (50)~~ feet below the base of the freshwater zone to the surface. If production casing is left in the hole, and there is no cement behind the production casing, cement shall be placed inside and outside of the production casing from ~~fifty (50)~~ feet below the base of the freshwater zone and extend to the surface. Cement shall be placed outside of the production casing by perforating the casing 50 feet below the base of the freshwater zone and squeezing cement behind the production casing to the surface, or by inserting tubing down the backside of the production casing to a depth of 50 feet below the base of the freshwater zone and circulating cement to the surface.

2) Wells ~~Without~~without a ~~Surface Casings~~surface casing—
A cement plug shall be placed from a depth of ~~fifty (50)~~ feet below the base of the freshwater zones to the surface.

e) **Plugging Requirements for Wells with Uncemented Casings.**
When the Department determines that the plugging procedures set forth in this Section cannot be followed due to well construction and the lack of cement behind the casings, the Department will authorize the following alternative plugging procedures:

1) ~~The~~the production casings shall be removed from a point at least ~~fifty (50)~~ feet below the base of the fresh water, the hole filled with mud, and a ~~surface plug~~Surface Plug set in accordance with subsection (d) ~~above~~;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~If~~ the production casings cannot be removed to a depth at least ~~fifty (50)~~ feet below the base of the fresh water, all casings contained within the outermost casing shall be removed to a depth at least ~~fifty (50)~~ feet below the base of the fresh water, and the outermost casing in direct contact with the borehole wall shall be perforated, ripped or parted at an interval 50 feet below the base of the fresh water to permit cement to infiltrate the annulus between the casing and the borehole wall. The hole shall be filled with mud, the perforated, ripped or parted interval shall be squeezed with cement, and a ~~surface plug~~~~Surface Plug~~ must be set in accordance with subsection (d) ~~above~~.
- 3) ~~If~~ the well cannot retain mud because the producing interval takes fluid, the producing interval shall be covered with sand, crushed rock or other similar material to provide an anchor on which to place the column of mud, and the hole shall be filled with mud and a surface plug set in accordance with ~~subsections~~~~subsections~~ (e)(1) or (2) ~~above~~.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART L: REQUIREMENTS FOR TEST WELLS

Section 240.1240 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act ~~and this Part~~~~and Rules~~, the Department shall issue a permit.
- b) A permit shall not be issued ~~to an applicant not in compliance with Section 240.250(b) if a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.~~
- c) Mineral or coal groundwater monitoring well permits shall expire ~~one (1)~~ year from the date of issuance unless acted upon by commencement of drilling.
- d) Coal, mineral and structure test hole permits expire ~~one (1)~~ year from date of issuance.
- e) Mineral or coal groundwater monitoring well permits are not transferable prior to the drilling of the well or test hole.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- f) Coal, mineral and structure test hole permits are not transferable.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section 240.1305 Permit Requirements in Mine Areas

- a) ~~Requirements for Areas of Mining Activity~~For Well Penetrating Mine
When the location of a well to be drilled for oil or gas, or any purpose in connection ~~with that drilling, therewith~~ will penetrate an active mine or through the mined out and inaccessible or sealed off area of an active mine, or ~~will~~shall penetrate ~~those areas the same~~ in a temporarily abandoned mine, or the undeveloped limits of any such mine property, as included in the shadow areas set forth in an approved mining permit, a drilling permit shall not be issued by the Mining Board until an agreement shall be reached between the owner of the proposed well and the mine owner, or in the event of failure to reach ~~such~~ an agreement a permit will not be issued until a hearing is held as ~~hereinafter~~ provided in this Section.
- 1) Agreement with Mine Owner
A copy of ~~the~~such agreement, jointly signed by the applicant for a permit and the mine owner, agreeing to the drilling of the well and the proposed location, shall be filed with the application and accompanied by a map or sketch showing the well location, its relation to shafts and mine buildings, and to each coal seam ~~or seams~~ and mine workings underlying applicant's lease. As an alternative, ~~or~~ a statement from the mine owner that the location is over the undeveloped limits of the mine shall be filed.
- 2) ~~Requirements~~Requirement in Absence of Agreement
- A) In the absence of ~~the~~such an agreement or statement outlined in subsection (a)(1), the applicant shall file with the application for permit a map or sketch showing the well location, its relation to shafts and mine buildings, if any, and as well as its relation to the mine workings underlying applicant's lease, with a sworn statement that a true and exact copy of application and accompanying exhibits was mailed postage prepaid to the coal

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

company or its authorized agent in Illinois, by United States registered mail.

- B) If, within ~~ten (10)~~ days from the receipt of the application for permit by the Mining Board, no written objections are filed, the Mining Board shall issue or deny the permit.
- C) Upon the filing of objections to the issuance of the permit, the Mining Board shall promptly set the matter for hearing and decisions.
- b) Requirements for Areas with Presence of Workable Coal ~~in Inactive Mining Areas~~
In inactive mining areas where the existence of workable coal is known ~~to be present~~ and the coal rights are owned by someone other than the lessor under an oil and gas lease ~~ownership of such workable coal has been recorded in the county records~~, the applicant for a permit to drill a well for oil and gas or to drill any well in connection with the production of oil and gas shall notify the owner of the said workable coal by registered mail, ~~with~~ return receipt requested. The notice shall show the exact location of the proposed test and the approximate depth of the formation to be tested. The Mining Board shall be furnished with a copy of the notice attached to the application for permit, with the return receipt from the owner of the workable coal or, ~~in lieu thereof~~, a sworn statement that the applicant has the return receipt in his or her possession, giving the names and addresses of the owners of the coal rights and date of delivery of the notice.
- 1) Notice to Mine-Owner of the Workable Coal
No permit shall be issued to the applicant until ~~ten (10)~~ days have elapsed following the receipt of the registered notice by the owner of the workable coal.
- 2) Maps Available at Well Site
During the drilling of a well, ~~for which a permit has been issued~~, the permittee shall keep at the well site for use of the Mining Board and its representatives an exact copy of the maps and sketches ~~that~~ which accompanied his or her application for ~~the~~ such permit.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1360 Operational Requirements Over Active Mine

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) Mining Board to Determine Safety Factors
- 1) No well shall be drilled into any coal mine or mine workings in any active mine until the Mining Board ~~representative~~ Representative is present and determines that the mine or mine workings are safe.
 - 2) Until the Mining Board ~~representative~~ Representative is satisfied that adequate protection has been provided so that no hazard exists, drilling operation shall be suspended. After any protective or corrective work, required by the Mining Board ~~representative~~ Representative, has been satisfactorily completed by the well owner, manager or his or her representative, drilling operations may be ordered resumed; but if, in the opinion of the Mining Board ~~representative~~ Representative it is impossible to adequately protect the mine or mine workings, he or she shall order the permit revoked and the well plugged in the manner ~~hereinafter~~ provided in this Section.
- b) Drilling Methods and Procedure
- 1) Notice
The permittee is required to notify the mine owner at least 24 hours prior to drilling to the depth of the mine.
 - 2) 4) General
All wells drilled through an active coal mine or through an abandoned portion of an active mine shall:
 - A) be located, if possible, in order to pass through an adequate pillar;
 - B) first have at least 100 feet of conductor pipe set and cemented with a blowout preventer attached prior to drilling to the depth of the mine. After the conductor pipe has been set and the blowout preventer has been installed, all further drilling shall be completed through the blowout preventer; and
 - C) during drilling operations, be continuously monitored by a methane gas detector that is properly calibrated and in proper working order to ensure the methane concentration in the work

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

area remains less than 3%. If the methane concentration in the work area reaches 3%, drilling operations shall cease immediately and shall not resume until corrective actions have been taken and the methane concentration in the work area has been reduced to less than 3%.

3)2) Mine Protective String

- A) Whether drilled through a pillar or not, a mine string or casing of good quality shall be set to protect the mine. The mine string shall be treated with a heavy impervious coating of asphalt, plastic, or other acid-resisting material from ~~ifty (50)~~ feet above the mine roof to a point ~~ifty (50)~~ feet below the mine floor or base of coal seam.
- B) The outside diameter of the mine string shall be at least ~~four (4)~~ inches smaller than the diameter of the well bore and equipped with centralizers or similar mechanical device above and below the coal seam. The mine string shall be set at an approximate depth of ~~ifty (50)~~ feet below the base of the coal seam and cemented from the casing seat to the surface.
- C) If the mine string misses a pillar and is set through an open room of an active mine or the abandoned portion of an active mine, an umbrella, basket, or packer must be used on the mine string to set above the mine roof and the mine string shall be cemented from the casing seat to the mine floor and also cemented from the umbrella, basket, or packer set above the mine roof to the surface.

4)3) Cementing Oil String

- A) The outside diameter of the oil string shall be at least ~~three (3)~~ inches smaller than the inside diameter of the mine string when set through a pillar, and the outside diameter of the oil string shall be at least ~~four (4)~~ inches smaller than the mine string when set through an open room and equipped with centralizers, or similar mechanical devices, immediately above and below the coal seam. The centralizers shall be so spaced as to be within the mine string of casing.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) The oil string shall be surrounded with cement from the casing shoe to the surface, or the oil string may be cemented using multiple-stage cementing tools, as ~~hereinafter~~ provided in subsection (b)(4)(C) and (D).
- C) When the multiple-stage cementing method is used at least ~~one hundred~~ (~~100~~) sacks of cement shall be placed around the casing shoe and the multiple-stage cementing tool placed ~~one hundred~~ (~~100~~) feet below the floor of the mine and cemented from that point to the surface.
- D) In areas where thief zones or high permeability horizons occur below the level of the mine, the Mining Board may require multiple-stage cementing tools to be used in the cementing of the oil string in order to assure protection for the mine.

~~5)4)~~ Temperature Survey Required

When drilling through mined out areas ~~that~~~~which~~ are not accessible, and, if, in the opinion of the Mining Board ~~representative~~~~Representative~~, it is necessary, a self-registering thermometer shall be lowered to the mined out level; and, if the recorded temperature shows the possibility of fire at or near the position of the hole, the drilling permit shall be revoked and the hole plugged, as ~~herein~~ required in this Section.

c) Shooting Wells Over Active Mine or Worked Out Portions of Active Mines

1) Shot Less Than ~~Fifty~~ (~~50~~) Quarts

When any well is located over or penetrates an active mine or worked out portions of an active mine, before shooting the oil-bearing formation, the well owner or manager shall proceed as follows:

- A) Notify the Mining Board or Mining Board ~~representative~~~~Representative~~ at least ~~twenty-four~~ (~~24~~) hours in advance of the time the shot is to be fired.
- B) Notify the mining company at least ~~twenty-four~~ (~~24~~) hours in advance of the time the shot is to be fired.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- C) Tamp the shot with a minimum of ~~sixty (60)~~ feet of tamp, at least the top ~~thirty (30)~~ feet of which shall be of impervious material, being sure that the top of the tamp extends to a place in the hole opposite solid rock formation. Fill the hole to the top with fluid of consistent viscosity and specific gravity.
- 2) Shot ~~of Exceeding Fifty (50) Quarts or More~~
When the charge ~~consists of exceeds fifty (50)~~ quarts or more of nitroglycerin:
- A) Apply to the Mining Board for permission to shoot, indicating the size of charge to be used.
- B) In the absence of written authority from the coal company of the specific shot, the Mining Board shall:
- i) Immediately upon receipt of the application, notify the coal company, indicating the location of the well and the size of the charge to be used.
- ii) If no objection is filed by the coal company within ~~twenty-four (24)~~ hours, the Mining Board shall give permission to fire the shot.
- iii) If the coal company objects, the Mining Board shall, within ~~twenty-four (24)~~ hours ~~after~~ receipt of ~~the~~ objection, set the matter for hearing and determination in the county where the well is located.
- d) Extend the tamp with impervious material ~~ten (10)~~ feet beyond the minimum tamp of ~~sixty (60)~~ feet for each additional ~~ten (10)~~ quarts of charge used, being sure that the top of the tamp extends to a place in the solid rock formation. Fill the hole to the top with fluid of consistent viscosity and specific gravity.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section 240.1460 Conditions for and Effect of Issuance or Transfer of Permit to Operate

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) No permit shall be issued to or transferred to a new permittee or proposed new permittee ~~when~~where:
- 1) *the applicant has falsified or otherwise misstated any information on or relative to the permit application;*
 - 2) *the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;*
 - 3) *an officer, director, ~~agent, power of attorney,~~ or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner, or person with an interest exceeding 5%~~;~~ in another entity that failed to abate a violation of the Act specified in a final administrative decision of the Department;*
 - 4) *the applicant ~~was or is~~ an officer, director, ~~agent, power of attorney,~~ partner, or person with an interest exceeding 5%~~;~~ in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department (Section 8a of the Act);*
 - 5) funds have been ~~expended~~obligated and remain outstanding from the Plugging and Restoration Fund to plug wells, under Subpart P of this Part, for which the applicant was a previous permittee, or the applicant was ~~or is~~ an officer, director, ~~agent, power of attorney,~~ partner, or person with an interest exceeding 5%~~;~~ in a permittee for which funds were ~~expended~~obligated; or an officer, director, ~~agent, power of attorney,~~ or partner in the applicant, or person with an interest in the applicant exceeding 5%, was ~~or is~~ an officer, director, ~~agent, power of attorney,~~ partner or person with an interest exceeding 5% in a permittee for which funds were ~~expended~~obligated; or
 - 6) the new permittee is delinquent in the payment of Annual Well Fees; or the applicant ~~was or is~~ an officer, director, ~~agent, power of attorney,~~ partner, or person with an interest exceeding 5%, in another permittee who is delinquent in payment of Annual Well Fees; or an officer, director, ~~agent, power of attorney,~~ or partner in the applicant, or person with an interest in the applicant exceeding 5%, was ~~or is~~ an officer, director, ~~agent, power of attorney,~~ partner or person with an interest exceeding 5% in a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

permittee who is delinquent in payment of Annual Well Fees.

- b) The entity or person to whom the permit is transferred or issued shall be called the permittee and shall be responsible for all regulatory requirements relative to the well.
- c) When the requirements of this Subpart have been satisfied, and subject to subsections (d) and (e) ~~below~~, the Department shall render permit transfer decisions based upon the manner in which the new permittee or proposed new permittee came into possession of the wells sought to be transferred. Specifically:
- 1) ~~The~~ new permittee or proposed new permittee requesting the transfer is the mineral owner. ~~If~~ the new permittee or proposed new permittee owns the mineral rights to the tract of land on which production or injection wells subject to a prior lease are located and came into possession of the right to operate ~~thesueh~~ wells by virtue of a voluntary release or involuntary termination of lease rights by court order, this new permittee shall become responsible for all regulatory requirements relative to:
 - A) only those production wells identified in the transfer request;
 - B) all wells in existence within the prior lease if the new permittee or proposed new permittee seeks to operate any of the injection wells located within this leasehold, convert any production well to an injection well or drill a new injection well; and
 - C) all pits, concrete storage structures, tank batteries and other surface production facilities in existence within the lease boundaries.
 - 2) ~~The~~ new permittee or proposed new permittee requesting the transfer is a new base lessee. ~~If~~ the new permittee or proposed new permittee came into possession of the right to operate wells by virtue of a new base lease, the new permittee or proposed new permittee shall provide documentation indicating the termination of the original lease and shall become responsible for all regulatory requirements relative to only the wells identified within the new base lease document, ~~except that~~:
 - A) if the new base lease conveys the right to produce from all

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

formations, and the new base lessee or its assignee permits or operates any injection well located within the tract of land being leased, converts any production well to an injection well or drills a new injection well within this area, the new base lessee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within ~~that such~~ tract of land ~~and all wells producing from or open to the formation into which injection will occur~~; or

B) if the new base lease conveys the right to produce from specified formations only or is for wells currently in PRF, and the new base ~~lease lessee~~ specifies or the new base lessee or its assignee permittee operates any injection well located within the formations specified in the new base lease, converts any production well to an injection well or drills a new injection well to the specified formations, this new base lessee shall become responsible for all regulatory requirements relative to all wells drilled to and completed in the same formation as the injection well, and all concrete storage structures, pits and tank batteries in existence relative to that formation.

3) Aa new permittee or proposed permittee requesting the transfer is an assignee if the new permittee or proposed new permittee came into possession of the right to operate wells by virtue of a lease assignment or appointment, by a court of competent jurisdiction, as trustee or receiver, in accordance with Section 240.1410(a)(4) ~~of this Part~~. This new permittee or proposed new permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within the lease hold being assigned.

- d) If any well, or any lease or other unit associated with the well, is in violation of the Act or this Part at the time of the transfer to the new permittee or proposed new permittee, the new permittee or proposed new permittee shall be notified of the violations and the amount of time allotted by the Department for abatement.
- e) The current permittee (Seller) is not liable for any violation of the Act caused by the actions of the new permittee (Buyer) during the permit transfer process, after notice is given to the Department by the current permittee of the pending transfer. However, if the transfer is denied by the Department, the current permittee

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

assumes all responsibility for the violations of the ~~Illinois Oil and Gas~~ Act caused by the new permittee. Nothing in this subsection (~~ed~~) shall affect the contractual rights and obligations of the Seller and Buyer.

- f) The transfer of a permit pursuant to this Subpart shall not affect the rights of the Department, or any obligation or duty of the current permittee arising under the Act and this Part. Any cause of action accruing or any action or proceeding had or commenced, whether administrative, civil or criminal, may be instituted or continued without regard to the transfer of the permit in accordance with this Subpart.
- g) A current permittee, new permittee or proposed new permittee may request a hearing in accordance with Section 240.1490 to challenge the Department's permit transfer decision.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART O: BONDS

Section 240.1500 When Required, Amount and When Released

- a) To Drill, Deepen, Convert or Operate an Oil or Gas Well
- 1) A bond, in the amount ~~as herein~~ provided in this Section, shall be submitted, along with an application to drill, deepen, convert, operate or transfer a production or Class II well, if:
- A) ~~the~~ applicant was not an owner on September 26, 1991 of the right to drill and produce the well or wells in the transfer request; or
- B) ~~the~~ applicant was not a permittee of record on September 26, 1991; or
- C) ~~the~~ applicant has had a bond forfeited or is the subject of an unappealed, unabated Department final administrative decision requiring wells to be plugged; or
- D) ~~the~~ applicant was not assessed an annual well fee as of July 1

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

preceding the application date, unless applicant was a permittee of record of an unplugged well in the previous fiscal year and not the subject of an unappealed, unabated Department final administrative decision; or

- E) ~~thesueh~~ applicant has had funds expended and/or wells plugged on its behalf by the Department using funds from the ~~PRF Plugging and Restoration Fund~~; or
 - F) ~~thesueh~~ applicant is not an appointed trustee or receiver in accordance with Section 240.1410(a)(4) ~~of this Part~~.
- 2) When a bond is required to be filed with the Department to drill, deepen, convert or operate an oil or gas well or Class II well, the amount of the bond shall be:
- A) \$1,500 for a well less than 2000 feet deep;
 - B) \$3,000 for a well 2,000 or more feet deep;
 - C) \$25,000 for up to 25 wells of a permittee;
 - D) \$50,000 for up to 50 wells of a permittee; or
 - E) \$100,000 for all wells of a permittee.
- 3) Failure to provide the required bond will result in the issuance of a cessation of operations order in accordance with Section 240.185(b) ~~of this Part~~.
- 4) A bond submitted pursuant to Section 240.1500(a) shall be released when:
- A) all wells covered by the bond are plugged and restored in accordance with Subpart ~~KN of these rules~~; or
 - B) all wells covered by the bond are transferred in accordance with Subpart N ~~of these rules~~; or
 - C) the permittee has paid assessments to the Department in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

accordance with Section 19.7 for 2 consecutive years and ~~thesueh~~ permittee is not in violation of the Act.

- b) To Operate a Liquid Oilfield Waste Transportation System
The amount of bond required to be filed with the Department before a permit is issued authorizing a person to operate a liquid oilfield waste system shall be \$10,000. When requested by permittee, bond shall be released when the permittee ceases operation and this system and ~~thesueh~~ permittee's system is not in violation of the Act.
- c) To Drill a Test Hole
The amount of bond required to be filed with the Department before a permit is issued to drill a geological structure, coal or other mineral test hole, or a monitoring well in connection with any activity regulated by the Department shall be \$2500 for each permit or a blanket bond of \$25,000 for all permits. The bond requirements of this Subpart shall not apply to a hole or well drilled on acreage permitted and bonded under the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715] or the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]. When requested by permittee, bonds shall be released when the hole or holes are plugged and restored in accordance with Section 240.1260 and the permittee is not in violation of the Act.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section 240.1600 Definitions

The following definitions are applicable to this Subpart:

"Abandoned Well" means:

A well:

for which the underlying lease has been released in writing by the lessee or has been declared forfeited or invalid by a court order, ~~thesueh~~ order is final and the appeal period has lapsed; and

the lessor states in writing that the lessor has not leased out the oil

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and gas working interest to any other person and does not intend to so lease, that the lessor does not intend to operate the well, and that the lessor desires that the well be plugged;

A well owned by a permittee who has made no payment by November 1 of a current annual well fee assessment;

A well for which a bond was forfeited in accordance with Section 6 of the ~~Illinois Oil and Gas~~ Act;

A well that has not ~~had commercial production in the last produced for~~ ~~over~~ 2 years;

A well for which the permit has been revoked in accordance with Section 240.251 ~~of this Part~~; or

A well that has been plugged but not restored in accordance with Section 240.1170 ~~of this Part~~.

"Commercial Production" means oil and/or gas has been produced and sold from the well.

"Emergency Remediation Project" means an emergency crude oil production facility, ~~or~~ crude oil or saltwater spill remediation, or remediation of conditions endangering public health or safety or contaminating surface waters or groundwater, or the surface of the land.

"Emergency Repair Work" means work to repair or contain leaks of produced fluids from production equipment, pits, or other containment structures that are contaminating surface waters or groundwaters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Well Plugging" means the plugging and abandonment of a well or wells that are actively flowing oil or saltwater and are contaminating surface waters or groundwaters or flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard or a non-leaking well ~~that~~ ~~which~~ poses an imminent danger to public safety.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"PRF" means the Department's Plugging and Restoration Fund, established under Section 6 of the ~~Illinois Oil and Gas~~ Act. Monies from this fund shall be spent in accordance with 44 Ill. Adm. Code 610.

"Well Site Equipment" means the equipment, including but not limited to an associated tank battery and production facility equipment, hydrocarbons from the well that are stored in tanks located on the lease, and hydrocarbons recovered during the plugging operation, that may be sold at a public ~~action~~ or a public or private sale. All well site equipment and hydrocarbons acquired by a person by sale shall be acquired under clear title, subject to any perfected prior legal or equitable claims. (Section 19.6 of the ~~Oil and Gas~~ Act)

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1610 Plugging Leaking or Abandoned Wells

- a) If the Department finds, upon inspection, that a well drilled for the exploration, development, storage or production of oil or gas, or for injection, saltwater disposal, saltwater source, observation, and geological or structure test; may be abandoned or leaking saltwater, oil, gas or other deleterious substances into any freshwater formation or onto the surface of the land, the Department may schedule a hearing pursuant to Section 19.1 of the Act to order the well plugged if abandoned or repaired or plugged if leaking.
- b) Hearings
 - 1) Notice of Hearing
Whenever the Department holds a hearing pursuant to Section 19.1 of the Act, the Department shall give written notice to the permittee personally or by certified mail sent to the permittee's last known address. The notice shall include the date, time, place ~~and~~; nature of the hearing and the name and address of the ~~Hearing Officer~~ ~~hearing officer~~. The notice shall be mailed at least 14 days prior to the scheduled hearing date.
 - 2) Permittee Right to Counsel; Appearance
 - A) Right to Counsel
Any party may appear and be heard through an attorney ~~at law~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

authorized to practice in the State of Illinois.

B) Appearance of Attorney

An attorney appearing in a representative capacity in any proceeding ~~under this Subpart~~~~hereunder~~ shall file a written notice of appearance identifying his or her name, address and telephone number, and identifying the party represented.

3) Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

4) Hearing Officer; Powers and Duties

A) The Hearing Officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including the following:

- i) To administer oaths and affirmations;
- ii) To receive relevant evidence;
- iii) To regulate the course of the hearing and the conduct of the parties and their counsel ~~therein~~;
- iv) To consider and rule upon procedural requests;
- v) To hold conferences for the settlement or simplification of the issues; and
- vi) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time each witness may testify.

B) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument ~~that~~ may be relevant to the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

proceeding.

5) Hearing Location

All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Subpart at a site located closer than Springfield, Illinois; to the production and injection/disposal well identified in the Notice of Hearing if facilities are available and satisfactory to the Department.

6) Pre-Hearing Conferences

A) Upon the motion of either party, the Hearing Officer shall schedule a conference in order to:

- i) Simplify the factual and legal issues presented by the hearing request;
- ii) Receive stipulations and; admissions of fact and of the contents and authenticity of documents;
- iii) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- iv) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion of the hearing.

B) Pre-hearing conferences may be held by telephone conference if thatsueh procedure is acceptable to all of the parties.

7) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuance so that the subject matter of the hearing may be resolved expeditiously.

8) Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of ~~that~~ party. If the failure to appear at ~~the~~ pre-hearing conference or hearing is due to emergency situation beyond the party's control, and the Department is notified of ~~the~~ situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to subsection (b)(7)-~~above~~. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the ~~parties'~~ control.

9) Within 30 days after the close of the hearing record, the Hearing Officer shall issue proposed findings of fact, conclusions of law and recommendations as to the disposition of the case.

10) The Director shall review the administrative record in conjunction with the ~~Hearing Officer's~~ recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the ~~Hearing Officer's~~ decision.

c) Upon the issuance of a final administrative decision that finds that a well has been abandoned or is leaking saltwater, oil, gas or other deleterious substances into any freshwater formation or onto the surface of the land, the permittee shall, within 30 days, properly plug, replug or repair the well so as to remedy the situation.

d) If the permittee fails to remedy the situation within 30 days from the date of the order, the well shall be placed in the PRF Program. A well in the PRF Program shall not be operated unless the Department has approved a transfer of the well or unless the permittee has complied with Section 240.1650 or Section 240.1660.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- e) The Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the ~~Illinois Oil and Gas~~ Act as follows: public sale, auction, private sale, or by assignment or quit claim deed to a third party to offset plugging costs.
- f) Proceeds from any public sale, auction or private sale shall be deposited into the ~~PRF Plugging and Restoration Fund~~ in accordance with Section 6(19) of the ~~Illinois Oil and Gas~~ Act or used to offset plugging costs.
- g) The cost of all work completed under this Section shall be paid from the Annual Well Fee portion of the ~~PRF Plugging and Restoration Fund~~.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1640 Repayment of Funds

- a) The permittee must reimburse ~~PRF the Plugging and Restoration Fund~~ for all funds ~~expended~~ ~~obligated~~ from the ~~PRF Plugging and Restoration Fund~~, excepting OPA reimbursed monies, for repair, plugging, restoration or remediation work on the permittee's wells or sites, together with all interest accrued, as provided under Section 19.9 of the Act.
- b) Prior to repayment of all expended funds, the permittee shall not operate any other existing wells ~~in the permittee's name~~.
- c) If funds were expended to plug wells, the permittee shall be required to post a bond for all unplugged wells in the permittee's name in an amount in accordance with Section 240.1500(a)~~(2)(1)(E) and (a)(2)~~ for a period of 2 consecutive billing cycles, in accordance with Section 240.1500(a)~~(4)(3)(C)~~. The permittee shall not operate or permit any wells until the required bond has been posted with the Department prior to permitting or operating any wells.
- d) If funds were expended to repair a well or production facility, restore a well site or perform remediation resulting from a leak or spill, the permittee shall have 90 days from the date of demand for reimbursement of the expended funds. If reimbursement is not received within 90 days, the permittee shall be required to post a bond for all unplugged wells in the permittee's name in an amount in accordance with Section 240.1500(a)~~(3)(1)(E) and (a)(2)~~ for a period of 2

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

consecutive billing cycles, in accordance with Section 240.1500(a)~~(5)(3)~~(C). The permittee shall not operate or permit any wells until the required bond has been posted with the Department prior to permitting or operating any wells.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1650 Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Abandonment

- a) A permittee shall not work on, operate or produce any of its wells or facilities that have been placed into the PRF Program without first obtaining temporary relief through the Department's final administrative decision placing the wells and facilities into the PRF Program.
- b) A permittee's application to the Department for temporary relief from the Department's final administrative decision placing its wells or facilities in the PRF Program shall contain the following information on a lease by lease basis:
 - 1) A list of all the wells and facilities in the PRF Program on the lease;
 - 2) A plan of action for each well on the lease (e.g., production, injection, plug or temporarily abandon);
 - 3) A plan to bring the wells and facilities on the lease into full compliance with the Act and this Part;
 - 4) The date by which all work bringing the wells and facilities on the lease into full compliance will be completed;
 - 5) Either a new base lease or a copy of a valid lease, along with lease ratifications by the current mineral owners signed within the last 180 days affirming the permittee's existing lease is valid. Lease ratifications shall include the mineral owner's name, address, signature, date, and the name and legal location of the lease. The permittee is required to have 100% of the rights to drill and produce on the lease;
 - 6) Payment of a non-refundable administrative fee of \$250 per well for each well the permittee is requesting to remove from the PRF Program, made

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

payable to the Illinois Department of Natural Resources/Plugging and Restoration Fund; and

- 7) A request to authorize the permittee's access to the lease for the purpose of implementing the proposed plan of action so the wells and facilities can be brought into full compliance and, upon Department approval, removed from the PRF Program.
- c) The Department shall approve or deny the application for temporary relief from the Department's final administrative decision placing the wells and facilities in the PRF Program. If the application is approved, the Department shall request that the Hearing Officer issue an Order granting temporary relief. If, however, upon review of the application for temporary relief, the Department determines that property rights or environmental or public safety and welfare will be adversely affected, the proposed plan of action does not meet the requirements of the Act or this Part, the time proposed by the permittee to complete the required work is deemed to be excessive, or the permittee owes the Department civil penalties, annual well fees or funds expended from the PRF Program, the application shall be denied.
- d) All Hearing Officer Orders granting temporary relief to permittees to work on, operate and produce wells and facilities in the PRF Program shall subject permittees to the following terms and conditions:
 - 1) All work required to bring the wells and facilities on the lease into full compliance with the Act and this Part shall be completed in accordance with the plan of action submitted by the permittee with the application for temporary relief and by the date specified in the Hearing Officer's Order.
 - 2) All wells, facilities and hydrocarbons on the lease shall remain in the PRF Program until:
 - A) All wells and facilities on the lease have been inspected by the Department and are in compliance with the Act and this Part; and
 - B) The Department has modified or vacated the final administrative decision that placed the wells and facilities into the PRF Program; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- C) The Department has removed the wells and facilities from the PRF Program.
- 3) No equipment or hydrocarbons may be removed or sold from the lease until the Department has removed the wells and facilities on the lease from the PRF Program.
- e) The Hearing Officer may approve or deny any request or motion for an extension of time to complete the work required to bring the wells and facilities on the lease into compliance with the Act and this Part. When determining to approve or deny a request for an extension of time to complete the required work, the Hearing Officer will consider factors including, but not limited to, the permittee's diligence in completing the work since the issuance of the Order granting temporary relief, weather conditions, amount and type of work still remaining to be completed in accordance with the plan of action, amount and type of work completed, number of wells and facilities involved in the work, and conditions beyond the permittee's control.
- f) Any work performed on the wells or facilities on the lease is solely at the permittee's own expense and risk. If all work required to bring the wells and facilities on the lease into compliance with the Act and this Part is not completed by the date specified in the Hearing Officer's Order, or the Hearing Officer's Order is revoked, the Order including authorization to access the lease shall terminate and the permittee is required to abandon the lease, leaving any equipment, improvements and hydrocarbons on the lease. Any equipment, improvements and hydrocarbons shall be placed into the PRF Program and disposed of by the Department in accordance with Section 240.1610(e).
- g) If, after a hearing on the matter, the Hearing Officer determines that a permittee failed to comply with the terms and conditions of the Hearing Officer's Order granting temporary relief from the Department's final administrative decision or violated the requirements of the Act or this Part on the leasehold that is the subject of the Order, the Hearing Officer shall revoke the order granting temporary relief.
- h) If the permittee completes all work required to bring the wells and facilities on the lease into compliance with the Act and this Part pursuant to the terms and conditions of the Hearing Officer's Order to work on, operate or produce wells and facilities in the PRF Program, the permittee shall notify the Department of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

completion of the work. Upon notification, the Department shall, within 30 days, make an inspection of the wells and facilities on the lease to determine compliance with the Act and this Part. Upon an inspection indicating that the wells and facilities are in compliance with the Act and this Part, the Hearing Officer shall, within 30 days, modify or vacate the final administrative decision that placed the wells and facilities into the PRF Program and notify the permittee in writing that the wells and facilities have been removed from the PRF Program.

(Source: Added at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1660 Authorization for a Permittee to Operate Their Wells Placed into the Plugging and Restoration Fund Program for Non-payment of Annual Well Fees

- a) A permittee shall not work on, operate or produce any of its wells or facilities that have been placed into the PRF Program because of delinquent payment of annual wells fees until the wells and facilities have been removed from the PRF Program by the Department.
- b) The permittee shall pay to the Department all delinquent annual well fees and all associated civil penalties assessed as a result of the delinquent annual well fees and payment of a non-refundable administrative fee of \$250 per well for each of the permittee's wells in the PRF Program, made payable to the Illinois Department of Natural Resources/Plugging and Restoration Fund, before the Department may remove any of the wells and facilities from the PRF Program.
- c) Within 60 days after receipt by the Department of payment in full of all delinquent annual well fees, associated civil penalties and non-refundable fees, the Department's Hearing Officer, on his or her own motion, shall modify or vacate the final administrative decision that placed the wells and facilities into the PRF Program and notify the permittee in writing that the wells and facilities have been removed from the PRF Program.

(Source: Added at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART Q: ANNUAL WELL FEES

Section 240.1700 Fee Liability

- a) The Department shall assess annual well fees during each fiscal year for all

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

permits of record as of July 1, including wells reported to be transferred pursuant to Subpart N but not yet approved for transfer by the Department. The permittee for each well is responsible for paying the full assessed amount.

- b) The permittee will be assessed annual well ~~remains liable for the payment of such~~ fees until:
- 1) the well or wells under permit to the permittee are plugged and restored;
~~or~~
 - 2) the well or wells have been transferred to a new permittee pursuant to Subpart N. The effective date of transfer will be the date stated on the Department's Notification of Transfer Form; or
 - 3) the permittee notifies the Department in writing that a well for which the permittee has a valid permit has not been drilled and the permittee requests that the permit be cancelled.
- c) Liability for assessed annual well fees does not cease until full payment is received by the Department or until a Department-approved reduced payment is received by the Department~~ceases on the date when the well has been plugged and restored or on the effective date stated on the Department's Notification of Transfer Form.~~
- d) If a permittee fee check is returned due to insufficient funds or because payment, was stopped, the permittee is required to repay fees for that fiscal year by cashier's check or money order.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1710 Annual Permittee Reporting

- a) Permittees are required to submit, on a form prescribed by the Department, an annual verification of address and status.
- b) The form shall contain the permittee's~~reports for information on Permittees:~~
 - 1) current address;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) verification of well ownership;
 - 3) type of business entity and supporting documentation;
 - 4) FEIN, or Social Security Number if an individual; and
 - 5) names and addresses of principals, officers or owners.
- c) Forms shall accompany the Annual Well Fee payment and shall be submitted by September 1 of each year.
- d) Authority of Person Signing Forms~~person signing forms~~
- 1) If the permittee is a sole proprietor, the form shall be signed by the individual. If the permittee is a partnership, the form shall be signed by a general partner. If the permittee is a corporation, the form shall be signed by an officer of the corporation.
 - 2) In lieu of the signature of the permittee, the form may be signed by a person having a power of attorney to sign for ~~thesueh~~ permittee, provided a certified copy of the power of attorney is on file with the Department or accompanies the form.
- e) If a permittee did not submit an annual verification of address and status form during the most recent annual fee payment period, a reporting form is required at the time of all well permit and transfer requests.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1720 When Annual Well Fees are Due

Annual well~~Well~~ fees shall become due on September 1 of each year and shall be deemed delinquent if not paid by November 1 of each year. The Department may cease mailing the annual well fee bill to a permittee ~~for annual well fees if~~ ~~thosesueh~~ fees have been unpaid for 3 consecutive years. However, ~~thesueh~~ permittee may not thereafter operate, permit or transfer wells within the State of Illinois without first paying all delinquent fees and associated civil penalties and submitting a bond in accordance with Subpart O.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS
AND FOR GAS STORAGE AND OBSERVATION WELLS**Section 240.1805 Definitions**

- a) "Gas Storage Well" means a well drilled for input and/or withdrawal of natural gas or manufactured gas in a ~~natural~~-gas storage field.
- b) "Observation Well" means a well drilled to monitor subsurface conditions in oil and gas projects or gas storage fields.
- c) "Underground Gas Storage Field" means an area of land ~~that~~which is contained within the lowest closing structural contour for which ~~natural~~-gas can be stored in a ~~subsurface~~substance stratum.
- d) "Gas Storage Operator" means any entity ~~that~~which owns or operates an ~~underground gas storage field~~Underground Gas Storage Field.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1810 Submission of Underground Gas Storage Field Map

- a) Each ~~gas storage operator~~Gas Storage Operator shall submit to the Department annually a map showing:
 - 1) The lowest closing contour at which ~~natural~~-gas can be stored~~;~~
 - 2) The area of land ~~which is~~ currently under a valid lease or storage rights agreement~~;~~ and
 - 3) Any protective boundaries established by a governmental agency.
- b) Upon written request to the Department, the ~~above~~-information listed in subsection (a) will be considered proprietary information and shall be held confidential.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 240.1820 Permit Requests in a Underground Gas Storage Field

- a) When the proposed location to drill, deepen, convert or amend an oil or gas production or Class II well, as defined in Subparts B and C, or a ~~test hole~~Test Hole, as defined in Subpart L, occurs within the limits of an ~~underground gas storage field~~Underground Gas Storage Field, or within any protective boundary shown on the ~~gas storage operators~~Gas Storage Operators map submitted to the Department, a permit shall not be issued until the applicant complies with ~~subsections~~subsections (a)(1) or (2) ~~below~~:
- 1) ~~The applicant enters~~Enters into an agreement with ~~the gas storage operator~~Gas Storage Operator, outlining safety precautions and well drilling, completion, operating and plugging specifications. The agreement shall be signed by the applicant and the ~~gas storage operator~~Gas Storage Operator ~~and Gas Storage Operator. Agreement~~ shall be submitted with the permit application.
 - 2) ~~The applicant submits~~Submits a copy of an agreement previously reached with the ~~gas storage operator~~Gas Storage Operator which governs the relationship between the applicant and the ~~gas storage operator~~Gas Storage Operator with respect to safety precautions and well drilling, completion, operating and plugging issues. The agreement must be in full effect and cover the proposed drilling location.
 - 3) If an agreement cannot be reached after the applicant has exercised due diligence in negotiations, the applicant shall notify the ~~gas storage operator~~Gas Storage Operator of the proposed location and depth of the well by certified mail, return receipt requested. The certified mail receipt shall be attached to the permit application. If a written objection is not received by the Department within 15 days after the date of receipt the permit shall be issued. If a written objection to the application is filed with the Department within 15 days after receipt of the notice of application, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a question regarding public safety, resource ownership or sufficiency of application, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) Public Hearing
- 1) Any public hearing held pursuant to this Section shall be a formal hearing conducted by the Department solely for the purpose of resolving the factual or legal question raised by the objection.
 - 2) Notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing ~~thesueh~~ notice by United States mail, postage prepaid, addressed to their last known home or business ~~addressesaddress~~.
 - 3) A certified court reporter shall record the hearing at the Department's expense.
 - 4) A Hearing Officer designated by the Department shall conduct the hearing. The Hearing Officer shall allow all parties at the hearing to present evidence in any form, ~~includingincluded~~ by oral testimony or documentary evidence, unless the Hearing Officer determines ~~thesueh~~ evidence is irrelevant, immaterial, unduly repetitious, or of such a nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs.
 - 5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence.
 - 6) Within 30 days after the closing of the record or the receipt of the transcript of the hearing, whichever comes later, the Department shall render a decision on the objection.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1835 Contents of Application for Permit to Drill or Convert to an Observation or Gas Storage Well

The application for a permit shall include:

- a) the name of the well;
- b) the surveyed well location, the GPS latitude and longitude location and ground

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

elevation of the well. All GPS locations shall be recorded as degrees and minutes with the minutes recorded to 6 decimal places in the North American Datum 1983 projection and shall be accurate to within 3 feet. The reported GPS location is required to be an actual GPS field measurement and not a calculated or conversion measurement. All ~~well~~ well locations shall be surveyed by a registered Illinois Land Surveyor or an Illinois Registered Professional Engineer; a survey is not required for a converted or deepened well or a drilled out plugged hole if the original well location was surveyed;

- c) a brief statement of the purpose of the well and a schematic showing the proposed construction of the well;
- d) the necessary information, on a form prescribed by the Department, to show applicant has 100% of the rights~~the right~~ to drill and to operate;
- e) a statement as to whether the proposed well location is within the limits of any incorporated city, town, or village (and a certified copy of the official consent of the municipal authorities if the well is within the corporate limits);
- f) the name and address of the drilling contractor; and the type of drilling tools or equipment to be used;
- g) a statement whether the well is located over an active mine, temporarily abandoned mine or within the undeveloped limits of a mine; and whether the coal rights are owned by someone other than the lessor under the oil and gas lease;
- h) the proposed depth of the well and the name of the lowest geologic formation to be penetrated.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1850 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and this Part, the Department shall issue a permit.
- b) A permit shall not be issued to an applicant not in compliance with Section 240.250(b) if a final administrative order of the department is outstanding against the applicant or against a person or permittee who is an officer, director, partner

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~or owner of more than a 5% interest of the applicant.~~

- c) Gas storage, observation and other service well permits shall expire ~~one (1)~~ year from the date of issuance unless acted upon by the commencement of drilling or converting operations authorized by the ~~permit~~ Permit.
- d) Gas storage, observation and other service well permits are not transferable prior to the drilling of the well or test hole.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1852 Gas Storage and Observation Well, Construction, Operating and Reporting Requirements

- a) Wells shall, at a minimum, be constructed in accordance with Section 240.610(a) and (b) ~~of this Part~~.
- b) Wells shall be subject to the operating requirements of Section 240.630(a), (b) and (c) ~~of this Part~~ and the leaking well provisions of Section 240.1610 ~~of this Part~~. Production of hydrocarbons from a well permitted as an observation well is prohibited until a permit is obtained to convert the well to a production well under Section 240.210.
- c) Wells shall be subject to the reporting requirements of Section 240.640 and confidentiality provisions of Section 240.650 ~~of this Part~~.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section 240.1910 Contents of Application for Permit to Drill or Convert to a Service Well

The application for a permit shall include:

- a) The name of the well;
- b) The surveyed well location, the GPS latitude and longitude location of an actual field measurement (all GPS locations shall be recorded as degrees and decimal degrees recorded to 6 decimal places in the North American Datum 1983

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

projection and shall be accurate to within 3 feet), and ground elevation of the well. ~~All~~ well locations shall be surveyed by a registered Illinois Land Surveyor or an Illinois Registered Professional Engineer. ~~A~~ survey or GPS location is not required for a converted or deepened well or a drilled out plugged hole if the original well location was surveyed);

- c) A brief statement of the purpose of the well and a schematic showing the proposed construction of the well;
- d) The necessary information, on a form prescribed by the Department, to show applicant has 100% of the rights~~the right~~ to drill and to operate;
- e) A statement as to whether the proposed well location is within the limits of any incorporated city, town, or village (and a certified copy of the official consent of the municipal authorities if the well is within the corporate limits);
- f) The name and address of the drilling contractor; and the type of drilling tools or equipment to be used;
- g) A statement whether the well is located over an active mine, temporarily abandoned mine or within the undeveloped limits of a mine; and whether the coal rights are owned by someone other than the lessor under the oil and gas lease;
- h) A statement whether the well or drill hole is located within the limits of a gas storage field~~Gas Storage Field~~ in accordance with Subpart R~~of this Part~~.
- i) The proposed depth of the well and the name of the lowest geologic formation to be penetrated.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

Section 240.1930 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and this Part, the Department shall issue a permit.
- b) A permit shall not be issued to an applicant not in compliance with Section 240.250(b) if a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~or owner of more than a 5% interest of the applicant.~~

- c) Service well permits shall expire ~~one (1)~~ year from the date of issuance unless acted upon by commencement of drilling or converting operations authorized by the permit.
- d) Service well permits are not transferable prior to the drilling of the well or test hole.

(Source: Amended at 35 Ill. Reg. 13281, effective July 26, 2011)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
330.120	Amendment
330.125	New Section
- 4) Statutory Authority: Authorized by the State Prompt Payment Act [30 ILCS 540]
- 5) Effective Date of Amendments: July 29, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 35 Ill. Reg. 4885; April 1, 2011
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: See the Department of Central Management Services Notice Page for Part 900 in this issue of the *Illinois Register*.
- 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? Yes, the emergency amendments (35 Ill. Reg. 5673) to Sections 330.120 and 330.125 are replaced by this rulemaking.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department of Central Management Services filed the full text as emergency and proposed amendments to the Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

(74 Ill. Adm. Code 900). In Section 900.120, subsection (n) previously disqualified from prompt payment interest any underlying payment that had been assigned by a vendor to any third party. The amendments allow the payment of prompt payment interest for payments that have been assigned or sold to a third party if the assignment or sale is pursuant to a vendor payment program that is approved by the Department of Central Management Services and the Comptroller. The amendments also create Section 900.125, which sets forth vendor payment program policies and procedures.

- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-0905
campaj@mail.ioc.state.il.us

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The text of the Adopted Amendments is identical to the text of the Department of Central Management Services Adopted Amendments on page 13448 of this issue of the Illinois Register. (This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 330
JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11170, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11521, effective July 11, 1994; amended at 24 Ill. Reg. 19123, effective December 18, 2000; amended at 25 Ill. Reg. 11358, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10981, effective July 1, 2002; amended at 26 Ill. Reg. 14678, effective September 19, 2002; amended at 31 Ill. Reg. 5836, effective March 29, 2007; emergency amendment at 34 Ill. Reg. 16593, effective October 8, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3840, effective February 16, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 5673, effective March 18, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13448, effective July 29, 2011.

(Editor's Note: This Part is a joint rule of the Comptroller and the Department of Central Management Services. The text of the Part appears at 74 Ill. Adm. Code 900.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
211.493	New
211.2200	Amended
211.2358	Amended
211.2800	New
211.3985	New
211.4460	New
211.5140	New
211.6587	New
211.6635	New
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].
- 5) Effective Date of Amendments: July 27, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 4887; April 1, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In proceeding from its first-notice proposal to final adoption in this docket, the Board made two changes requested by the Illinois Environmental Protection Agency (Agency).

- 1) At Section 211.493, the Board added a definition of "antifouling sealer/tie coat."

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2) At Section 211.2200, the Board amended the definition of "extreme high-gloss coating" by amending the gloss level.

The Board's opinion and order adopting these rules addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211.218, and 219, R11-23 (July 21, 2011). Copies of the Board's opinions and orders may be requested from the Clerk at the address listed in #8 above or by calling 312-814-3620. Please refer to docket number R11-23 in your request. The Board's opinion and order is also available through the Board's Web site (www.ipcb.state.il.us).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency proposed amendments to satisfy Illinois' obligation to submit a State Implementation Plan (SIP) addressing sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the National Ambient Air Quality Standard (NAAQS) for ozone. Nonattainment designations trigger Clean Air Act (CAA) requirements to adopt regulations that reduce emissions sufficiently to demonstrate attainment of the standard.

The Agency states that the CAA requires states to revise SIPs to include reasonably available control technology (RACT) for sources of VOM emissions covered by a control techniques guideline (CTG) issued between November 15, 1990, and the date of attainment. The Agency reports that USEPA issued final CTGs for Group II Consumer and Commercial Products on October 5, 2006 and for Group IV Consumer and Commercial Products on October 7, 2008. USEPA required submission of SIP revisions responding to the CTGs within one year.

Responding to the CTGs, the Agency proposed amendments to the VOM regulations, which the Board adopted in docket R10-8 and R10-20 in 2010. The Agency submitted the adopted rules to the USEPA on July 29, 2010, and requested that USEPA approve them as amendments to Illinois' SIP. USEPA determined that the adopted revisions were insufficient and that USEPA would not approve them without additional amendments.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Agency's proposal addressed the issues specified by USEPA and proposed additional changes to clarify and simplify some provisions.

According to the Agency, Illinois is required to submit these SIP revisions before the USEPA can re-designate the Chicago and Metro East nonattainment areas to attainment of the 1997 ozone NAAQS. The Agency submitted an attainment demonstration for the Metro East nonattainment area on July 2, 2007, and for the Chicago nonattainment area on March 19, 2009. The Agency stresses that these areas cannot be re-designated unless and until the it submits USEPA's required amendments as SIP revisions and USEPA approves such revisions.

In Part 211, the Agency originally proposed to add 6 new definitions and amend 1 existing definition for terms employed in Parts 218 and 219. As noted above under #11, the Board has responded to the Agency by adding a definition of one other term and amending one other existing definition.

16) Information and questions regarding these adopted amendments shall be directed to:

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-23 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
<u>211.493</u>	<u>Antifouling Sealer/Tie Coat</u>
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
<u>211.2800</u>	<u>Hardwood Plywood</u>
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>211.3985</u>	<u>Natural Finish Hardwood Plywood Panel</u>
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
<u>211.4460</u>	<u>Panel</u>
211.4470	Paper Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer (Renumbered)
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
<u>211.5140</u>	<u>Printed Interior Panel</u>
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio (R_T)
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating
211.6890	Vacuum Producing System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, 28, and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011.

SUBPART B: DEFINITIONS

Section 211.493 Antifouling Sealer/Tie Coat

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Antifouling Sealer/Tie Coat" means a coating applied over biocidal antifouling coating for the purpose of preventing release of biocides into the environment and/or to promote adhesion between an antifouling and a primer or other antifouling.

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.2200 Extreme High-Gloss Coating

"Extreme high-gloss coating" means:

For purposes of 35 Ill. Adm. Code 218.204(q)(1) regarding metal parts and products coatings, a coating that, when tested by ASTM D 523-80, incorporated by reference in Section 211.101 of this Part, shows a reflectance of 75 or more on a 60° meter;

For purposes of 35 Ill. Adm. Code 218.204(q)(5) regarding pleasure craft coatings, any coating that achieves ~~greater than 90~~~~at least 95~~ percent reflectance on a 60° meter when tested using ASTM D 523-89, incorporated by reference in Section 211.101 of this Part.

(Source: Amended at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.2358 Flat Wood Paneling

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

(Source: Amended at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.2800 Hardwood Plywood

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

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.3985 Natural Finish Hardwood Plywood Panel

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.4460 Panel

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

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.5140 Printed Interior Panel

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

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.6587 Thin Particleboard

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

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

Section 211.6635 Tileboard

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

(Source: Added at 35 Ill. Reg. 13451, effective July 27, 2011)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
218.105	Amended
218.187	Amended
218.204	Amended
218.207	Amended
218.211	Amended
218.217	Amended
218.401	Amended
218.402	Amended
218.404	Amended
218.409	Amended
218.411	Amended
218.415	Amended
218.417	Amended
218.891	Amended
218.892	Amended
218.894	Amended
218.901	Amended
218.902	Amended
218.903	Amended
218.904	Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]
- 5) Effective Date of Amendments: July 27, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and is available there for public inspection.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 4910; April 1, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this docket, the Board made amended its rulemaking proposal in response to proposals by various participants.
- a) amending Section 218.187 by exempting three categories of cleaning operations from various requirements;
 - b) amending Section 218.187 by adding an emission adjustment factor for specified cleaning solvents used with shop towels;
 - c) amending Section 218.187 by adding recordkeeping and reporting requirements for specified exempt cleaning operations;
 - d) amending Section 218.187 by clarifying monitoring requirements for subject sources relying on a carbon adsorber;
 - e) amending Section 218.204 by revising VOM content limits for various coatings;
 - f) amending Section 218.207 by striking an emissions averaging compliance alternative for pleasure craft surface coating operations; and
 - g) amending Section 218.409 by clarifying testing requirements.

In addition, the Board opened a subdocket (A) in order to add a small container exemption to Section 218.208, which the Board had not included in its first-notice opinion and order. See 35 Ill. Reg. 10189 (July 1, 2011).

The Board's opinion and order adopting these amendments addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R11-23 (July 21, 2011). Copies of the opinion and order may be requested from the Clerk at the address listed in #8 above or by calling 312/814-3620. Please refer to docket number

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

R11-23 in your request. The opinion and order is also available through the Board's Web site (www.ipcb.state.il.us).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
218.208	Amend	35 Ill. Reg. 10189; July 1, 2011

- 15) Summary and Purpose of Amendments: The Environmental Protection Agency proposed amendments to satisfy Illinois' obligation to submit a State Implementation Plan (SIP) addressing sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the National Ambient Air Quality Standard (NAAQS) for ozone. Nonattainment designations trigger Clean Air Act (CAA) requirements to adopt regulations that reduce emissions sufficiently to demonstrate attainment of the standard.

The Agency states that the CAA requires states to revise SIPs to include reasonably available control technology (RACT) for sources of VOM emissions covered by a control techniques guideline (CTG) issued between November 15, 1990, and the date of attainment. The Agency reports that USEPA issued final CTGs for Group II Consumer and Commercial Products on October 5, 2006 and for Group IV Consumer and Commercial Products on October 7, 2008. USEPA required submission of SIP revisions responding to the CTGs within one year.

Responding to the CTGs, the Agency proposed amendments to the VOM regulations, which the Board adopted in docket R10-8 and R10-20 in 2010. The Agency submitted the adopted rules to the USEPA on July 29, 2010, and requested that USEPA approve them as amendments to Illinois' SIP. USEPA determined that the adopted revisions were insufficient and that USEPA would not approve them without additional amendments. The Agency's proposal addressed the issues specified by USEPA and proposed additional changes to clarify and simplify some provisions.

According to the Agency, Illinois is required to submit these SIP revisions before the USEPA can re-designate the Chicago and Metro East nonattainment areas to attainment of the 1997 ozone NAAQS. The Agency submitted an attainment demonstration for the

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

Metro East nonattainment area on July 2, 2007, and for the Chicago nonattainment area on March 19, 2009. The Agency stresses that these areas cannot be re-designated unless and until it submits USEPA's required amendments as SIP revisions and USEPA approves such revisions.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-23 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
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

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section	
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown
218.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section	
218.181	Solvent Cleaning Degreasing Operations
218.182	Cold Cleaning
218.183	Open Top Vapor Degreasing
218.184	Conveyorized Degreasing
218.185	Compliance Schedule (Repealed)
218.186	Test Methods
218.187	Other Industrial Solvent Cleaning Operations

SUBPART F: COATING OPERATIONS

Section	
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
218.211	Recordkeeping and Reporting
218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

	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 Coating 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
218.302	Alternative Standard
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
218.404	Recordkeeping and Reporting
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)
218.409	Testing for Lithographic Printing On and After March 15, 1996
218.410	Monitoring Requirements for Lithographic Printing
218.411	Recordkeeping and Reporting for Lithographic Printing
218.412	Letterpress Printing Lines: Applicability
218.413	Emission Limitations and Control Requirements for Letterpress Printing Lines
218.415	Testing for Letterpress Printing Lines
218.416	Monitoring Requirements for Letterpress Printing Lines

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

218.417 Recordkeeping and Reporting for Letterpress Printing Lines

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL
AND POLYMER MANUFACTURING PLANT

Section

218.421 General Requirements
218.422 Inspection Program Plan for Leaks
218.423 Inspection Program for Leaks
218.424 Repairing Leaks
218.425 Recordkeeping for Leaks
218.426 Report for Leaks
218.427 Alternative Program for Leaks
218.428 Open-Ended Valves
218.429 Standards for Control Devices
218.430 Compliance Date (Repealed)
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section

218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
218.443 Wastewater (Oil/Water) Separator
218.444 Process Unit Turnarounds
218.445 Leaks: General Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
218.448 Recordkeeping for Leaks
218.449 Reporting for Leaks
218.450 Alternative Program for Leaks
218.451 Sealing Device Requirements
218.452 Compliance Schedule for Leaks

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
218.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

218.480 Applicability
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483 Material Storage and Transfer
218.484 In-Process Tanks
218.485 Leaks
218.486 Other Emission Units
218.487 Testing
218.488 Monitoring for Air Pollution Control Equipment
218.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

218.500 Applicability for Batch Operations
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
218.504 Monitoring Requirements for Batch Operations
218.505 Reporting and Recordkeeping for Batch Operations
218.506 Compliance Date
218.520 Emission Limitations for Air Oxidation Processes

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

218.521	Definitions (Repealed)
218.522	Savings Clause
218.523	Compliance
218.524	Determination of Applicability
218.525	Emission Limitations for Air Oxidation Processes
218.526	Testing and Monitoring
218.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section	
218.541	Pesticide Exception

SUBPART X: CONSTRUCTION

Section	
218.561	Architectural Coatings
218.562	Paving Operations
218.563	Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section	
218.581	Bulk Gasoline Plants
218.582	Bulk Gasoline Terminals
218.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584	Gasoline Delivery Vessels
218.585	Gasoline Volatility Standards
218.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section	
218.601	Perchloroethylene Dry Cleaners (Repealed)
218.602	Applicability (Repealed)
218.603	Leaks (Repealed)
218.604	Compliance Dates (Repealed)
218.605	Compliance Plan (Repealed)
218.606	Exception to Compliance Plan (Repealed)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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)
218.613	Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section	
218.620	Applicability
218.621	Exemption for Waterbase Material and Heatset-Offset Ink
218.623	Permit Conditions (Repealed)
218.624	Open-Top Mills, Tanks, Vats or Vessels
218.625	Grinding Mills
218.626	Storage Tanks
218.628	Leaks
218.630	Clean Up
218.636	Compliance Schedule
218.637	Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section	
218.640	Applicability
218.642	Emissions Limitation at Polystyrene Plants
218.644	Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section	
218.660	Applicability
218.666	Control Requirements
218.667	Compliance Schedule
218.668	Testing
218.670	Recordkeeping and Reporting for Exempt Emission Units
218.672	Recordkeeping and Reporting for Subject Emission Units

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

SUBPART DD: AEROSOL CAN FILLING

Section

218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
218.692	Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS (REPEALED)

Section

218.720	Applicability (Repealed)
218.722	Control Requirements (Repealed)
218.726	Testing (Repealed)
218.727	Monitoring (Repealed)
218.728	Recordkeeping and Reporting (Repealed)
218.729	Compliance Date (Repealed)
218.730	Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section

218.760	Applicability
218.762	Control Requirements
218.764	Compliance Certification
218.766	Leaks
218.768	Testing and Monitoring
218.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section

218.780	Emission Limitations
218.782	Alternative Control Requirements
218.784	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
218.791	Compliance Date
218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
218.883	Special Requirements for Compliance Plan (Repealed)
218.886	Emissions Testing (Renumbered)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section	
218.890	Applicability
218.891	Emission Limitations and Control Requirements
218.892	Testing Requirements
218.894	Recordkeeping and Reporting Requirements

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section	
218.900	Applicability
218.901	Emission Limitations and Control Requirements
218.902	Testing Requirements
218.903	Monitoring Requirements
218.904	Recordkeeping and Reporting Requirements

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section	
218.920	Applicability
218.923	Permit Conditions (Repealed)
218.926	Control Requirements
218.927	Compliance Schedule
218.928	Testing
218.929	Cementable and Dress or Performance Shoe Leather

SUBPART QQ: MISCELLANEOUS FORMULATION

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

MANUFACTURING PROCESSES

Section

218.940	Applicability
218.943	Permit Conditions (Repealed)
218.946	Control Requirements
218.947	Compliance Schedule
218.948	Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

SUBPART TT: OTHER EMISSION UNITS

Section

218.980	Applicability
218.983	Permit Conditions (Repealed)
218.986	Control Requirements
218.987	Compliance Schedule
218.988	Testing

SUBPART UU: RECORDKEEPING AND REPORTING

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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 at 35 Ill. Reg. 13473, effective July 27, 2011.

SUBPART A: GENERAL PROVISIONS

Section 218.105 Test Methods and Procedures

- a) **Coatings, Inks and Fountain Solutions**
The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, and fountain solutions with the limitations set forth in this Part.
 - 1) **Sampling:** Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 218.112 of this Part.
 - B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 218.112 of this Part.
- 2) Analyses: The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.
- A) Method 24 of 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.
 - B) Method 24A of 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) The following ASTM methods are the analytical procedures for determining VOM:
- i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 218.112 of this Part.
 - ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 218.112 of this Part.
 - iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 218.112 of this Part.
 - iv) ASTM D 4017-81 (1987): Standard test method for water content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in Section 218.112 of this Part.
 - v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 218.112 of this Part.
 - vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 218.112 of this Part.
 - vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 218.112 of this Part.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- viii) ASTM E 180-85: Standard practice for determining the precision data of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 218.112 of this Part.
- ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 218.112 of this Part.
- D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- 3) Calculations: Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain solutions as applied shall follow the guidance provided in the following documents:
 - A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 218.112 of this Part.
 - B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 218.112 of this Part.
 - C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 218.112 of this Part.
- b) Automobile or Light-Duty Truck Test Protocol
 - 1) The protocol for testing, including determining the transfer efficiency of coating applicators, at primer surfacer operations and topcoat operations at

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- A) Prior to May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 218.112 of this Part.
 - B) On and after May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations" (topcoat protocol), September 2008, EPA-453/R-08-002, incorporated by reference in Section 218.112 of this Part.
- 2) Prior to testing pursuant to the applicable topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(E) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the applicable topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage that will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.
- c) Capture System Efficiency Test Protocols
- 1) Applicability
The requirements of subsection (c)(2) of this Section shall apply to all VOM emitting process emission units employing capture equipment (e.g., hoods, ducts), except those cases noted in this subsection (c)(1).

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.
- B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part, with the following additional restrictions:
- i) Unless otherwise specified in subsection (c)(1)(B)(ii), the owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference at Section 218.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alternative multi-day rolling period not to exceed 30 days, with the approval of the Agency and USEPA. In addition,

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- ii) The owner or operator of the source engaged in printing located at 350 E. 22nd Street, Chicago, Illinois, shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 14-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 13 operating days to the total solvent usage for the same 14-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 17 days following each 14-day period. In addition, the criteria in subsection (c)(1)(B)(iii) or subsection (c)(1)(B)(iv) must be met.
 - iii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard, or
 - iv) If the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.
- 2) Capture Efficiency Protocols
- The capture efficiency of an emission unit shall be measured using one of the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in appendix M of 40 CFR 51, incorporated by reference at Section 218.112 of this Part. Any error

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

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

where:

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

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

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

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

where:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

where:

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

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

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

where:

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

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

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

- 3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:
 - A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 218.112 of this Part;
 - B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and
 - C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.
- 4) Recordkeeping and Reporting
 - A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.
- C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol or observe testing.
- D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirements given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, for a PTE during any testing of their control device.
- E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part, for a TTE during testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.
- F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:
 - i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in appendix M of 40 CFR 51, incorporated by reference in Section 218.112 of this Part;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;
 - iii) The quantity of material used for each test run;
 - iv) The quantity of captured VOM for each test run;
 - v) The capture efficiency calculations and results for each test run;
 - vi) The DQO and/or LCL calculations and results; and
 - vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.
- d) Control Device Efficiency Testing and Monitoring
- 1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.
 - 2) An owner or operator:
 - A) That uses an afterburner or carbon adsorber to comply with any Section of Part 218 shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use except as provided in subsection (d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:
 - i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.
 - ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

across each catalytic afterburner bed or VOM concentration of exhaust.

- iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.
- B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured in degrees Celsius or $\pm 0.5^{\circ}$ C, whichever is greater.
- C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A), shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:
- i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28° C (50° F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.
 - ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more than 28° C (50° F) below the average gas temperature immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.
 - iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- 3) An owner or operator that uses a carbon adsorber to comply with Section 218.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:
 - A) The owner or operator notifies in writing the Agency within, 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;
 - B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;
 - C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and
 - D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational shall be reported, in writing, to the Agency and USEPA by January 31^{**} of the following calendar year.
- e) Overall Efficiency
 - 1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

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

where:

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

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

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

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) 40 CFR 60, appendix A, Method 18, 25 or 25A, incorporated by reference in Section 218.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 minutes, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.
 - A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual absorber vessels.
 - B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each absorber vessel, each adsorber vessel shall be tested individually. The test for each absorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.
- 2) 40 CFR 60, appendix A, Method 1 or 1A, incorporated by reference in Section 218.112 of this Part, shall be used for sample and velocity traverses.
- 3) 40 CFR 60, appendix A, Method 2, 2A, 2C or 2D, incorporated by reference in Section 218.112 of this Part, shall be used for velocity and volumetric flow rates.
- 4) 40 CFR 60, appendix A, Method 3, incorporated by reference in Section 218.112 of this Part, shall be used for gas analysis.
- 5) 40 CFR 60, appendix A, Method 4, incorporated by reference in Section 218.112 of this Part, shall be used for stack gas moisture.
- 6) 40 CFR 60, appendix A, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- 7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:
- 1) Leak Detection Monitoring
 - A) Monitoring shall comply with 40 CFR 60, appendix A, Method 21, incorporated by reference in Section 218.112 of this Part.
 - B) The detection instrument shall meet the performance criteria of Method 21.
 - C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.
 - D) Calibration gases shall be:
 - i) Zero air (less than 10 ppm of hydrocarbon in air); and
 - ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.
 - E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.
 - 2) When equipment is tested for compliance with no detectable emissions as

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

required, the test shall comply with the following requirements:

- A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section shall apply.
 - B) The background level shall be determined as set forth in Method 21.
- 3) Leak detection tests shall be performed consistent with:
- A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 218.112 of this Part.
 - B) "Portable Instrument User's Manual for Monitoring VOC Sources", EPA-340/1-86-015, incorporated by reference in Section 218.112 of this Part.
 - C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", EPA-450/3-88-010, incorporated by reference in Section 218.112 of this Part.
 - D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008, incorporated by reference in Section 218.112 of this Part.
- h) Bulk Gasoline Delivery System Test Protocol
- 1) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR 60, Subpart XX, section 60.503, incorporated by reference in Section 218.112 of this Part.
 - 2) Other tests shall be performed consistent with:
 - A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 218.112 of this Part.
 - B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

reference in Section 218.112 of this Part.

- i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.
- j) **Stage II Gasoline Vapor Recovery Test Methods**
The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA 450/3-91-022b and incorporated by reference in Section 218.112 of this Part. Specifically, the test methods are as follows:
 - 1) **Dynamic Backpressure Test** is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.
 - 2) **Pressure Decay/Leak Test** is a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities.
 - 3) **Liquid Blockage Test** is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

SUBPART E: SOLVENT CLEANING

Section 218.187 Other Industrial Solvent Cleaning Operations

- a) **Applicability.** On and after ~~April 1, 2011~~ January 1, 2012:
 - 1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- 2) Notwithstanding subsection (a)(1) of this Section:
 - A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), (e), (f), and (g) of this Section:
 - i) Cleaning operations subject to the limitations in Sections 218.182, 218.183, or 218.184;
 - ii) Janitorial cleaning;
 - iii) Stripping of cured coatings, inks, or adhesives, including screen reclamation activities;
 - iv) Cleaning operations in printing pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning, and plate cleaning;
 - B) Cleaning operations for emission units within the following ~~source~~ categories shall be exempt from the requirements of subsections (b), (c), (d), (e), (f), and (g) of this Section:
 - i) ~~Aerospace coating~~;
 - ii) Flexible package printing;
 - iii) Lithographic printing;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ~~iii~~) Letterpress printing;
- ~~iv~~) Flat wood paneling coating;
- ~~v~~) Large appliance coating;
- ~~vi~~) Metal furniture coating;
- ~~vii~~) Paper, film, and foil coating;
- ~~viii~~) Wood furniture coating;
- ~~x~~) ~~Shipbuilding and repair coating;~~
- ~~ix~~) Plastic parts coating;
- ~~xii~~) Miscellaneous metal parts coating;
- ~~xix~~) Fiberglass boat manufacturing;
- ~~xix~~) Miscellaneous industrial adhesives; and
- ~~xiii~~) Auto and light-duty truck assembly coating;

- C) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (f), and (g) of this Section:
- i) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;
 - ii) Cleaning conducted as part of performance laboratory tests on coatings, adhesives, or inks; research and development operations; or laboratory tests in quality assurance laboratories;
 - iii) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- iv) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;
- v) Cleaning of medical device and pharmaceutical manufacturing operations if the facility uses facilities using no more than 5.7 liters (1.5 gallons) per day of solvents for such cleaning;
- vi) Cleaning of adhesive application equipment used for thin metal laminating;
- vii) Cleaning of electronic or electrical cables;
- viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;
- ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;
- x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;
- xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;
- xii) Cleaning of ultraviolet or electron beam adhesive application;
- xiii) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 5.7 liters (1.5 gallons) per day of solvents for such cleaning;
- xiv) Cleaning of metering rollers, dampening rollers, and printing plates;
- xv) Cleaning of numismatic dies; ~~and~~
- xvi) Cleaning operations associated with digital printing;:-

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- xvii) Cleaning with aerosol products if the facility uses no more than 4.7 liters (1.25 gallons) per day of such products;
- xviii) Cleaning of plastic-based or vinyl-based substrates for use in the screen printing process when using UV curable ink and coating systems;
- xix) Cleaning conducted as part of performance tests on coatings, adhesives, or inks that are in research and development and that are not yet commercially used for the applications for which they are being tested. This exemption is limited to the use of up to a total of 90.9 liters (24 gallons) of cleaning solvent per calendar month and 416.3 liters (110 gallons) per calendar year for such cleaning.

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

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

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

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

B) Repair and maintenance cleaning:			
		kg/l	lb/gal
i)	Electrical apparatus components and electronic components	0.10	0.83
ii)	Medical device and pharmaceutical manufacturing tools, equipment, and machinery	0.80	6.7
iii)	Medical device and pharmaceutical manufacturing general work surfaces	0.60	5.0
C) Cleaning of ink application equipment:			
		kg/l	lb/gal
i)	Rotogravure printing that does not print flexible packaging	0.10	0.83
ii)	Screen printing, <u>including screen reclamation activities</u>	0.50	4.2
iii)	Ultraviolet ink and electron beam ink application equipment, except screen printing	0.65	5.4
iv)	Flexographic printing that does not print flexible packaging	0.10	0.83
<u>D)</u>	<u>Cleaning of equipment used in the manufacture of coatings, inks, adhesives, or resins</u>	<u>0.20</u>	<u>1.67</u>
		kg/l	lb/gal
<u>ED)</u>	All other cleaning operations not	0.050	0.42

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(~~DE~~) of this Section

- 2) The VOM composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); ~~or~~
- 3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, ~~or for sources that manufacture coatings, inks, adhesives, or resins, an afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 80 percent overall and has a 90 percent efficiency.~~ The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation in accordance with the applicable capture and control requirements of this subsection (b)(3) ~~by at least 85 percent overall~~, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions; ~~:-~~
- 4) For sources that manufacture coatings, inks, adhesives, or resins, the owner or operator complies with the following work practices:
 - A) Equipment being cleaned is maintained leak-free;
 - B) VOM-containing cleaning materials are drained from the cleaned equipment upon completion of cleaning;
 - C) VOM-containing cleaning materials, including waste solvent, are not stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and
 - D) VOM-containing cleaning materials are stored in closed containers;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.

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

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

2) Minimize air circulation around the cleaning operation;

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

4) Utilize equipment practices that minimize emissions;:-

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- A) Cover open containers used for the storage of spent or fresh organic compounds used for cleanup or coating, ink, adhesive, or resin removal; and
 - B) Cover open containers used for the storage or disposal of cloth or paper impregnated with organic compounds that are used for cleanup or coating, ink, adhesive, or resin removal.
- e) Recordkeeping and Reporting Requirements
- 1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in subsection ~~Section 218.187~~(a)(1) of this Section~~Subpart~~ shall comply with the following:
 - A) By January 1, 2012~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - i) A declaration that the source is exempt from the requirements of this Section because of the criteria in subsection ~~Section 218.187~~(a)(1);
 - ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, never equal or exceed 226.8 kg/month (500 lbs/month)~~6.8 kg/day (15 lbs/day)~~, in the absence of air pollution control equipment. An emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is demonstrated to be less than 10 mmHg at 20°C (68°F) and the used shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHG measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor shall be used;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) On and after January 1, 2012, collect and record the following information each month for each cleaning operation, other than cleaning operations identified in subsection (a)(2) of this Section:
- i) The name and identification of each VOM-containing cleaning solution as applied in each cleaning operation;
 - ii) The VOM content of each cleaning solution as applied in each cleaning operation;
 - iii) The weight of VOM per volume and the volume of each as-used cleaning solution; and
 - iv) The total monthly VOM emissions from cleaning operations at the source;
- CB) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, ever equal or exceed 226.8 kg/month (500 lbs/month) -6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.
- 2) All sources subject to the requirements of this Section shall:
- A) By January 1, 2012, April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
- i) A declaration that all subject cleaning operations are in compliance with the requirements of this Section;
 - ii) Identification of each subject cleaning operation and each VOM-containing cleaning solution used as of the date of certification in such operation;
 - iii) If complying with the emissions control system requirement, what type of emissions control system will be used;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in subsection Section 218.187(d), and, if applicable, subsection (b)(4); and
 - vii) A description of each cleaning operation exempt pursuant to subsection Section 218.187(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;
- B) At least 30 calendar days before changing the method of compliance between subsections (b)(1), ~~or (b)(2)~~, (b)(4), or (b)(5) and subsection (b)(3) of this Section, notify the Agency in writing of such change. The notification shall include a demonstration of compliance with the newly applicable subsection;
- 3) All sources complying with this Section pursuant to the requirements of subsection (b)(1) of this Section shall collect and record the following information for each cleaning solution used:
- A) For each cleaning solution that is prepared at the source with automatic equipment:
 - i) The name and identification of each cleaning solution;
 - ii) The VOM content of each cleaning solvent in the cleaning solution;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) Date, time of preparation, and each subsequent modification of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:
- A) The name and identification of each cleaning solution;
 - B) Date, time of preparation, and each subsequent modification of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;
 - D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;
- 5) All sources complying with this Section pursuant to the requirements of subsection (b)(3) of this Section shall comply with the following:
- A) By ~~January 1, 2012~~~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under ~~subsection~~ ~~Section 218.187~~(f) of this ~~Section~~~~Subpart~~ has been properly installed and calibrated according to manufacturer's specifications;
 - B) If testing of an emissions control system is conducted pursuant to ~~subsection~~ ~~Section 218.187~~(g) of this ~~Section~~~~Subpart~~, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- i) A declaration that all tests and calculations necessary to demonstrate compliance with subsection Section 218.187(b)(3) of this SectionSubpart have been properly performed;
 - ii) A statement whether the subject cleaning operation is or is not in compliance with subsection Section 218.187(b)(3) of this SectionSubpart; and
 - iii) The operating parameters of the emissions control system during testing, as monitored in accordance with subsection Section 218.187(f) of this SectionSubpart;
- C) Collect and record daily the following information for each cleaning operation subject to the requirements of subsection Section 218.187(b)(3) of this SectionSubpart:
- i) Emissions control system monitoring data in accordance with subsection Section 218.187(f) of this SectionSubpart, as applicable;
 - ii) A log of operating time for the emissions control system, monitoring equipment, and the associated cleaning equipment;
 - iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
- D) Maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cleaning equipment being used and the emissions control system equipment. At a minimum, these records shall include:
- i) Records for periodic inspection of the cleaning equipment and emissions control system equipment with date of inspection, individual performing the inspection, and nature of inspection;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM released into the atmosphere as a result of the incident;
- 6) All sources complying with this Section pursuant to the requirements of subsection (b)(5) of this Section shall collect and record monthly the following information for each cleaning operation subject to the requirements of subsection (b)(5) of this Section:
- A) The name, identification, and volume of each VOM-containing cleaning solution as applied in each cleaning operation;
 - B) The volume of each fresh cleaning solvent used for cleaning coating, ink, adhesive, or resin manufacturing equipment;
 - C) The volume of cleaning solvent recovered for either offsite or onsite reuse or recycling for further use in the cleaning of coating, ink, adhesive, or resin manufacturing equipment;
- 7) The owner or operator of a source with cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(v), (a)(2)(C)(xiii), or (a)(2)(C)(xvii) including sources exempt from the limitations of this Section because of the criteria in subsection (a)(1), shall:
- A) By January 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes a declaration that the source has cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(v), (a)(2)(C)(xiii), or (a)(2)(C)(xvii) and a statement identifying each such cleaning operation and the exclusion applicable to each cleaning operation;
 - B) Collect and record the name, identification, and volume of each cleaning solvent as applied each day in each cleaning operation that falls under one or more of the exclusions set forth in subsection (a)(2)(C)(v), (a)(2)(C)(xiii), or (a)(2)(C)(xvii); and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) Notify the Agency in writing if the amount of cleaning solvent used in the cleaning of medical device and pharmaceutical manufacturing operations or of sterilization indicating ink application equipment at the source ever exceeds 5.7 liters (1.5 gallons) per day, or if the amount of aerosol cleaning products used at the source ever exceeds 4.7 liters (1.25 gallons) per day, within 30 days after the exceedance occurs;
- 8) The owner or operator of a source with cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(xviii) or (a)(2)(C)(xix), including sources exempt from the limitations of this Section because of the criteria in subsection (a)(1), shall:
- A) By January 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes a declaration that the source has cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(xviii) or (a)(2)(C)(xix), and a statement identifying each such cleaning operation and the exclusion applicable to each cleaning operation;
- B) Collect and record the name, identification, volume, and VOM content of each cleaning solvent as applied each month in each cleaning operation that falls under one or more of the exclusions set forth in subsection (a)(2)(C)(xviii) or (a)(2)(C)(xix);
- C) For cleaning operations that fall under the exclusion set forth in subsection (a)(2)(C)(xviii), collect and record each month information demonstrating that the exempt cleaning solvent is being used exclusively for the cleaning of plastic-based or vinyl-based substrates for use in the screen printing process when using UV curable ink and coating systems; and
- D) For cleaning operations that fall under the exclusion set forth in subsection (a)(2)(C)(xix), collect and record each month information demonstrating that the exempt cleaning solvent is being used exclusively for production line performance testing of coatings that are in research and development and are not yet

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

commercially used for the applications for which they are being tested;

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

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

f) Monitoring Requirements

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

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

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

2) If a carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection (b)(3) shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed or the exhaust of the bed next in sequence to be desorbed;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

~~32~~) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to ~~subsection Section 218.187(b)(3)~~ of this ~~SectionSubpart~~ shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to ~~subsection Section 218.187(b)(3)~~.

g) Testing Requirements

- 1) Testing to demonstrate compliance with the requirements of this Section shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Section. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during the testing;
- 2) Testing to demonstrate compliance with the VOM content limitations in ~~subsection Section 218.187(b)(1)~~ of this ~~SectionSubpart~~, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:
 - A) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used, provided; however, Method 24, incorporated by reference in Section 218.112 of this Part, shall be used to demonstrate compliance; or
 - B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern;
- 3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 218.110 of this Part;

- 4) For afterburners and carbon adsorbers, the methods and procedures of Section 218.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of ~~subsection Section 218.187~~(b)(3) of this ~~SectionSubpart~~, as follows:
- A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;
 - B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;
 - C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - i) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

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

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

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

SUBPART F: COATING OPERATIONS

Section 218.204 Emission Limitations

Except as provided in Sections 218.205, 218.207, 218.208, 218.212, 218.215 and 218.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (a), (c), (g), (h), (j), (l), (n), (p), and (q) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(c) of this Subpart except where noted.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

(Note: The equation presented in Section 218.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

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

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

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

BOARD NOTE: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

		kg VOM/l coating solids applied	lb VOM/gal coating solids applied
i)	When solids turnover ratio (R_T) is greater than or equal to 0.160	0.084	(0.7)
ii)	When R_T is greater than or equal to 0.040 and less than 0.160	$0.084 \times 350^{0.160-R_T}$	$(0.084 \times 350^{0.160-R_T} \times 8.34)$

B)	Primer surfacer operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
i)	VOM content limitation	1.44	(12.0)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

C)	Topcoat operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
	i)	VOM content limitation	1.44 (12.0)
	ii)	Compliance with the limitation set forth in subsection (a)(2)(C)(i) shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the topcoat limitation.	
D)	Combined primer surfacer and topcoat operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
	i)	VOM content limitation	1.44 (12.0)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

E)	Final repair coat operations	kg/l coatings	lb/gal coatings
----	------------------------------	------------------	--------------------

i)	VOM content limitation	0.58	(4.8)
----	------------------------	------	-------

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

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

where:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

i = Subscript denoting a specific coating applied.

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

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

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

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

		kg/l	lb/gal
i)	Glass bonding primer	0.90	(7.51)
ii)	Adhesive	0.25	(2.09)
iii)	Cavity wax	0.65	(5.42)
iv)	Trunk sealer	0.65	(5.42)
v)	Deadener	0.65	(5.42)
vi)	Gasket/gasket sealing material	0.20	(1.67)
vii)	Underbody coating	0.65	(5.42)
viii)	Trunk interior coating	0.65	(5.42)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

	ix)	Bedliner	0.20	(1.67)
	x)	Weatherstrip adhesive	0.75	(6.26)
	xi)	Lubricating wax/compound	0.70	(5.84)
b)		Can Coating	kg/l	lb/gal
	1)	Sheet basecoat and overvarnish		
		A) Sheet basecoat	0.34	(2.8)
			0.26*	(2.2)*
		B) Overvarnish	0.34	(2.8)
			0.34	(2.8)*
	2)	Exterior basecoat and overvarnish	0.34	(2.8)
			0.25*	(2.1)*
	3)	Interior body spray coat		
		A) Two piece	0.51	(4.2)
			0.44*	(3.7)*
		B) Three piece	0.51	(4.2)
			0.51*	(4.2)*
	4)	Exterior end coat	0.51	(4.2)
			0.51*	(4.2)*
	5)	Side seam spray coat	0.66	(5.5)
			0.66*	(5.5)*
	6)	End sealing compound coat	0.44	(3.7)
			0.44*	(3.7)*
c)		Paper Coating		
	1)	Prior to May 1, 2011:	kg/l	lb/gal

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

		0.28	(2.3)
2)	On and after May 1, 2011:	kg VOM/kg (lb VOM/lb) solids applied	kg VOM/kg (lb VOM/lb) coatings applied
	A) Pressure sensitive tape and label surface coatings	0.20	(0.067)
	B) All other paper coatings	0.40	(0.08)
3)	The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.		
d)	Coil Coating	kg/l 0.31 0.20*	lb/gal (2.6) (1.7)*
e)	Fabric Coating	0.35 0.28*	(2.9) (2.3)*
f)	Vinyl Coating	0.45 0.28*	(3.8) (2.3)*
g)	Metal Furniture Coating		
	1) Prior to May 1, 2011:		
	A) Air dried	kg/l 0.34	lb/gal (2.8)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

		(3.0)	(5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
3)	On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.		
h)	Large Appliance Coating		
1)	Prior to May 1, 2011:		
		kg/l	lb/gal
A)	Air dried	0.34	(2.8)
B)	Baked	0.28	(2.3)
2)	On and after May 1, 2011:		
		kg/l (lb/gal)	kg/l (lb/gal) solids applied
A)	General, One Component	0.275 (2.3)	0.40 (3.3)
B)	General, Multi-Component		
	i) Air dried	0.340 (2.8)	0.55 (4.5)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- 3) The limitations set forth in this subsection (h) shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period. On and after May 1, 2011, these limitations shall also not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

i)	Magnet Wire Coating	kg/l	lb/gal
		0.20	(1.7)
		0.20*	(1.7)*
j)	Prior to May 1, 2012: Miscellaneous Metal Parts and Products Coating		
1)	Clear coating	0.52	(4.3)
		0.52*	(4.3)*
2)	Extreme performance coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.42	(3.5)
		0.40*	(3.3)*
3)	Steel pail and drum interior coating	0.52	(4.3)
		0.52*	(4.3)*
4)	All other coatings		
A)	Air dried	0.42	(3.5)
		0.40*	(3.3)*
B)	Baked	0.36	(3.0)
		0.34*	(2.8)*
5)	Marine engine coating		
A)	Air dried	0.42	(3.5)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

		0.42*	(3.5)*
B)	Baked		
	i) Primer/Topcoat	0.42	(3.5)
		0.42*	(3.5)*
	ii) Corrosion resistant basecoat	0.42	(3.5)
		0.28*	(2.3)*
C)	Clear Coating	0.52	(4.3)
		0.52*	(4.3)*
6)	Metallic Coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.36	(3.0)
		0.36	(3.0)*
7)	Definitions		
A)	For purposes of subsection (j)(5) of this Section, the following terms are defined:		
i)	"Corrosion resistant basecoat" means, for purposes of subsection (j)(5)(B)(ii) of this Section, a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance.		
ii)	"Electrodeposition process" means, for purposes of subsection (j)(5) of this Section, a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.		
iii)	"Marine engine coating" means, for purposes of subsection		

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

(j)(5) of this Section, any extreme performance protective, decorative or functional coating applied to an engine that is used to propel watercraft.

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

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

k)	Heavy Off-Highway Vehicle Products Coating	kg/l	lb/gal
1)	Extreme performance prime coat	0.42	(3.5)
		0.42*	(3.5)*
2)	Extreme performance topcoat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
3)	Final repair coat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
4)	All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j).		
l)	Wood Furniture Coating		
1)	Limitations before March 15, 1998:	kg/l	lb/gal
A)	Clear topcoat	0.67	(5.6)
B)	Opaque stain	0.56	(4.7)
C)	Pigmented coat	0.60	(5.0)
D)	Repair coat	0.67	(5.6)
E)	Sealer	0.67	(5.6)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|----|------------------------|------|-------|
| F) | Semi-transparent stain | 0.79 | (6.6) |
| G) | Wash coat | 0.73 | (6.1) |

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

- 2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (1)(2)(A) through (E):

		kg VOM/ kg solids	lb VOM/ lb solids
A)	Topcoat	0.8	(0.8)
B)	Sealers and topcoats with the following limits:		
i)	Sealer other than acid-cured alkyd amino vinyl sealer	1.9	(1.9)
ii)	Topcoat other than acid-cured alkyd amino conversion varnish topcoat	1.8	(1.8)
iii)	Acid-cured alkyd amino vinyl sealer	2.3	(2.3)
iv)	Acid-cured alkyd amino conversion varnish topcoat	2.0	(2.0)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) Meet the provisions of Section 218.215 of this Subpart for use of an averaging approach;
- D) Achieve a reduction in emissions equivalent to the requirements of subsection (1)(2)(A) or (B) of this Section, as calculated using Section 218.216 of this Subpart; or
- E) Use a combination of the methods specified in subsections (1)(2)(A) through (D) of this Section.
- 3) Other wood furniture coating limitations on and after March 15, 1998:
- | | kg/l | lb/gal |
|-------------------------------|------|--------|
| A) Opaque stain | 0.56 | (4.7) |
| B) Non-topcoat pigmented coat | 0.60 | (5.0) |
| C) Repair coat | 0.67 | (5.6) |
| D) Semi-transparent stain | 0.79 | (6.6) |
| E) Wash coat | 0.73 | (6.1) |
- 4) Other wood furniture coating requirements on and after March 15, 1998:
- A) No source subject to the limitations of subsection (1)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied.
- B) Any source subject to the limitations of subsection (1)(2) or (3) of this Section shall comply with the requirements of Section 218.217 of this Subpart.
- C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coaters shall, for each continuous coater, use an initial coating which complies

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

with the limitations of subsection (l)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:

- i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added;
- ii) Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added; and
- iii) Maintain these records at the source for a period of three years.

m)	Existing Diesel-Electric Locomotive Coating Lines in Cook County	kg/l	lb/gal
1)	Extreme performance prime coat	0.42 0.42*	(3.5) (3.5)*
2)	Extreme performance top-coat (air dried)	0.42 0.42*	(3.5) (3.5)*
3)	Final repair coat (air dried)	0.42 0.42*	(3.5) (3.5)*
4)	High-temperature aluminum coating	0.72 0.72*	(6.0) (6.0)*
5)	All other coatings	0.36 0.36*	(3.0) (3.0)*
n)	Prior to May 1, 2012: Plastic Parts Coating: Automotive/Transportation	kg/l	lb/gal
1)	Interiors		

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

A)	Baked		
	i) Color coat	0.49*	(4.1)*
	ii) Primer	0.46*	(3.8)*
B)	Air dried		
	i) Color coat	0.38*	(3.2)*
	ii) Primer	0.42*	(3.5)*
2)	Exteriors (flexible and non-flexible)		
A)	Baked		
	i) Primer	0.60*	(5.0)*
	ii) Primer non-flexible	0.54*	(4.5)*
	iii) Clear coat	0.52*	(4.3)*
	iv) Color coat	0.55*	(4.6)*
B)	Air dried		
	i) Primer	0.66*	(5.5)*
	ii) Clear coat	0.54*	(4.5)*
	iii) Color coat (red & black)	0.67*	(5.6)*
	iv) Color coat (others)	0.61*	(5.1)*
3)	Specialty		
A)	Vacuum metallizing basecoats, texture base coats	0.66*	(5.5)*

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

B)	Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings	0.71*	(5.9)*
C)	Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77*	(6.4)*
D)	Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82*	(6.8)*
E)	Headlamp lens coatings	0.89*	(7.4)*

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

o)	Prior to May 1, 2012: Plastic Parts Coating: Business Machine	kg/l	lb/gal
1)	Primer	0.14*	(1.2)*
2)	Color coat (non-texture coat)	0.28*	(2.3)*
3)	Color coat (texture coat)	0.28*	(2.3)*
4)	Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.48*	(4.0)*
5)	Specialty coatings		
A)	Soft coat	0.52*	(4.3)*
B)	Plating resist	0.71*	(5.9)*
C)	Plating sensitizer	0.85*	(7.1)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.204(q)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

shall apply to this category of coating.

- p) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:
 - 1) 0.25 kg VOM/1 of coatings (2.1 lb VOM/gal coatings); or
 - 2) 0.35 kg VOM/1 solids (2.9 lb VOM/gal solids).

- q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2012. On and after May 1, 2012, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations in this subsection (q). The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing. Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.
 - 1) Metal Parts and Products. For purposes of this subsection (q)(1), "corrosion resistant basecoat" means a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. ~~Also for purposes of this subsection (q)(1), "marine engine coating" means any extreme performance protective, decorative, or functional coating applied to an engine that is used to propel watercraft.~~ The limitations in this subsection (q)(1) shall not apply to stencil coats, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating. The limitations in Section 218.219, however, shall apply to these coatings unless specifically excluded in Section 218.219.

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	General one component coating		
	i) Air dried	0.34 (2.8)	0.54 (4.52)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

|	H)	Heat-resistant coating	0.66*	(5.5)*
		i) Air dried	0.42 (3.5)	0.80 (6.67)
		ii) Baked	0.36 (3.0)	0.61 (5.06)
|	I)	High performance architectural coating	0.4274 (3.56.2)	0.804.56 (6.6738.0)
	J)	High temperature coating	0.42 (3.5)	0.80 (6.67)
	K)	Metallic coating		
		i) Air dried	0.42 (3.5)	0.80 (6.67)
		ii) Baked	0.36 (3.0)	0.61 (5.06)
	L)	Military specification coating		
		i) Air dried	0.34 (2.8)	0.54 (4.52)
		ii) Baked	0.28 (2.3)	0.40 (3.35)
	M)	Mold-seal coating	0.42 (3.5)	0.80 (6.67)
	N)	Pan backing coating	0.42 (3.5)	0.80 (6.67)
	O)	Prefabricated architectural coating: multi-component		

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

	i)	Air dried	0.42 (3.5)	0.80 (6.67)
	ii)	Baked	0.28 (2.3)	0.40 (3.35)
P)		Prefabricated architectural coating: one-component		
	i)	Air dried	0.42 (3.5)	0.80 (6.67)
	ii)	Baked	0.28 (2.3)	0.40 (3.35)
Q)		Pretreatment coating	0.42 (3.5)	0.80 (6.67)
R)		Repair coats and touch-up coatings		
	i)	Air dried	0.42 (3.5)	
	ii)	Baked	0.36 (3.01)	
S)		Silicone release coating	0.42 (3.5)	0.80 (6.67)
T)		Solar-absorbent coating		
	i)	Air dried	0.42 (3.5)	0.80 (6.67)
	ii)	Baked	0.36 (3.0)	0.61 (5.06)
U)		Vacuum-metalizing coating	0.42 (3.5)	0.80 (6.67)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

~~AACE~~) Electrical switchgear compartment coatings

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

~~BBDD~~) All other coatings

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

- 2) Plastic Parts and Products: Miscellaneous. For purposes of this subsection (q)(2), miscellaneous plastic parts and products are plastic parts and products that are not subject to subsection (q)(3), (q)(4), (q)(5), or (q)(6) of this Section. The limitations in subsection (q)(2) shall not apply to touch-up and repair coatings; stencil coats applied on clear or transparent substrates; clear or translucent coatings; coatings applied at a paint manufacturing facility while conducting performance tests on the coatings; any individual coating category used in volumes less than 189.2 liters (50 gallons) in any one calendar year, if the total usage of all such coatings does not exceed 756.9 liters (200 gallons) per calendar year per source and substitute compliant coatings are not available; reflective coatings applied to highway cones; mask coatings that are less than 0.5 mm thick (dried) if the area coated is less than 25 square inches; electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices if the total usage of all such coatings does not exceed 378.4 liters (100 gallons) per calendar year per source. The limitations in Section 218.219, however, shall apply to such coatings unless specifically excluded in Section 218.219.

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

i)	Color coat	0.38 (3.2)	0.67 (5.66)
ii)	Primer	0.42 (3.5)	0.80 (6.67)
D)	Touchup and repair coatings	0.62 (5.2)	2.13 (17.72)
E)	Specialty		
i)	Vacuum metallizing basecoats; texture basecoats	0.66 (5.5)	2.62 (21.8)
ii)	Reflective argent coatings, air bag cover coatings, and soft coatings	0.71 (5.9)	3.64 (29.7)
iii)	Vacuum Gloss reducers, vacuum metallizing topcoats, and texture topeats	0.77 (6.4)	6.06 (49.1)
iv)	Stencil coats, adhesion primers, ink pad coatings, electrostatic prep coats, and resist coats	0.82 (6.8)	(11.67) (89.4)
v)	Head lamp lens coating	0.89 (7.4)	
F)	Red, yellow, and black coatings: Subject coating lines shall comply with a limit determined by multiplying the appropriate limit in subsections (q)(3)(A) through (q)(3)(CE) of this Section by 1.15.		
4)	Plastic Parts and Products: Business Machine. The limitations of this subsection (q)(4) shall not apply to vacuum metallizing coatings, gloss reducers, texture topcoats, adhesion primers, electrostatic preparation		

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

coatings, stencil coats, and resist coats other than plating resist coats. The limitations in Section 218.219, however, shall apply to such coatings unless specifically excluded in Section 218.219.

		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	Primers	0.3514 (2.912)	0.5717 (4.8014)
B)	Topcoat	0.35 (2.9)	0.57 (4.80)
C)	Color coat (texture coat)	0.28 (2.3)	0.40 (4.80)
D)	Color coat (non-texture coat)	0.28 (2.3)	0.40 (4.80)
E)	Texture coats other than color texture coats	0.35 (2.9)	0.57 (4.80)
F)	EMI/RFI shielding coatings	0.48 (4.0)	1.05 (8.76)
G)	Fog coat	0.26 (2.2)	0.38 (3.14)
H)	Touchup and repair	0.35 (2.9)	0.57 (4.80)
I)	Specialty coatings		
	i) Soft coat	0.52 (4.3)	1.24 (10.34)
	ii) Plating resist	0.71 (5.9)	3.64 (29.7)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

	iii) Plating-sensitizer	0.85 (7.1)	(23.4) (201.0)
5)	Pleasure Craft Surface Coatings		
		kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A)	Extreme high gloss coating – topcoat	0.600.49 (5.0)(4.1)	1.881.10 (15.6)(9.2)
B)	High gloss coating – topcoat	0.42 (3.5)	0.80 (6.7)
C)	Pretreatment wash primer	0.78 (6.5)	6.67 (55.6)
D)	Finish primer/surfacer	0.42 (3.5)	0.80 (6.7)
	<u>Prior to January 1, 2014</u>	<u>0.60 (5.0)</u>	<u>1.88 (15.6)</u>
	<u>On and after January 1, 2014</u>	<u>0.42 (3.5)</u>	<u>0.80 (6.7)</u>
E)	High build primer/surfacer	0.34 (2.8)	0.55 (4.6)
F)	Aluminum substrate antifoulant coating	0.56 (4.7)	1.53 (12.8)
G)	Other substrate antifoulant coating	0.400.33 (3.3)(2.8)	0.730.53 (5.8)(4.4)
H)	<u>Antifouling Sealer/Tie Coat</u>	<u>0.42 (3.5)</u>	<u>0.80 (6.7)</u>

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

|	IH) All other pleasure craft surface coatings for metal or plastic	0.42 (3.5)	0.80 (6.7)
--	---	---------------	---------------

6) Motor Vehicle Materials

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

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.207 Alternative Emission Limitations

- a) Any owner or operator of a coating line subject to Section 218.204 of this Subpart, except coating lines subject to Section 218.204(q)(6), may comply with

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

- b) Alternative Add-On Control Methodologies
- 1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency; or
 - 2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 218.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:
 - A) Obtain the emission limitation from the appropriate subsection in Section 218.204 of this Subpart;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) Unless complying with an emission limitation in Section 218.204 that is already expressed in terms of weight of VOM per volume of solids, calculate "S" according to the equation in Section 218.206 of this Subpart. For coating lines subject to an emission limitation in Section 218.204 that is already expressed in terms of weight of VOM per volume of solids, "S" is equal to such emission limitation;
- C) Calculate the overall efficiency required according to Section 218.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 218.105(e)(2) of this Part, VOM_1 is equal to the value of "S" as determined in subsection (b)(2)(B) of this Section. If the coating line is subject to complying with an emission limitation in Section 218.204 of this Subpart that is already expressed in terms of weight of VOM per volume of solids, VOM_1 is equal to that emission limitation.
- c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 218.204(a)(1)(A), (a)(1)(D), (a)(2)(A), (a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), or (i) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) or (b)(1)(B), as applicable.
- d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- e) No owner or operator of a heavy off-highway vehicle products coating line that

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/1 (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

- f) No owner or operator of an existing diesel-electric locomotive coating line in Cook County that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/1 (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- g) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/1 (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 218.204(l) of this Subpart must also be met.
- h) No owner or operator of a can coating line that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (h)(1) or (h)(2) of this Section are met.
- 1) An alternative daily emission limitation shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, according to Section 218.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

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

where:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);
- i = Subscript denoting the specific coating applied;
- n = Total number of surface coatings as applied in the can coating operation;
- V_i = Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
- C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and
- F_i = Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture system and control device.
- 2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.
- i) No owner or operator of a plastic parts coating line, that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- j) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

are met.

- k) Prior to May 1, 2011, no owner or operator of a large appliance coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- l) On and after May 1, 2011, no owner or operator of a paper coating line, metal furniture coating line, or large appliance coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator complies with the applicable limitation set forth in Section 218.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.
- m) No owner or operator of a flat wood paneling coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.
- n) On and after May 1, 2012, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts and products coating line, or pleasure craft surface coating line that is equipped with a capture system and control device shall operate the subject coating line unless:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

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

~~Equation 1:~~

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

~~where:~~

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ~~LIM_i~~ = ~~The applicable VOM content limit for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.~~
- ~~V_i~~ = ~~Volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.~~
- ~~i~~ = ~~Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).~~

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

~~Equation 2:~~

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

~~where:~~

- ~~VOM_{Actual}~~ = ~~VOM emissions calculated using the VOM content for all coatings from Section 218.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.~~
- ~~VOM_i~~ = ~~Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.~~

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

Equation 3:

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

where:

- ~~VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.~~
- ~~VOM_j = VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i .~~
- ~~V_j = Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i .~~
- ~~i = Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).~~

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ~~j = Subscript denoting a specific pleasure craft coating within a specified coating category, i.~~
- ~~n = Number of coatings applied within a specific coating category, i.~~

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.211 Recordkeeping and Reporting

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line that is exempt from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) or (b) of this Subpart shall comply with the following:
- 1) For sources exempt under Section 218.208(a) of this Subpart, by a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 218.208(a) of this Subpart. Such certification shall include:
 - A) A declaration that the coating line or group of coating lines is exempt from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart; and
 - B) Calculations that demonstrate that the combined VOM emissions from the coating lines or group of coating lines never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

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

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

where:

- T_e = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);
- m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 218.104 of this Part (because they belong to the same category, e.g., can coating);
- j = Subscript denoting an individual coating line;
- n = Number of different coatings as applied each day on each coating line;
- i = Subscript denoting an individual coating;
- A_i = Weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and
- B_i = Volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.

- 2) For sources exempt under Section 218.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 218.208(b) of this Subpart. Such certification shall include:
- A) A declaration that the source is exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

of this Subpart; and

- B) Calculations that demonstrate that the source meets the criteria for exemption because of Section 218.208(b) of this Subpart.
- 3) For sources exempt under Section 218.208(a) of this Subpart, on and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.
- 4) For sources exempt under Section 218.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.
- 5) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

- 6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 218.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.
- c) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart other than Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and complying by means of Section 218.204 of this Subpart shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 218.205, Section 218.207, Section 218.215, or Section 218.216 of this Subpart to Section 218.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating as applied on each coating line;
 - B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- D) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line;
- E) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line;
- F) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line;
- G) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, and the solids turnover ratio of the EDP operation, with supporting calculations;
- H) For coating lines subject to the limitations of Section 218.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, and the weight of VOM per volume of the final repair coat as applied ~~each day on each coating line~~, calculated on an occurrence weighted average basis;
- I) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day, unless otherwise specified, for each coating line and maintain the

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line;
- B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;
- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;
- D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitations of Section 218.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;
- E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating;
- F) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating;
- G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- H) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, certified product data sheets for each coating, and the solid turnover ratio for the EDP operation, calculated on a calendar monthly basis, with supporting calculations;
- I) For coating lines subject to the limitations of Section 218.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, the weight of VOM per volume of the final repair coat as applied, calculated on an occurrence weighted average basis ~~as applied each day on each coating line, calculated on an occurrence weighted average basis,~~ and certified product data sheets for each coating;
- J) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line, and certified product data sheets for each coating.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 218.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1) or; (e)(1); ~~or (i)(1)~~ of this Section, as applicable. Upon changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 of this Subpart or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d) or; (e); ~~or (i)~~ of this Section, as applicable.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of Section 218.205 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 218.204 or Section 218.207 of this Subpart to Section 218.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.205 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating line which will comply by means of Section 218.205 of this Subpart.
 - B) The name and identification number of each coating as applied on each coating line.
 - C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
 - E) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
 - F) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- G) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- H) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.
- I) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- J) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
- K) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
- L) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.
- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line.
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
- D) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
- E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.
- F) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.
- H) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- I) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 218.104 of this Part.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 218.205 of this Subpart

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

- B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) ~~or; (e)(1), or (i)(1)~~ of this Section, as applicable. Upon changing the method of compliance with this Subpart from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) ~~or; (e), or (i)~~ of this Section, as applicable.
- e) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart and complying by means of Section 218.207(c), (d), (e), (f), (g), (h), (l), (m), or (n) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 218.204 or Section 218.205 of this Subpart to Section 218.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.
 - 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 218.207(b)(2) of this Subpart.
 - B) Control device monitoring data.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
 - D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 218.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
- f) Any owner or operator of a primer surfacer operation or topcoat operation, or combined primer surfacer and topcoat operation, subject to the limitations of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating operation that

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

will comply by means of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and the name and identification number of each coating line in each coating operation.

- B) The name and identification number of each coating as applied on each coating line in the coating operation.
 - C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) The transfer efficiency and control efficiency measured for each coating line.
 - E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
 - F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.
 - H) An example format for presenting the records required in subsection (f)(2) of this Section.
- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each operation and maintain the information at the source for a period of three years:
- A) All information necessary to demonstrate compliance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and to calculate the daily-weighted average VOM emissions from the

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

coating operations in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart including:

- i) The name and identification number of each coating as applied on each coating operation.
 - ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
- B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart within 10 days from the end of the month and maintain this information at the source for a period of three years.
- 4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:
- A) Any record showing a violation of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.
- g) On and after a date consistent with Section 218.106(e) of this Part, or on and after the initial startup date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.218 of this Subpart shall comply with the following:
- 1) By May 1, 2011, or upon initial startup, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.218 of this Subpart;
 - 2) Notify the Agency of any violation of Section 218.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- h) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.219 of this Subpart shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes:
 - A) A description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.219 of this Subpart;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) For sources subject to Section 218.219(a)(6), the work practices plan specified in that Section;
 - C) For sources subject to Section 218.219(b)(6), the application methods used to apply coatings on the subject coating line;
- 2) Notify the Agency of any violation of Section 218.219 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- i) On and after a date consistent with Section 218.106(f) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 218.217 of this Subpart shall comply with the following:
 - 1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.217(c) and (d) of this Subpart; and
 - 2) Notify the Agency of any violation of Section 218.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.
- ~~j) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 218.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 218.207(o) of this Subpart shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 218.204, 218.205, or 218.207(n) of this Subpart to~~

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

~~Section 218.207(o) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207(o) on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.~~

- 2) ~~On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft coating operation shall:~~
- A) ~~Collect and record the following information each month:~~
 - i) ~~The amount of each pleasure craft surface coating used in each subject coating operation;~~
 - ii) ~~The VOM content of each pleasure craft surface coating used in each subject coating operation;~~
 - iii) ~~Total monthly VOM emissions for all subject pleasure craft surface coating operations;~~
 - B) ~~At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:~~
 - i) ~~The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;~~
 - ii) ~~The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;~~
 - C) ~~Notify the Agency in writing of any violation of the requirements of Section 218.207(o) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;~~

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ~~D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207(e) to Section 218.204, 218.205, or 218.207(n). Upon changing the method of compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable;~~
- ~~E) Maintain at the source all records required by this subsection (j) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.~~

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards

- a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.
- b) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture under the circumstances specified in subsections (b)(1) through (4) of this Section:
- 1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;
 - 2) For repair coating under the following circumstances:
 - A) The coating materials are applied after the completion of the coating operation; or

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;
- 3) If the spray gun is aimed and triggered automatically, rather than manually; or
- 4) If emissions from the finishing application station are directed to a control device pursuant to Section 218.216 of this Subpart
- c) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 218.204(l) or (p) of this Subpart shall:
- 1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;
- 2) Pump or drain all organic solvent used for line cleaning into closed containers;
- 3) Collect all organic solvent used to clean spray guns in closed containers; and
- 4) Control emissions from washoff operations by using closed tanks.
- d) Additional cleaning and storage requirements for flat wood paneling coating lines. Every owner or operator of a source subject to the limitations of Section 218.204(p) of this Subpart shall:
- 1) Minimize spills of VOM-containing coatings, thinners, and cleaning materials and clean up spills immediately;
- 2) Minimize emissions of VOM during the cleaning of storage, mixing, and conveying equipment; ~~and~~
- 3) Keep mixing vessels that contain VOM-containing coatings and other VOM-containing materials closed except when specifically in use; ~~and~~

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 4) On and after January 1, 2012, convey VOM-containing coatings, thinners, and cleaning materials in closed containers or pipes.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

SUBPART H: PRINTING AND PUBLISHING

Section 218.401 Flexographic and Rotogravure Printing

- a) No owner or operator of a subject flexographic or rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2), as applicable. Compliance with this Section must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(c) of this Part. As an alternative to compliance with this subsection, a subject printing line may meet the requirements of subsection (b) or (c).
- 1) Prior to August 1, 2010, either:
- A Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM); or
 - B) Twenty-five percent VOM by volume of the volatile content in the coating and ink; and
- 2) On and after August 1, 2010:
- A) For owners operators of flexographic or rotogravure printing lines that do not print flexible packaging, either:
 - i) Forty percent VOM by volume of the coating and ink (minus water and any compounds that are specifically exempted from the definition of VOM); or
 - ii) Twenty-five percent VOM by volume of the volatile content in the coating and ink;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) For owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, either:
- i) 0.8 kg VOM/kg (0.8 lbs VOM/lb) solids applied; or
 - ii) 0.16 kg VOM/kg (0.16 lbs VOM/lb) inks and coatings applied.
- b) Weighted Averaging Alternative
- 1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(1)(A) (as determined by subsection (b)(1)(A)) or subsection (a)(1)(B)) (as determined by subsection (b)(1)(B)). Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Part.
 - A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(A) of this Section.

$$VOM_{(i)(A)} = \frac{\sum_{i=1}^n C_i L_i (V_{si} + V_{VOMi})}{\sum_{i=1}^n L_i (V_{si} + V_{VOMi})}$$

where:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

$VOM_{(i)(A)}$ = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds that are specifically exempted from the definition of VOM) used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that are specifically exempted from the definition of VOM);

L_i = The liquid volume of each coating or ink as applied in units of l (gal);

V_{si} = The volume fraction of solids in each coating or ink as applied; and

V_{VOMi} = The volume fraction of VOM in each coating or ink as applied.

- B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(B) of this Section.

$$VOM_{(i)(B)} = \frac{\sum_{i=1}^n C_i L_i V_{VOMi}}{\sum_{i=1}^n L_i V_{VOMi}}$$

where:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- $VOM_{(i)(B)}$ = The weighted average VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day;
- i = Subscript denoting a specific coating or ink as applied;
- n = The number of different coatings and/or inks as applied each day on each printing line;
- C_i = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied;
- L_i = The liquid volume of each coating or ink as applied in units of l (gal) and
- V_{VMi} = The volume fraction of volatile matter in each coating or ink as applied.

- 2) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that does not print flexible packaging shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(A)(i) (calculated in accordance with the equation in subsection (b)(1)(A)) or (a)(2)(A)(ii) (calculated in accordance with the equation in subsection (b)(1)(B)) of this Section. Compliance with this subsection (b)(2) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Subpart.
- 3) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(B)(i) (calculated in accordance with the equation in subsection (b)(3)(A)) or subsection (a)(2)(B)(ii) (calculated

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

in accordance with the equation in subsection (b)(3)(B)) of this Section. Compliance with this subsection (b)(3) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.404(d) of this Subpart.

- A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(i) of this Section.

$$VOM_{(A)} = \frac{\sum_{i=1}^n C_i W_i}{\sum_{i=1}^n W_i}$$

where:

$VOM_{(A)}$ = The weighted average VOM content in units of kg VOM per kg (lbs VOM per lb) solids of all coatings and inks used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of kg VOM per kg (lbs VOM per lb) solids of each coating or ink as applied;

W_i = Weight of solids in each coating or ink, as applied, in units of kg⁴ (lb/gal).

- B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(ii) of this Section.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

$$VOM_{(B)} = \frac{\sum_{i=1}^n C_i L_i}{\sum_{i=1}^n L_i}$$

where:

$VOM_{(B)}$ = The weighted average VOM content in units of kg (lbs) VOM per weight in kg (lbs) of all coatings or inks as applied each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on each printing line;

C_i = The VOM content in units of kg (lbs) VOM per weight in kg (lbs) of each coating or ink as applied;

L_i = The weight of each coating or ink, as applied, in units of kg (lb/gal).

c) Capture System and Control Device Requirements

- 1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(D), (c)(5), and (c)(6).

A One of:

- i) A carbon adsorption system is used that reduces the captured VOM emissions by at least 90 percent by weight; or
- ii) An incineration system is used that reduces the captured VOM emissions by at least 90 percent by weight; or

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- iii) An alternative VOM emission reduction system is used that is demonstrated to have at least a 90 percent control device efficiency, approved by the Agency and approved by USEPA as a SIP revision; and
 - B) The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:
 - i) 75 percent where a publication rotogravure printing line is employed; or
 - ii) 65 percent where a packaging rotogravure printing line is employed; or
 - iii) 60 percent where a flexographic printing line is employed;
- 2) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6) of this Section;
- 3) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsections (c)(5) and (c)(6) of this Section and the capture system and control device provides an overall reduction in VOM emissions of at least:
 - A) 65 percent in cases in which a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or
 - B) 70 percent when a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

that was first constructed at the subject source on or after January 1, 2010; or

- C) 75 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or
 - D) 80 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010;
- 4) On and after August 1, 2010, the owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible packaging on the same line and that is equipped with a control device shall be subject to the requirements of either subsection (c)(1)(B) or (c)(3) of this Section, whichever is more stringent, as well as subsections (c)(5) and (c)(6) of this Section;
 - 5) The control device is equipped with the applicable monitoring equipment specified in Section 218.105(d)(2) of this Part and except as provided in Section 218.105(d)(3) of this Part, the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use; and
 - 6) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in Section 218.105(c) through Section 218.105(f) of this Part and by complying with the recordkeeping and reporting requirements specified in Section 218.404(e) of this Part. The owner or operator of a printing line subject to the requirements in subsection (c)(1)(B) or (c)(2) of this Section that performed all testing necessary to demonstrate compliance with subsection (c)(1)(B) prior to August 1, 2010 is not required to retest pursuant to this subsection (c)(6). The owner or operator of a printing line subject to the requirements in subsection (c)(3) shall perform testing in compliance with this subsection (c)(6), even if the owner or operator

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

already performed such testing prior to August 1, 2010, unless the following conditions are met. Nothing in this subsection (c)(6), however, shall limit the Agency's ability to require that the owner or operator perform testing pursuant to 35 Ill. Adm. Code 201.282:

- A) On or after May 1, 2000, the owner or operator of the subject printing line performed all testing necessary to demonstrate compliance with subsection (c)(1)(B);
 - B) Such testing also demonstrated an overall control efficiency equal to or greater than the applicable control efficiency requirements in subsection (c)(3);
 - C) The owner or operator submitted the results of such tests to the Agency, and the tests were not rejected by the Agency;
 - D) The same capture system and control device subject to the tests referenced in subsection (c)(6)(A) of this Section is still being used by the subject printing line; and
 - E) The owner or operator complies with all recordkeeping and reporting requirements in Section 218.404(e)(1)(B).
- d) No owner or operator of subject flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall cause or allow VOM containing cleaning materials, including used cleaning towels, associated with the subject flexographic or rotogravure printing lines to be kept, stored, or disposed of in any manner other than in closed containers, or conveyed from one location to another in any manner other than in closed containers or pipes, except when specifically in use.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.402 Applicability

- a) Except as otherwise provided in Section 218.401, the limitations of Section 218.401 of this Subpart apply to all flexographic and rotogravure printing lines at a subject source. Sources with flexographic and/or rotogravure printing lines are subject sources if:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) Total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source ever exceed 90.7 Mg (100 tons) per calendar year and the flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision; or
 - 2) The flexographic and rotogravure printing lines (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines) at the source have a combined potential to emit 22.7 Mg (25 tons) or more of VOM per year.
- b) The limitations of Section 218.401(d) shall apply to all owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, at a source where the combined emissions of VOM from all flexographic and rotogravure printing lines total 6.8 kg/day (15 lbs/day) or more (including solvents used for cleanup operations associated with flexographic and rotogravure printing lines), in the absence of air pollution control equipment.
 - c) Upon achieving compliance with this Subpart, the flexographic and rotogravure printing lines are not required to meet Subpart G (Section 218.301 or 218.302 of this Part). Flexographic and rotogravure printing lines exempt from this Subpart are subject to Subpart G (Section 218.301 or 218.302 of this Part). Rotogravure or flexographic equipment used for both roll printing and paper coating is subject to this Subpart.
 - d) Once subject to the limitations of Section 218.401, a flexographic or rotogravure printing line is always subject to the limitations of Section 218.401 of this Part.
 - e) Any owner or operator of any flexographic or rotogravure printing line that is exempt from any of the limitations of Section 218.401 of this Part because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 218.404(b) and (f) of this Part, as applicable.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.404 Recordkeeping and Reporting

- a) The VOM content of each coating and ink and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a printing line which is exempted from any of the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, by ~~January 1, 2012, August 1, 2010,~~ the owner or operator of a flexographic or rotogravure printing line to which this subsection (b) is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 218.402(a) of this Part. Such certification shall include:
 - A) A declaration that the flexographic and rotogravure printing line is exempt from the limitations of the criteria in Section 218.401 of this Part because of Section 218.402(a) of this Part; and
 - B) Calculations ~~that which~~ demonstrate that the combined potential to emit of all flexographic and rotogravure printing lines at the source never equals or exceeds 22.7 Mg (25 tons) of VOM per year, and that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing source is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

the application of capture systems and control devices for each flexographic and rotogravure printing line at the source:

$$E_p = A \times B + 1095 (C \times D \times F)$$

where:

E_p = Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year);

A = Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids;

B = Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of l/year (gal/year). The method by which the owner or operator accurately calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

C = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lbs VOM/gal);

D = The greatest volume of cleanup material or solvent used in any 8-hour period;

F = The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.

- 2) On and after a date consistent with Section 218.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a flexographic and rotogravure printing line referenced in this subsection shall collect and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

record all of the following information each year for each printing line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content and the volume of each coating and ink as applied each year on each printing line.
- 3) On and after a date consistent with Section 218.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a flexographic and rotogravure printing line exempted from the limitations of Section 218.401 of this Part because of the criteria in Section 218.402(a) of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices, or that the combined potential to emit of all flexographic and rotogravure printing lines at the source equals or exceeds 22.7 Mg (25 tons) of VOM in any calendar year, by sending a copy of such record to the Agency within 30 days after the exceedance occurs.
- c) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(a) of this Part shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from Section 218.401(b) or Section 218.401(c) of this Part to Section 218.401(a) of this Part, the owner or operator of a subject printing line shall certify to the Agency that the printing line will be in compliance with Section 218.401(a) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 218.401(a)(2)(B) shall certify in accordance with this subsection (c)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

include:

- A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content of each coating and ink as applied each day on each printing line.
- 2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(a) of this Part shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content of each coating and ink as applied each day on each printing line.
- 3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 218.401(a) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(a) of this Part to Section 218.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(a) of this Part to Section 218.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- d) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(b) shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing subject printing line from Section 218.401(a) or (c) of this Part to Section 218.401(b) of this Part, the owner or operator of the subject printing line shall certify to the Agency that the printing line will be in compliance with Section 218.401(b) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 218.401(b)(3) shall certify in accordance with this subsection (d)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:
 - A) The name and identification number of each printing line which will comply by means of Section 218.401(b) of this Part.
 - B) The name and identification number of each coating and ink available for use on each printing line.
 - C) The VOM content of each coating and ink as applied each day on each printing line.
 - D) The method by which the owner or operator will accurately calculate the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.
 - E) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
 - F) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(b) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content and the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.
 - C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.
- 3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:
 - A) Any record showing violation of Section 218.401(b) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(b) of this Part to Section 218.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(b) of this Part to Section 218.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.
- e) Any owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(c) of this Part

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

shall comply with the following:

- 1) By a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from Section 218.401(a) or (b) of this Part to Section 218.401(c) of this Part, the owner or operator of the subject printing line shall either:
 - A) Perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with Section 218.401(c) of this Part on and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date; or
 - B) If not required to perform such testing pursuant to Section 218.401(c)(6), submit a certification to the Agency that includes:
 - i) A declaration that the owner or operator is not required to perform testing pursuant to Section 218.401(c)(6);
 - ii) The dates that testing demonstrating compliance with Section 218.401(c)(3) was performed; and
 - iii) The dates that the results of such testing were submitted to the Agency.
- 2) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 218.401 of this Part and complying by means of Section 218.401(c) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:
 - A) Control device monitoring data.
 - B) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part, or Section 218.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:
 - A) Any record showing violation of Section 218.401(c) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with Section 218.401 of this Part from Section 218.401(c) of this Part to Section 218.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with Section 218.401 of this Part from Section 218.401(c) of this Part to Section 218.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
 - 4) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, the owner or operator of a printing line subject to the requirements in Section 218.401(c)(3) or (c)(4) shall submit to the Agency records documenting the date the printing line was constructed at the subject source and the date the control device for such printing line was constructed at the subject source.
- f) Any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 218.401(d) because of the criteria in Section 218.402(b) shall:
 - 1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon modification of a printing line, submit a certification to the Agency that includes:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- A) A declaration that the source is exempt from the requirements in Section 218.401(d) because of the criteria in Section 218.402(b);
 - B) Calculations that demonstrate that combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with such printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment; ~~and~~
- 2) On and after January 1, 2012, collect and record the following information each day for each subject printing line:
- A) The name and identification number of each coating, ink, and cleaning solvent as applied each day on each printing line;
 - B) The VOM content of each coating and ink (measured in weight of VOM per volume of coating or ink, or in weight of VOM per weight of coating or ink) as applied each day on each printing line, and the volume or weight of each coating or ink, as applicable;
 - C) The weight of VOM per volume of each cleaning solvent and the volume of each cleaning solvent used each day on each printing line;
 - D) The total daily emissions of VOM from each printing line (including solvents used for cleanup operations associated with the printing line) and the sum of daily emissions from all subject printing lines at the source; and
- 32) Notify the Agency in writing if the combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with the flexographic and rotogravure lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs
- g) Any owner or operator of a printing line subject to the limitations of Section 218.401(d) shall:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, submit a certification to the Agency describing the practices and procedures that the owner or operator will follow to ensure compliance with the limitations of Section 218.401(d); and
 - 2) Notify the Agency of any violation of Section 218.401(d) by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.
- h) All records required by subsections (f) and (g) of this Section shall be retained for at least three years and shall be made available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.409 Testing for Lithographic Printing

- a) Testing to demonstrate compliance with the requirements of Section 218.407 of this Subpart shall be conducted by January 1, 2012, unless such testing was conducted on or after May 9, 1995, the test was conducted pursuant to a test method approved by USEPA, the current operating conditions and operating capacity of the press are consistent with the operation of the press during such testing, and the test results were submitted to the Agency. If an owner or operator of a printing line performed such testing prior to May 9, 1995, the owner or operator shall either retest pursuant to this Section or submit to the Agency all information necessary to demonstrate that the prior testing was conducted pursuant to a test method approved by USEPA, and that the current operating conditions and operating capacity of the press are consistent with the operation of the press during prior testing. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.
- b) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as follows:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
- 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part;
- 3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 4) Notwithstanding the criteria or requirements in Method 25 that specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);
 - 5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and
 - 6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 218.407(a)(1)(B) of this Subpart.
- c) Testing to demonstrate compliance with the VOM content limitations in Section 218.407(a)(1)(A), (a)(2), (a)(3) and (a)(4)(A) of this Subpart, and to determine the VOM content of fountain solutions, fountain solution additives, cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 218.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable, shall be conducted upon request of the Agency or as otherwise specified in this Subpart, as follows:
- 1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 218.112 of this Part, shall be used to demonstrate compliance; or
 - 2) The manufacturer's specifications for VOM content for fountain solution additives, cleaning solvents, and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.
- d) Testing to demonstrate compliance with the requirements of Section 218.407(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.407(b) of this Subpart.
- e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

conducted in accordance with the applicable methods and procedures specified in Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.411 Recordkeeping and Reporting for Lithographic Printing

- a) Exempt Units prior to August 1, 2010. An owner or operator of lithographic printing lines exempt from the limitations of Section 218.407 of this Subpart prior to August 1, 2010, because of the criteria in Section 218.405(b) of this Subpart, shall comply with the following:
 - 1) Upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Part because of the criteria in Section 218.405(b) of this Subpart;
 - B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows:
 - i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;
 - ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the tests methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and
 - iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines at the source, no retention factor is used;
- C) Either a declaration that the source, through federally enforceable permit conditions, has limited its maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset printing lines) at the source to no more than 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices or calculations which demonstrate that the source's total maximum theoretical emissions of VOM do not exceed 90.7 Mg/yr (100 tons/yr). Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

$$E_p = (R \times A \times B) + (C \times D) + 1095 (F \times G \times H)$$

where:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- E_p = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);
- A = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal) of solids;
- B = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of l/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;
- C = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal);
- D = The total volume of fountain solution that can potentially be used each year on the printing line in units of l/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;
- F = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;
- G = The greatest volume of cleanup material or solvent used in any 8-hour period;
- H = The highest fraction of cleanup material or solvent that is not recycled or recovered for offsite disposal during any 8-hour period;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

R = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For metal, plastic, or other impervious substrates, R = 1.0;

- D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;
- 2) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.
- b) Exempt Units on and after August 1, 2010
- 1) Lithographic Printing Lines Exempt pursuant to Section 218.405(c)(2). By August 1, 2010, or upon initial start-up of a new lithographic printing line, whichever is later, and upon modification of a lithographic printing line, an owner or operator of lithographic printing lines exempt from the limitations in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(2) of this Subpart shall submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A), (b)(1)(B), and (b)(1)(D) of this Section or subsections (b)(1)(A) and (b)(1)(C) of this Section, as applicable. An owner or operator complying with subsection (b)(1)(B) shall also comply with the requirements in subsection (b)(1)(E) of this Section. An owner or operator complying with subsection (b)(1)(C) shall also comply with the requirements in subsection (b)(1)(F) of this Section:
- A) A declaration that the source is exempt from the requirements in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(2) of this Subpart;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source do not equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, as follows:
- i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;
 - ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;
 - iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and
 - iv) To determine VOM emissions from cleaning solutions used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is demonstrated to be less than 10 mmHg measured at 20°C

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

(68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

- C) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(C)(i) or (ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days after the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection (b)(1)(C) as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web offset and either nonheatset web offset or sheetfed lithographic printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).
- i) The sum of all sheetfed and nonheatset web offset lithographic printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent and fountain solution additives, combined; or
- ii) The sum of all heatset web offset lithographic printing operations at the source: 204.1 kg (450 lbs) of ink, cleaning solvent, and fountain solution additives, combined;
- D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- E) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. If such emissions of VOM at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), the source shall comply with the requirements in subsection (b)(2) of this Section;
- F) For sources complying with subsection (b)(1)(C) of this Section, comply with the following:
- i) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(C)(i) and (b)(1)(C)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM, and provide such records to the Agency upon request. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and fountain solution additive used per calendar month, the volume of each cleaning solvent and fountain solution additive used per calendar month for each sheetfed and nonheatset web offset lithographic printing operation, and the weight of each cleaning solvent, ink, and fountain solution additive used per calendar month for each heatset web offset lithographic printing operation;
 - ii) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(C) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 2) Heatset web offset lithographic printing lines exempt pursuant to Section 218.405(c)(1) but not exempt pursuant to Section 218.405(c)(2). By August 1, 2010, or upon initial start-up of a new heatset web offset lithographic printing line, whichever is later, and upon modification of a heatset web offset lithographic printing line, an owner or operator of heatset web offset lithographic printing lines that are exempt from the limitations in Section 218.407 of this Subpart pursuant to the criteria in Section 218.405(c)(1) of this Subpart, but that are not exempt pursuant to the criteria in Section 218.405(c)(2) of this Subpart, shall submit a certification to the Agency that includes the information specified in subsections (b)(2)(A) through (b)(2)(C) of this Section. Such owner or operator shall also comply with the requirements in subsection (b)(2)(D) of this Section:
 - A) A declaration that the source is exempt from the control requirements in Section 218.407 of this Subpart because of the criteria in Section 218.405(c)(1) of this Subpart, but is not exempt pursuant to the criteria in Section 218.405(c)(2) of this Subpart;
 - B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows (the following methodology shall also be used to calculate whether a source exceeds 45.5 kg/day (100 lbs/day) for purposes of determining eligibility for the exclusions set forth in Section 218.415(c)(3), in accordance with Sections 218.411(g)(2)(A)(i):
 - i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 218.409(c) of this Subpart shall be used;
 - iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;
 - iv) To determine VOM emissions from cleaning solvents used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from cleaning solution in shop towels if the VOM composite vapor pressure of such cleaning solution is demonstrated to be less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;
- C) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

been properly conducted in accordance with Section 218.409(c)(1) of this Subpart;

- D) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs.
- c) Unless complying with subsections (b)(1)(C) and (b)(1)(F) of this Section, an owner or operator of lithographic printing lines subject to the requirements of subsection (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all lithographic printing lines at the source:
- 1) Standard recordkeeping, including the following:
 - A) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;
 - B) A daily record which shows whether a lithographic printing line at the source was in operation on that day;
 - C) The VOM content and the volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;
 - D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month;
 - E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 2) Purchase and inventory recordkeeping, including the following:
 - A) The name, identification, and VOM content of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;
 - B) Inventory records from the beginning and end of each month indicating the total volume of each fountain solution additive, lithographic ink, and cleaning solvent to be used on any lithographic printing line at the source;
 - C) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;
 - D) A daily record which shows whether a lithographic printing line at the source was in operation on that day;
 - E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section;
 - F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable.
- d) An owner or operator of a heatset web offset lithographic printing line subject to the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart shall comply with the following:
 - 1) By August 1, 2010, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- A) An identification of each heatset web offset lithographic printing line at the source;
 - B) A declaration that each heatset web offset lithographic printing line is in compliance with the requirements of Section 218.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) or (b) of this Subpart, as appropriate;
 - C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart and the date that such device was first constructed at the source;
 - D) The control requirements in Section 218.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;
 - E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and
 - F) A declaration that the monitoring equipment required under Section 218.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;
- 2) If testing of the afterburner or other approved control device is conducted pursuant to Section 218.409(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
- A) A declaration that all tests and calculations necessary to demonstrate whether the lithographic printing lines are in compliance with Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable, have been properly performed;
 - B) A statement whether the lithographic printing lines are or are not in compliance with Section 218.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.410(c) or (d) of this Subpart, as applicable;
- 3) Except as provided in subsection (d)(3)(D)(ii) of this Section, collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Section 218.407(a)(1)(C) or (b)(1) of this Subpart:
- A) Afterburner or other approved control device monitoring data in accordance with Section 218.410(c) or (d) of this Subpart, as applicable;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and
 - D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 218.407(a)(1)(B) of this Subpart as follows:
 - i) Prior to August 1, 2010, at least once per 24-hour period while the line is operating; and
 - ii) On and after August 1, 2010, at least once per calendar month while the line is operating
- 4) Notify the Agency in writing of any violation of Section 218.407(a)(1)(C) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 5) If changing its method of compliance between subsections (a)(1)(C) and (b) of Section 218.407 of this Subpart, certify compliance for the new method of compliance in accordance with subsection (d)(1) of this Section at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 218.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) of this Subpart, or Section 218.407(b) of this Subpart, as applicable.
- e) An owner or operator of a lithographic printing line subject to Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart shall:
- 1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. Such certification shall include:
 - A) Identification of each lithographic printing line at the source, by type, e.g., heatset web offset, non-heatset web offset, or sheet-fed offset;
 - B) Identification of each centralized fountain solution reservoir and each lithographic printing line that it serves;
 - C) A statement that the fountain solution will comply with the VOM content limitations in Section 218.407(a)(1)(A), (a)(2), or (a)(3), as applicable;
 - D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitations, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitation, e.g., a refractometer, hydrometer, conductivity meter, or recordkeeping procedures with detailed description of the compliance methodology; and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- F) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section.
- 2) Collect and record the following information for each fountain solution:
- A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing lines or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;
 - B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 218.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 218.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:
 - i) The date and time of preparation, and each subsequent modification, of the batch;
 - ii) The results of each measurement taken in accordance with Section 218.410(b) of this Subpart;
 - iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and
 - iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;
 - C) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:
 - i) Date and time of preparation and each subsequent modification of the batch;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) Volume or weight, as applicable, and VOM content of each component used in, or subsequently added to, the fountain solution batch;
 - iii) Calculated VOM content of the as-applied fountain solution; and
 - iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;
- D) If the VOM content of the fountain solution is determined pursuant to Section 218.410(b)(2) of this Subpart, for each setting:
- i) VOM content limit corresponding to each setting;
 - ii) Date and time of initial setting and each subsequent setting;
 - iii) Documentation of the periodic calibration of the automatic feed equipment in accordance with the manufacturer's specifications; and
 - iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 218.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;
- E) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 218.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:
- i) The temperature of the fountain solution at each printing line, as monitored in accordance with Section 218.410(a); and
 - ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed,

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

including dates and duration of any outages.

- 3) Notify the Agency in writing of any violation of Section 218.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.
- f) For lithographic printing line cleaning operations, an owner or operator of a lithographic printing line subject to the requirements of Section 218.407 of this Subpart shall:
 - 1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 218.405(c)(3)(C), and the handling of all cleaning materials, will be in compliance with the requirements of Section 218.407(a)(4)(A) or (a)(4)(B) and (a)(5) of this Subpart, and such certification shall also include:
 - A) A statement that the cleaning solution will comply with the limitations in Section 218.407(a)(4);
 - B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - C) A sample of the records that will be kept pursuant to subsection (f)(2) of this Section; and
 - D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;
 - 2) Collect and record the following information for each cleaning solution used on each lithographic printing line:
 - A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.407(a)(4)(A) of this Subpart and that is prepared at the source with automatic equipment:
 - i) The name and identification of each cleaning solution;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.409(c) of this Subpart;
 - iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.407(a)(4)(A) of this Subpart, and that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.409(c) of this Subpart;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

- C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.407(a)(4)(B) of this Subpart:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;
 - iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;
- D) The date, time and duration of scheduled inspections performed to

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;

- 3) Notify the Agency in writing of any violation of Section 218.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.
- g) The owner or operator of lithographic printing lines subject to one or more of the exclusions set forth in Section 218.405(c)(3) shall:
- 1) By August 1, 2010, or upon initial start-up of a new lithographic printing line that is subject to one or more of the exclusions set forth in Section 218.405(c)(3), whichever is later, submit a certification to the Agency that includes either:
 - A) A declaration that the source is subject to one or more of the exclusions set forth in Section 218.405(c)(3) and a statement indicating which such exclusions apply to the source; or
 - B) A declaration that the source will not make use of any of the exclusions set forth in Section 218.405(c)(3);
 - 2) Unless the source has certified in accordance with subsection (g)(1)(B) of this Section that it will not make use of any of the exclusions set forth in Section 218.405(c)(3):
 - A) Collect and record the following information for all lithographic printing lines at the source:
 - i) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, determined in accordance with the calculations in subsection (b)(2)(B) of this Section;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) The name, identification, and volume of all amount of cleaning materials used per calendar month on lithographic printing lines at the source that ~~do~~ not comply with the cleaning material limitations in Section 218.407(a)(4) of this Subpart;
 - B) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs;
- 3) If changing from utilization of the exclusions set forth in Section 218.405(c)(3) to opting out of such exclusions pursuant to subsection (g)(1)(B) of this Section, or if there is a change at the source such that the exclusions no longer apply, certify compliance in accordance with subsection (g)(1)(B) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the applicable requirements of Section 218.407 of this Subpart;
- 4) If changing from opting out of the exclusions set forth in Section 218.405(c)(3) pursuant to subsection (g)(1)(B) of this Section to utilization of such exclusions, certify compliance in accordance with subsection (g)(1)(A) of this Section within 30 days after making such change.
- h) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.
- i) Provisions for Calculation of Emissions from Heatset Web Offset Lithographic Printing Operations. To calculate VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds specified in Section 218.405 of this Subpart, sources may use the following emission adjustment factors (for Annual Emissions Reports or permit limits, for example):

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) A factor of 0.80 may be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;
- 2) To determine VOM emissions from fountain solutions that contain no alcohol, an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

- A) The VOM emitted from the fountain solution shall be calculated using the following equation:

$$VOM_{fs} = 0.30 \times VOM_{tot} + (0.70 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the fountain solution;

VOM_{fs} = VOM emitted from the fountain solution;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

- B) For fountain solutions that contain alcohol, impervious substrates such as metal or plastic, or non-heatset lithographic presses, no emission adjustment factor is used;
- 3) To determine VOM emissions from cleaning solutions used on heatset web offset lithographic printing lines at the source, an emission adjustment factor of 0.50 may be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. To determine VOM emissions from automatic blanket wash solution with a VOM composite vapor pressure of less than 10 mmHg measured at 20°C (68°F), an emission

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

- A) The VOM emitted from the automatic blanket wash solution shall be calculated using the following equation.

$$VOM_{bw} = 0.60 \times VOM_{tot} + (0.40 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the blanket wash;

VOM_{tow} = VOM emitted from the blanket wash;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

- B) For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F), for shop towels that are not kept in closed containers, and for impervious substrates such as metal or plastic, no emission adjustment factor is used.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.415 Testing for Letterpress Printing Lines

- a) Testing to demonstrate compliance with the requirements of Section 218.413 of this Subpart shall be conducted by the owner or operator by January 1, 2012, unless such testing has been conducted within the two years immediately preceding January 1, 2012. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator, and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- b) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;
 - 3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;

- 4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);
 - 5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and
 - 6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 218.413(a)(1)(A) of this Subpart.
- c) Testing to demonstrate compliance with the VOM content limitations in Section 218.413(a)(2)(A) of this Subpart, and to determine the VOM content of cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 218.417(b)(1)(B) of this Subpart), shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:
- 1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 218.112 of this Part, shall be used to demonstrate compliance; or
 - 2) The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.
- d) Testing to demonstrate compliance with the requirements of Section 218.413(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 218.413(b) of this Subpart.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.417 Recordkeeping and Reporting for Letterpress Printing Lines

- a) By August 1, 2010, or upon initial start-up of a new heatset web letterpress printing line, whichever is later, and upon modification of a heatset web letterpress printing line, an owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) shall submit a certification to the Agency that includes:
- 1) A declaration that the source is exempt from the requirements in Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) of this Subpart;
 - 2) Calculations which demonstrate that the source's total potential to emit VOM does not equal or exceed 22.7 Mg (25 tons) per year.
- b) An owner or operator of a letterpress printing line exempt from any of the limitations of Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(2) shall:
- 1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, and upon modification of a letterpress printing line, submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A) through (b)(1)(C) of this Section, or subsections (b)(1)(A) and (b)(1)(D) of this Section, as applicable:
 - A) A declaration that the source is exempt from the control requirements in Section 218.413 of this Part because of the criteria in Section 218.412(a)(2) of this Subpart;
 - B) Calculations that demonstrate that combined emissions of VOM from all letterpress printing lines (including inks and solvents used

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

for cleanup operations associated with the letterpress printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, as follows:

- i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) and divide this amount by the number of days during that calendar month that letterpress printing lines at the source were in operation;
- ii) To determine the VOM content of the inks and cleaning solvents, the tests methods and procedures set forth in Section 218.415(c) of this Subpart shall be used;
- iii) To determine VOM emissions from inks used on letterpress printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and
- iv) To determine VOM emissions from cleaning solutions used on letterpress printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. Otherwise, no retention factor is used;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) A description and the results of all tests used to determine the VOM content of inks and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 218.415(c)(1) of this Subpart;
- D) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) or (b)(1)(D)(ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days of the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection as an alternative to the calculations in subsection (b)(1)(B).
- i) The sum of all sheetfed and nonheatset web letterpress printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent; or
 - ii) The sum of all heatset web letterpress printing operations at the source: 204.1 kg (450 lbs) of ink and cleaning solvent;
- 2) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs;
- 3) For sources complying with subsection (b)(1)(D) of this Section, comply with the following:
- A) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) and (b)(1)(D)(ii) during each calendar month, or, if the source

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and ink used per calendar month, the volume of each cleaning solvent used per calendar month for each sheetfed and nonheatset web letterpress printing operation, and the weight of each cleaning solvent and ink used per calendar month for each heatset web letterpress printing operation;

- B) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(D) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs.
- c) Unless complying with subsections (b)(1)(D) and (b)(3) of this Section, on and after August 1, 2010, an owner or operator of a letterpress printing line exempt from any of the limitations in Section 218.413 of this Subpart because of the criteria in Section 218.412(a)(1) or (a)(2) subject to the requirements in subsections (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all letterpress printing lines at the source:
- 1) Standard recordkeeping, including the following:
 - A) The name and identification of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;
 - B) A daily record that shows whether a letterpress printing line at the source was in operation on that day;
 - C) The VOM content and the volume of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;
 - D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- emission adjustment) used at the source, calculated each month;
and
- E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;
- 2) Purchase and inventory recordkeeping, including the following:
- A) The name, identification, and VOM content of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;
- B) Inventory records from the beginning and end of each month indicating the total volume of each letterpress ink, and cleaning solvent to be used on any letterpress printing line at the source;
- C) Monthly purchase records for each letterpress ink and cleaning solvent used on any letterpress printing line at the source;
- D) A daily record that shows whether a letterpress printing line at the source was in operation on that day;
- E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment factor) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section; and
- F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;
- d) An owner or operator of a heatset web letterpress printing lines subject to the control requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart shall comply with the following:
- 1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon initial start-up of a new control device for a

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

heatset web printing line, submit a certification to the Agency that includes the following:

- A) An identification of each heatset web letterpress printing line at the source;
 - B) A declaration that each heatset web letterpress printing line is in compliance with the requirements of Section 218.413 (a)(1) or (b) of this Subpart, as appropriate;
 - C) The type of afterburner or other approved control device used to comply with the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, and the date that such device was first constructed at the subject source;
 - D) The control requirements in Section 218.413(a)(1)(B) or (b)(1) of this Subpart with which the letterpress printing line is complying;
 - E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and
 - F) A declaration that the monitoring equipment required under Section 218.413(a)(1)(C) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;
- 2) If testing of the afterburner or other approved control device is conducted pursuant to Section 218.415(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
- A) A declaration that all tests and calculations necessary to demonstrate whether the letterpress printing lines is in compliance with Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable, have been properly performed;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- B) A statement whether the heatset web letterpress printing lines are or are not in compliance with Section 218.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.416(a) or (b) of this Subpart, as applicable;
- 3) Except as provided in subsection (d)(3)(D) of this Section, collect and record daily the following information for each heatset web letterpress printing line subject to the requirements of Section 218.413(a)(1)(B) or (b)(1) of this Subpart:
- A) Afterburner or other approved control device monitoring data in accordance with Section 218.416(a) or (b) of this Subpart, as applicable;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and
 - D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 218.413(a)(1)(A) of this Subpart at least once per calendar month while the line is operating;
- 4) Notify the Agency in writing of any violation of Section 218.413(a)(1)(B) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;
- 5) If changing the method of compliance between Sections 218.413(a)(1)(B) and 218.413(b) of this Subpart, certify compliance for the new method of compliance in accordance with Section 218.413(b) at least 30 days before

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 218.413(a)(1) of this Subpart, or Section 218.413(b) of this Subpart, as applicable.

- e) For letterpress printing line cleaning operations, an owner or operator of a letterpress printing line subject to the requirements of Section 218.413 of this Subpart shall:
- 1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 218.412(b), and the handling of all cleaning materials will be in compliance with the requirements of Section 218.413(a)(2)(A) or (a)(2)(B) and (a)(3) of this Subpart. Such certification shall include:
 - A) A statement that the cleaning solution will comply with the limitations in Section 218.413(a)(2);
 - B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - C) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section; and
 - D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;
 - 2) Collect and record the following information for each cleaning solution used on each letterpress printing line:
 - A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.413(a)(2)(A) of this Subpart and that is prepared at the source with automatic equipment:
 - i) The name and identification of each cleaning solution;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.415(c) of this Subpart;
 - iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.413(a)(2)(A) of this Subpart, and that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.415(c) of this Subpart;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part;

- C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.413(a)(2)(B) of this Subpart:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;
 - iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 218.105(a) and 218.110 of this Part;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- D) The date, time, and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;
- E) The amount of cleaning materials used on letterpress printing lines at the source that do not comply with the cleaning material limitations set forth in Section 218.413(a)(2) of this Subpart;
- 3) Notify the Agency in writing of any violation of Section 218.413 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.
- f) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section 218.891 Emission Limitations and Control Requirements

- a) Except as provided in subsection (f) of this Section, no owner or operator of a source subject to the requirements of this Subpart shall use a subject resin or gel coat at the source unless the resin and gel coat comply with subsection (b)(1) or (b)(2), (c), or (d) of this Section, as well as with subsections (e), (g), and (h) of this Section. For sources complying pursuant to subsection (b) or (c) of this Section, if the non-monomer VOM content of a resin or gel coat exceeds 5 percent, by weight, the excess non-monomer VOM shall be added to the monomer VOM content of the resin or gel coat. The excess non-monomer VOM shall be calculated in accordance with the following equation below:

$$\frac{\text{Excess Non-Monomer VOM}}{\text{Monomer VOM}} = \frac{\text{Non-monomer VOM Content}}{\text{5 percent, by weight}}$$

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

$$\text{Weighted Average Monomer VOM Content} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i} + \frac{\sum_{i=1}^n M_i VOM_{nm} - \sum_{i=1}^n 0.05 * M_i}{\sum_{i=1}^n M_i}$$

where:

M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams.

VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.

i = Subscript denoting a specific open molding resin or gel coat applied.

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

VOM_{nm} = Non-monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.

b) VOM Content Limitations

- 1) Except as provided in subsection (e) of this Section, the monomer VOM content of a subject resin or gel coat shall not exceed the following limitations:

Weighted average
monomer VOM
content
(weight percent)

A) Production resin

- i) Atomized spray

28

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

ii)	Non-atomized	35
B)	Pigmented gel coat	33
C)	Clear gel coat	48
D)	Tooling resin	
i)	Atomized	30
ii)	Non-atomized	39
E)	Tooling gel coat	40

- 2) Except as provided in subsection (e) of this Section, the weighted average monomer VOM content of a subject resin or gel coat shall not exceed the applicable limitation set forth in subsection (b)(1) of this Section on a 12-month rolling average basis. Equation 1 below shall be used to determine the weighted average monomer VOM content for resin and gel coat materials.

Equation 1:

$$\text{Weighted Average Monomer VOM Content} = \frac{\sum_{i=1}^n M_i \text{VOM}_i}{\sum_{i=1}^n M_i}$$

where:

M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams;

VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation;

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- c) Emissions Averaging Alternative. The owner or operator of a source subject to the requirements of this Subpart may elect to include some or all of the subject resin and gel coat operations at the source in the emissions averaging alternative. Resin and gel coat operations utilizing the emissions averaging alternative shall comply with a source-specific monomer VOM mass emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. All subject resin and gel coat operations that do not utilize the emissions averaging alternative shall comply with the requirements in subsection (b) or (d) of this Section, as well as with all other applicable requirements in this Section.
- 1) The owner or operator of a source subject to this subsection (c) shall use Equation 2 to determine the source-specific monomer VOM mass emission limit for resin and gel coats included in the emissions average:

Equation 2:

$$\text{Monomer VOM Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOM Limit = Total allowable monomer VOM that can be emitted from the open molding operations included in the average, expressed in kilograms per 12-month period;

M_R = Mass of production resin used in the past 12 months, excluding any materials that are exempt, expressed in megagrams (Mg);

M_{PG} = Mass of pigmented gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{CG} = Mass of clear gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{TR} = Mass of tooling resin used in the past 12 months,

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

excluding any materials that are exempt, expressed in Mg;

M_{TG} = Mass of tooling gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg.

The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer VOM emission rates for that particular material in units of kg VOM/Mg of material used.

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (c) shall use Equation 3 to calculate the monomer VOM emissions from the resin and gel coat operations included in the emissions average ~~to determine whether the emissions exceed the limitation calculated using Equation 2.~~ The monomer VOM emissions calculated using Equation 3 shall not exceed the monomer VOM limit calculated using Equation 2.

Equation 3:

$$\begin{array}{l} \text{Monomer} \\ \text{VOM} \\ \text{Emissions} \end{array} = \begin{array}{l} (PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + \\ (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG}) \end{array}$$

where:

Monomer = Monomer VOM emissions calculated using the
VOM monomer VOM emission equations for each operation
Emissions included in the average, expressed in kilograms;

PV_R = Weighted-average monomer VOM emission rate for
production resin used in the past 12 months, expressed
in kg/Mg, calculated in accordance with Equation 4 in
subsection (c)(3);

M_R = Mass of production resin used in the past 12 months,
expressed in Mg;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

PV_{PG} = Weighted-average monomer VOM emission rate for pigmented gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{PG} = Mass of pigmented gel coat used in the past 12 months, expressed in Mg;

PV_{CG} = Weighted-average monomer VOM emission rate for clear gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{CG} = Mass of clear gel coat used in the past 12 months, expressed in Mg;

PV_{TR} = Weighted-average monomer VOM emission rate for tooling resin used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TR} = Mass of tooling resin used in the past 12 months, expressed in Mg;

PV_{TG} = Weighted-average monomer VOM emission rate for tooling gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TG} = Mass of tooling gel coat used in the past 12 months, expressed in Mg.

- 3) For purposes of Equation 3, the owner or operator of a source subject to this subsection (c) shall use Equation 4 to calculate the weighted-average monomer VOM emission rate for the previous 12 months for each resin and gel coat operation included in the emissions average, except as provided in subsection (e) of this Section.

Equation 4:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

$$PV_{OP} = \frac{\sum_{i=1}^n M_i PV_i}{\sum_{i=1}^n M_i}$$

where:

PV_{OP} = Weighted-average monomer VOM emission rate for each open molding operation (PV_R , PV_{PG} , PV_{CG} , PV_{TR} , and PV_{TG}) included in the average, expressed in kg of monomer VOM per Mg of material applied;

M_i = Mass of resin or gel coat (i) used within an operation in the past 12 months, expressed in Mg;

n = Number of different open molding resins and gel coats used within an operation in the past 12 months;

PV_i = The monomer VOM emission rate for resin or gel coat (i) used within an operation in the past 12 months, expressed in kg of monomer VOM per Mg of material applied. The monomer VOM emission rate formulas in subsection (c)(4) of this Section shall be used to compute PV_i . If a source includes filled resins in the emissions average, the source shall use the value of PV_F , calculated using Equation 5 in subsection (e)(3) of this Section, as the value of PV_i for those resins;

i = Subscript denoting a specific open molding resin or gel coat applied.

- 4) For purposes of Equation 4 and subsection (e)(3) of this Section, the following monomer VOM emission rate formulas shall apply. Such formulas calculate monomer VOM emission rates in terms of kg of monomer VOM per Mg of resin or gel coat applied. "VOM%" means the monomer VOM content as supplied, expressed as a weight percent value between 0 and 100 percent:

A) Production resin, tooling resin:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- i) Atomized: $0.014 \times (\text{Resin VOM}\%)^{2.425}$
 - ii) Atomized, plus vacuum bagging with roll-out: $0.01185 \times (\text{Resin VOM}\%)^{2.425}$
 - iii) Atomized, plus vacuum bagging without roll-out: $0.00945 \times (\text{Resin VOM}\%)^{2.425}$
 - iv) Nonatomized: $0.014 \times (\text{Resin VOM}\%)^{2.275}$
 - v) Nonatomized, plus vacuum bagging with roll-out: $0.0110 \times (\text{Resin VOM}\%)^{2.275}$
 - vi) Nonatomized, plus vacuum bagging without roll-out: $0.0076 \times (\text{Resin VOM}\%)^{2.275}$
- B) Pigmented gel coat, clear gel coat, tooling gel coat: $0.445 \times (\text{Gel Coat VOM}\%)^{1.675}$
- d) Capture System and Control Device Requirements. No owner or operator of a source subject to the requirements of this Subpart that is utilizing a capture system and control device for a subject resin or gel coat operation shall conduct that operation unless the following requirements are satisfied:
- 1) An afterburner or carbon adsorber is installed and operated that meets the limitations set forth in this subsection (d). The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if that device complies with all limitations in this subsection (d), the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device, and the plan is approved by the Agency and approved by USEPA as a SIP revision within federally enforceable permit conditions;
 - 2) The VOM emissions at the outlet of the control device meet an emissions limitation determined using Equation 2 in subsection (c)(1) of this Section. In Equation 2, however, instead of using the mass of each material used over the past 12 months to determine the emission limitation, the owner or

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

operator shall use the mass of each material used during the applicable control device performance test;

- 3) The owner or operator complies with all testing and monitoring requirements set forth in Section 218.892 of this Subpart.
- e) Filled Resins. For all filled production and tooling resins, the owner or operator of a source subject to this Subpart shall adjust the monomer VOM emission rates determined pursuant to subsections (b) and (c) of this Section using Equation 5 in subsection (e)(3). If complying pursuant to subsection (b), the emission rate determined using Equation 5 shall not exceed the limitations set forth in subsections (e)(1) and (e)(2) of this Section. If complying pursuant to subsection (c), the value of PV_F , calculated using Equation 5, shall be used as the value of PV_i in Equation 4, as set forth in subsection (c)(3) of this Section. If the non-monomer VOM content of a filled resin exceeds 5 percent, by weight, based on the unfilled resin, the excess non-monomer VOM shall be added to the monomer VOM content in accordance with the equation set forth in subsection (a).
- 1) Tooling Resin: 54 kg (119.1 lbs) monomer VOM/Mg filled resin applied;
 - 2) Production Resin: 46 kg (101.4 lbs) monomer VOM/Mg filled resin applied;
 - 3) Equation 5:

$$PV_F = PV_U \times \frac{100 - \% \text{ Filler}}{100}$$

where:

- PV_F = The as-applied monomer VOM emission rate for the filled production resin or tooling resin, expressed in kg monomer VOM per Mg of filled material;
- PV_U = The monomer VOM emission rate for the unfilled resin, before filler is added, expressed in kg monomer VOM per Mg, as calculated using the formulas in Section 218.891(~~cb~~)(4) of this Subpart;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

% Filler = The weight-percent of filler in the as-applied filled resin system.

- f) The limitations in subsections (a) through (e) of this Section shall not apply to the following materials. These materials shall instead comply with the applicable requirements set forth in subsections (f)(1) through (f)(3).
- 1) Production resins, including skin coat resins, that must meet specifications for use in military vessels or must be approved by the United States Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR Subchapter Q, incorporated by reference in Section 218.112 of this Part, or for use in the construction of small passenger vessels regulated by 40 CFR Subchapter T, incorporated by reference in Section 218.112 of this Part. The owner or operator of a source subject to this Subpart shall apply all such resins with nonatomizing resin application equipment;
 - 2) Production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch ups. These materials shall not exceed 1 percent, by weight, of all resins and gel coats used at a subject source on a 12-month rolling average basis;
 - 3) Pure, 100 percent vinylester resins used for skin coats. The owner or operator of a source subject to this Subpart shall apply these resins with non-atomizing resin application equipment, and the total amount of the resins shall not exceed 5 percent, by weight, of all resins used at the subject source on a 12-month rolling-average basis.
- g) No owner or operator of a source subject to this Subpart shall use VOM-containing cleaning solutions to remove cured resins and gel coats from fiberglass boat manufacturing application equipment. Additionally, no owner or operator shall use VOM-containing cleaning solutions for routine cleaning of application equipment unless:
- 1) The VOM content of the cleaning solution is less than or equal to 5 percent, by weight; or
 - 2) The composite vapor pressure of the cleaning solution is less than or equal to 0.50 mmHg at 68°F.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- h) No owner or operator of a source subject to this Subpart shall use resin or gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for on-site mixing of putties and polyputties, unless such containers have covers with no visible gaps in place at all times, except when material is being manually added to or removed from a container or when mixing or pumping equipment is being placed in or removed from a container.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.892 Testing and Monitoring Requirements

- a) Testing to demonstrate compliance with the requirements of Section 218.891 of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise specified in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.
- b) Testing to demonstrate compliance with the monomer VOM content limitations for resin and gel coat materials in Section 218.891(b) of this Subpart shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, in accordance with SCAQMD 312-91, incorporated by reference in Section 218.112 of this Part.
- c) The owner or operator of a source complying with this Subpart pursuant to Section 218.891(d) shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, conduct an initial performance test of the control device in accordance with this subsection (c) that demonstrates compliance with the emission limitation determined pursuant to Section 218.891(d).
 - 2) Subsequent to the initial performance test described in subsection (c)(1) of this Section, conduct at least one performance test per calendar year. Performance tests used to demonstrate compliance with Section 218.891(d) shall be conducted at least six months apart, unless the

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

performance test is being conducted following an exceedance of operating parameters as described in subsection (c)(3) of this Section, or per a request by the Agency.

- 3) Monitor and record relevant operating parameters, including the control efficiency of the control device and the amount of materials used in the fiberglass boat manufacturing process, during each control device performance test used to demonstrate compliance with Section 218.891(d). The owner or operator shall continue to operate the fiberglass boat manufacturing process within the parameters until another performance test is conducted that demonstrates compliance with Section 218.891(d). The owner or operator shall monitor the parameters at all times when the control device is in operation. If the fiberglass boat manufacturing process exceeds any operating parameter by more than 10 percent, the owner or operator shall conduct additional performance testing in accordance with this Section within 10 operating days after the exceedance.
- 4) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.891(d) of this Subpart, as follows:
 - A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
 - B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part;
 - C) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- i) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest again using Method 25;
- D) Notwithstanding the criteria or requirements in Method 25, which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F); and
- E) During testing, the fiberglass boat manufacturing operation shall be operated at representative operating conditions and flow rates.
- 5) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator shall:
- A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

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

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

6) If a carbon adsorber is used to demonstrate compliance, the owner or operator shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

76) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.891(d).

- d) Testing to demonstrate compliance with the VOM content limitations for cleaning solutions in Section 218.891(g) of this Subpart, and with the non-monomer VOM content limitations for resin and gel coat materials in Section 218.891(a) of this Subpart, shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

- 1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 218.112 of this Part, shall be used to demonstrate compliance; or
- 2) For cleaning solvents, the manufacturer's specifications for VOM content may be used if the manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern.

- e) The owner or operator of a source subject to this Subpart and relying on the VOM content of the cleaning solution to comply with Section 218.891(g)(1) of this Subpart shall:
- 1) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):
 - A) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and
 - B) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 218.891(g)(1);
 - 2) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 218.894(g) of this Subpart.
- f) Testing to demonstrate compliance with the VOM composite partial vapor pressure limitation for cleaning solvents set forth in Section 218.891(g) of this Subpart shall be conducted in accordance with the applicable methods and procedures set forth in Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.894 Recordkeeping and Reporting Requirements

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 218.890(a) of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the following:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- A) A declaration that the source is exempt from the requirements in this Subpart because of the criteria in Section 218.890(a);
- B) Calculations that demonstrate that combined emissions of VOM from all subject fiberglass boat manufacturing operations (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operation) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from fiberglass boat manufacturing operations at the source (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operations) and divide the amount by the number of days during that calendar month that the fiberglass boat manufacturing operations were in operation;

2) Collect and record the following information and provide copies of the records to the Agency upon request:

- A) The total pounds of all resins and gel coats used per calendar month;
- B) The total gallons of all cleanup materials used per calendar month;
- C) The VOM content of each resin, gel coat, and cleanup material used per calendar month;
- D) The total VOM emissions, in pounds, for all resins, gel coats, and cleanup materials employed per calendar month, before the application of control systems and devices.

32) Notify the Agency of any record that shows that the combined emissions of VOM from subject fiberglass boat manufacturing operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of the record upon request by the Agency.

- b) All sources subject to the requirements of this Subpart shall:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, and upon start-up of a new fiberglass boat manufacturing operation at the source, submit a certification to the Agency that includes:
 - A) Identification of each subject fiberglass boat manufacturing operation as of the date of certification;
 - B) A declaration that all subject fiberglass boat manufacturing operations, including related cleaning operations, are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject fiberglass boat manufacturing operation will comply (i.e., the VOM content limitation, the emissions averaging alternative, or the emissions control system alternative);
 - D) Initial documentation that each subject fiberglass boat manufacturing operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.891(h) of this Subpart;
 - G) A description of each fiberglass boat manufacturing operation exempt pursuant to Section 218.890(b) of this Subpart, if any;
 - H) A description of materials subject to Section 218.891(f) of this Subpart, if any, used in each fiberglass boat manufacturing operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 218.891(b), (c), and (d), notify the Agency in

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;

- 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
 - 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.
- c) The owner or operator of a fiberglass boat manufacturing operation subject to the limitations of Section 218.891 of this Subpart and complying by means of Section 218.891(b) shall comply with the following.
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each subject resin and gel coat as applied each day by each subject fiberglass boat manufacturing operation;
 - 2) Collect and record the following information each day for each fiberglass boat manufacturing operation complying with Section 218.891(b):
 - A) The name, identification number, and VOM content of each subject resin and gel coat as applied each day by each fiberglass boat manufacturing operation; and
 - B) If complying with Section 218.891(b)(2), the mass of each open molding resin or gel coat as applied each month by each subject fiberglass boat manufacturing operation and the~~daily~~ weighted average VOM content of all subject resins and gel coats as applied by each subject fiberglass boat manufacturing operation.
- d) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 218.891 of this Subpart and complying by means of Section 218.891(c) shall:
- 1) On and after May 1, 2012, collect and record the following information each month:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- A) The amount of production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - B) The VOM content of each production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - C) Total monthly VOM emissions for all subject fiberglass boat manufacturing operations;
- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:
- A) The monomer VOM mass emission limit for all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period, with supporting calculations;
 - B) The total actual emissions of VOM from all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period.
- e) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 218.891 of this Subpart and complying by means of Section 218.891(d) shall:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of control device used to comply with the requirements of Section 218.891(d);
 - B) The results of all tests and calculations necessary to demonstrate compliance with the requirements of Section 218.891(d); and
 - C) A declaration that the monitoring equipment required under Section 218.892 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 2) Within 90 days after conducting testing pursuant to Section 218.892, submit to the Agency a copy of all test results, as well as a certification that includes the following:
 - A) A declaration that all tests and calculations necessary to demonstrate whether the fiberglass boat manufacturing operation is in compliance with Section 218.891(d) have been properly performed;
 - B) A statement whether the fiberglass boat manufacturing operations are or are not in compliance with Section 218.891(d);
 - C) The emissions limitation applicable during the control device performance test, with supporting calculations;
 - D) The operating parameters of the fiberglass boat manufacturing process during testing, as monitored in accordance with Section 218.892;
- 3) Collect and record daily the following information for each fiberglass boat manufacturing operation subject to the requirements of Section 218.891(d), and submit that information to the Agency upon request:
 - A) Afterburner or other approved control device monitoring data in accordance with Section 218.892 of this Subpart;
 - B) A log of operating time for the control device and monitoring equipment;
 - C) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
 - D) Information to substantiate that the fiberglass boat manufacturing operation is operating in compliance with the parameters determined pursuant to Section 218.892.

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- f) The owner or operator of a source subject to the requirements in Section 218.891(f) of this Subpart shall collect and record the following information for each fiberglass boat manufacturing operation:
- 1) The name and identification number of each material subject to Section 218.891(f) as applied each day by each subject fiberglass boat manufacturing operation;
 - 2) If subject to Section 218.891(f)(2), the amount of production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch-ups, used each month at the subject source, and the total amount of all resins and gel coats used each month at the subject source;
 - 3) If subject to Section 218.891(f)(3), the amount of pure, 100 percent vinylester resins used for skin coats each month at the subject source, and the total amount of all resins used each month at the subject source.
- g) The owner or operator of a source subject to the requirements of Section 218.891 of this Subpart shall collect and record the following information for each cleaning solution used in each fiberglass boat manufacturing operation:
- 1) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.891(g) of this Subpart and that is prepared at the source with automatic equipment:
 - A) The name and identification of each cleaning solution;
 - B) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.892(d) of this Subpart;
 - C) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - D) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- E) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - F) A calibration log for the automatic equipment, detailing periodic checks;
- 2) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.891(g), and that is not prepared at the source with automatic equipment:
- A) The name and identification of each cleaning solution;
 - B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.892(d);
 - D) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - E) The VOM content of the as-used cleaning solution, with supporting calculations;
- 3) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.891(g):
- A) The name and identification of each cleaning solution;
 - B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.892(f) of this Subpart;
 - D) The total amount of each cleaning solvent, including water, used to prepare the as-used cleaning solution; and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 218.901 Emission Limitations and Control Requirements

- a) The owner or operator of a source subject to the requirements of this Subpart shall comply with the limitations in subsection (b), (c), or (d) of this Section, as well as with the limitations in subsections (e) and (f) of this Section. Notwithstanding this requirement, sources subject to Section 218.900(b)(2) shall comply with the limitations in subsection (f) of this Section only.
- b) The owner or operator of adhesive application operations listed in this subsection (b) shall comply with the following VOM emission limitations, minus water and any compounds that are specifically exempted from the definition of VOM, as applied. If an adhesive is used to bond dissimilar substrates together, the substrate category with the highest VOM emission limitation shall apply:

		kg VOM/l adhesive or adhesive primer applied	lb VOM/gal adhesive or adhesive primer applied
1)	General adhesive application operations		
	A) Reinforced plastic composite	0.200	(1.7)
	B) Flexible vinyl	0.250	(2.1)
	C) Metal	0.030	(0.3)
	D) Porous material (except wood)	0.120	(1.0)
	E) Rubber	0.250	(2.1)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

F)	Wood	0.030	(0.3)
G)	Other substrates	0.250	(2.1)
2)	Specialty adhesive application operations		
A)	Ceramic tile installation	0.130	(1.1)
B)	Contact adhesive	0.250	(2.1)
C)	Cove base installation	0.150	(1.3)
D)	Indoor floor covering installation	0.150	(1.3)
E)	Outdoor floor covering installation	0.250	(2.1)
F)	Installation of perimeter bonded sheet flooring	0.660	(5.5)
G)	Metal to urethane/rubber molding or casting	0.850	(7.1)
H)	Motor vehicle adhesive	0.250	(2.1)
I)	Motor vehicle weatherstrip adhesive	0.750	(6.3)
J)	Multipurpose construction	0.200	(1.7)
K)	Plastic solvent welding (acrylonitrile butadiene styrene (ABS) welding)	0.400	(3.3)
L)	Plastic solvent welding (except ABS welding)	0.500	(4.2)
M)	Sheet rubber lining installation	0.850	(7.1)

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|----|--|-------|-------|
| N) | Single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane) | 0.250 | (2.1) |
| O) | Structural glazing | 0.100 | (0.8) |
| P) | Thin metal laminate | 0.780 | (6.5) |
| Q) | Tire repair | 0.100 | (0.8) |
| R) | Waterproof resorcinol glue | 0.170 | (1.4) |
| 3) | Adhesive primer application operations | | |
| A) | Motor vehicle glass bonding primer | 0.900 | (7.5) |
| B) | Plastic solvent welding adhesive primer | 0.650 | (5.4) |
| C) | Single-ply roof membrane adhesive primer | 0.250 | (2.1) |
| D) | Other adhesive primer | 0.250 | (2.1) |
- c) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation unless the daily-weighted average VOM content of subject adhesives as applied each day by the operation, calculated in accordance with subsection (c)(1) of this Section, is less than or equal to the emissions limitation calculated in accordance with subsection (c)(2) of this Section.
- 1) Weighted Average of VOM Content of Adhesives Applied Each Day

$$VOM_{WA} = \frac{\sum_{i=1}^n V_i VOM_i}{\sum_{i=1}^n V_i}$$

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

$$VOM_{WA} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i}$$

where:

VOM_{WA} = The weighted average VOM content in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

V_i = The ~~volumemass~~ ~~kg/l (lb/gal)~~ of each adhesive, as applied, in units of ~~kg/l (lb/gal)~~;

VOM_i = The VOM content in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied;

2) ~~AllowableMass~~ Weighted Average VOM Limit for an Averaging Operation

$$Limit_{WA} = \frac{\sum_{i=1}^n V_i Limit_i}{\sum_{i=1}^n V_i}$$

$$Limit_{WA} = \frac{\sum_{i=1}^n M_i Limit_i}{\sum_{i=1}^n M_i}$$

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

where:

Limit_{WA} = The allowable mass weighted average VOM limit in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day in a single operation;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

VM_i = The volumemass of each adhesive, as applied, in units of kg/l (lb/gal);

Limit_i = The VOM limit, taken from subsection (b) of this Section, in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied.

- d) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation employing a capture system and control device unless either:
- 1) An afterburner or carbon adsorption system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation;
 - 2) An alternative capture and control system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation and is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~. The owner or operator shall submit a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; or
 - 3) The owner or operator complies with the applicable limitation set forth in subsection (b) of this Section by utilizing a combination of low-VOM adhesives and an afterburner or carbon adsorption system. The owner or operator may use an alternative capture and control system if the owner or

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the capture and control system and the system is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions.~~

- e) The owner or operator of a source subject to this Subpart shall apply all miscellaneous industrial adhesives using one or more of the following methods:
- 1) Electrostatic spray;
 - 2) High volume low pressure (HVLP) spray;
 - 3) Flow coating. For the purposes of this Subpart, flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;
 - 4) Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
 - 5) Dip coating, including electrodeposition. For purposes of this Subpart, "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;
 - 6) Airless spray;
 - 7) Air-assisted airless spray; or
 - 8) Another adhesive application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.
- f) The owner or operator of a source subject to this Subpart shall comply with the following work practices for each subject miscellaneous adhesive application operation at the source:

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 1) Store all VOM-containing adhesives, adhesive primers, process-related waste materials, cleaning materials, and used shop towels in closed containers;
- 2) Ensure that mixing and storage containers used for VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials;
- 3) Minimize spills of VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials;
- 4) Convey VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes; and
- 5) Minimize VOM emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.902 Testing Requirements

- a) Testing to demonstrate compliance with the requirements of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise provided in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.
- b) Testing to demonstrate compliance with the VOM content limitations in Section 218.901(b) of this Subpart shall be conducted as follows:
 - 1) Method 24, incorporated by reference in Section 218.112 of this Part, shall be used for non-reactive adhesives. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant adhesive formulation data are

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern;

- 2) Appendix A of 40 CFR 63, Subpart P, incorporated by reference in Section 218.112 of this Part, shall be used for reactive adhesives.
 - 3) The manufacturer's specifications for VOM content for adhesives may be used if the specifications are based on results of tests of the VOM content conducted in accordance with methods specified in subsections (b)(1) and (b)(2) of this Section, as applicable.
- c) For afterburners and carbon adsorbers, the methods and procedures of Section 218.105(d) through (f) of this Part shall be used for testing to demonstrate compliance with the requirements of Section 218.901(d) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;
 - 3) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used, except under the following circumstances, in which case Method 25A must be used:
 - A) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
 - B) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;
- D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates.
- d) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 218.901(d) as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.901(d)(3).

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.903 Monitoring Requirements

- a) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall:
- 1) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - 2) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.

- b) If a carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.
- c) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.901(d)(3).

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

Section 218.904 Recordkeeping and Reporting Requirements

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 218.900(a) of this Subpart shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 218.900(a);
 - B) Calculations that demonstrate that combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from miscellaneous industrial adhesive application operations at the source (including related cleaning activities) and divide this

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

amount by the number of days during that calendar month that miscellaneous industrial adhesive application operations at the source were in operation;

- 2) Collect and record the following information each month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:
 - A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and
 - B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month by each miscellaneous industrial adhesive application operation;
 - 3) Notify the Agency of any record that shows that the combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of those records upon request by the Agency.
- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) Identification of each subject adhesive application operation as of the date of certification;
 - B) A declaration that all subject adhesive application operations are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject adhesive application operation will comply (i.e., the VOM content limitation, the daily weighted averaging alternative, or the emissions control system alternative);

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- D) Initial documentation that each subject adhesive application operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.901(f) of this Subpart;
 - G) A description of each adhesive application operation exempt pursuant to Section 218.900(b)(2) of this Subpart, if any; and
 - H) The application methods used by each subject adhesive application operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 218.901(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
 - 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
 - 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.
- c) The owner or operator of an adhesive application operation subject to the limitations of Section 218.901 of this Subpart and complying by means of Section 218.901(b) shall comply with the following:
 - 1) By May 1, 2012, or upon the initial start-up date, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- 2) Collect and record the name, identification number, and VOM content of each adhesive as applied each day by each adhesive application operation complying with Section 218.901(b).
- d) The owner or operator of an adhesive application operation subject to the limitations of Section 218.901 of this Subpart and complying by means of Section 218.901(c) shall comply with the following:
 - 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;
 - 2) Collect and record the following information each day for each adhesive application operation complying by means of Section 218.901(c):
 - A) The name, identification number, ~~and~~ VOM content, and volume of each adhesive as applied each day by each subject adhesive application operation;
 - B) The daily weighted average VOM content of all adhesives as applied by each subject adhesive application operation.
- e) The owner or operator of an adhesive application operation subject to the requirements of Section 218.901 of this Subpart and complying by means of Section 218.901(d) shall:
 - 1) By May 1, 2012, or upon the initial start-up date, whichever is later, and upon initial start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of afterburner or other approved control device used to comply with the requirements of Section 218.901(d);
 - B) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.901(d); and

POLLUTION CONTROL

NOTICE OF ADOPTED AMENDMENTS

- C) A declaration that the monitoring equipment required under Section 218.903 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
- 2) Within 90 days after conducting testing pursuant to Section 218.902 of this Subpart, submit to the Agency a copy of all test results, as well as a certification that includes the following:
- A) A declaration that all tests and calculations necessary to demonstrate whether the adhesive application operations are in compliance with Section 218.901(d) have been properly performed;
 - B) A statement whether the adhesive application operations are or are not in compliance with Section 218.901(d); and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.903 of this Subpart;
- 3) Collect and record daily the following information for each adhesive application operation subject to the requirements of Section 218.901(d):
- A) Afterburner or other approved control device monitoring data in accordance with Section 218.903 of this Subpart;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated application unit; and
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

(Source: Amended at 35 Ill. Reg. 13473, effective July 27, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
219.105	Amended
219.187	Amended
219.204	Amended
219.207	Amended
219.211	Amended
219.217	Amended
219.401	Amended
219.404	Amended
219.409	Amended
219.411	Amended
219.415	Amended
219.417	Amended
219.891	Amended
219.892	Amended
219.894	Amended
219.901	Amended
219.902	Amended
219.903	Amended
219.904	Amended
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]
- 5) Effective Date of Amendments: July 27, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and is available there for public inspection.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in Illinois Register: April 1, 2011; 35 Ill. Reg. 5111
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In proceeding from its first-notice proposal to final adoption in this docket, the Board amended its rulemaking proposal in response to proposals by various participants.

- a) amending Section 219.187 by exempting three categories of cleaning operations from various requirements;
- b) amending Section 219.187 by adding an emission adjustment factor for specified cleaning solvents used with shop towels;
- c) amending Section 219.187 by adding recordkeeping and reporting requirements for specified exempt cleaning operations;
- d) amending Section 219.187 by clarifying monitoring requirements for subject sources relying on a carbon adsorber;
- e) amending Section 219.204 by revising VOM content limits for various coatings;
- f) amending Section 219.207 by striking an emissions averaging compliance alternative for pleasure craft surface coating operations;
- g) amending Section 219.211 by striking recordkeeping and reporting requirements pertaining to an emissions averaging compliance alternative for pleasure craft surface coating operations struck from Section 219.207; and
- g) amending Section 219.409 by clarifying testing requirements.

In addition, the Board opened a subdocket (A) to add a small container exemption to Section 219.208, which the Board had not included in its first-notice opinion and order. *See* 35 Ill. Adm. Code 5111 (July 1, 2011).

The Board's opinion and order adopting these amendments addresses changes made by the Board in proceeding from first notice to final adoption. *See* Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R11-23 (July 21, 2011). Copies of the opinion and order may be requested from the Clerk at the address listed in #8 above or by calling 312/814-3620. Please refer to docket number R11-23 in your request. The opinion and order is also available through the Board's Web site (www.ipcb.state.il.us).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
219.208	Amend	35 Ill. Reg. 10207; July 1, 2011

- 15) Summary and Purpose of Amendments: The Environmental Protection Agency proposed amendments to satisfy Illinois' obligation to submit a State Implementation Plan (SIP) addressing sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the National Ambient Air Quality Standard (NAAQS) for ozone. Nonattainment designations trigger Clean Air Act (CAA) requirements to adopt regulations that reduce emissions sufficiently to demonstrate attainment of the standard.

The Agency states that the CAA requires states to revise SIPs to include reasonably available control technology (RACT) for sources of VOM emissions covered by a control techniques guideline (CTG) issued between November 15, 1990, and the date of attainment. The Agency reports that USEPA issued final CTGs for Group II Consumer and Commercial Products on October 5, 2006 and for Group IV Consumer and Commercial Products on October 7, 2008. USEPA required submission of SIP revisions responding to the CTGs within one year.

Responding to the CTGs, the Agency proposed amendments to the VOM regulations, which the Board adopted in docket R10-8 and R10-20 in 2010. The Agency submitted the adopted rules to the USEPA on July 29, 2010, and requested that USEPA approve them as amendments to Illinois' SIP. USEPA determined that the adopted revisions were insufficient and that USEPA would not approve them without additional amendments. The Agency's proposal addressed the issues specified by USEPA and proposed additional changes to clarify and simplify some provisions.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

According to the Agency, Illinois is required to submit these SIP revisions before the USEPA can re-designate the Chicago and Metro East nonattainment areas to attainment of the 1997 ozone NAAQS. The Agency submitted an attainment demonstration for the Metro East nonattainment area on July 2, 2007, and for the Chicago nonattainment area on March 19, 2009. The Agency stresses that these areas cannot be re-designated unless and until it submits USEPA's required amendments as SIP revisions and USEPA approves such revisions.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-23 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	
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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 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
- 219.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
- 219.409 Testing for Lithographic Printing
- 219.410 Monitoring Requirements for Lithographic Printing
- 219.411 Recordkeeping and Reporting for Lithographic Printing
- 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
- 219.417 Recordkeeping and Reporting for Letterpress Printing Lines

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND
POLYMER MANUFACTURING PLANT

Section	
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
219.435	Recordkeeping and Reporting Requirements
219.436	Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section	
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
219.447	Monitoring Program for Leaks
219.448	Recordkeeping for Leaks
219.449	Reporting for Leaks
219.450	Alternative Program for Leaks
219.451	Sealing Device Requirements
219.452	Compliance Schedule for Leaks
219.453	Compliance Dates (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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
219.489	Recordkeeping for Air Pollution Control Equipment

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

219.523	Compliance
219.524	Determination of Applicability
219.525	Emission Limitations for Air Oxidation Processes (Renumbered)
219.526	Testing and Monitoring
219.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section	
219.541	Pesticide Exception

SUBPART X: CONSTRUCTION

Section	
219.561	Architectural Coatings
219.562	Paving Operations
219.563	Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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
219.625	Grinding Mills
219.626	Storage Tanks
219.628	Leaks
219.630	Clean Up
219.636	Compliance Schedule
219.637	Recordkeeping and Reporting

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
219.760	Applicability
219.762	Control Requirements
219.764	Compliance Certification
219.766	Leaks
219.768	Testing and Monitoring
219.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section	
219.780	Emission Limitations
219.782	Alternative Control Requirements
219.784	Equipment Specifications
219.786	Surface Preparation Materials
219.787	Work Practices
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

Section	
219.890	Applicability
219.891	Emission Limitations and Control Requirements
219.892	Testing and Monitoring Requirements
219.894	Recordkeeping and Reporting Requirements

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section

219.900	Applicability
219.901	Emission Limitations and Control Requirements
219.902	Testing Requirements
219.903	Monitoring Requirements
219.904	Recordkeeping and Reporting Requirements

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section

219.920	Applicability
219.923	Permit Conditions
219.926	Control Requirements
219.927	Compliance Schedule
219.928	Testing

SUBPART QQ: MISCELLANEOUS FORMULATION
MANUFACTURING PROCESSES

Section

219.940	Applicability
219.943	Permit Conditions
219.946	Control Requirements
219.947	Compliance Schedule
219.948	Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

219.960	Applicability
219.963	Permit Conditions
219.966	Control Requirements
219.967	Compliance Schedule
219.968	Testing

SUBPART TT: OTHER EMISSION UNITS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
219.980	Applicability
219.983	Permit Conditions
219.986	Control Requirements
219.987	Compliance Schedule
219.988	Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section	
219.990	Exempt Emission Units
219.991	Subject Emission Units

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, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13676, effective July 27, 2011.

SUBPART A: GENERAL PROVISIONS

Section 219.105 Test Methods and Procedures

- a) **Coatings, Inks and Fountain Solutions**

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

 - 1) **Sampling:** Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken. Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in subsection (a)(3) of this Section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:
 - A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 219.112 of this Part.
 - B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.
 - 2) **Analyses:** The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Method 24 of 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.
- B) Method 24A of 40 CFR 60, appendix Appendix A, incorporated by reference in Section 219.112, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.
- C) The following ASTM methods are the analytical procedures for determining VOM:
- i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 219.112 of this Part.
 - ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 219.112 of this Part.
 - iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 219.112 of this Part.
 - iv) ASTM D 4017-81 (1987): Standard test method for water content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 219.112 of this Part.

- v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 219.112 of this Part.
 - vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 219.112 of this Part.
 - vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 219.112 of this Part.
 - viii) ASTM E 180-85: Standard practice for determining the precision of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.
 - ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 219.112 of this Part.
- D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- 3) Calculations: Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

solutions as applied shall follow the guidance provided in the following documents:

- A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 219.112 of this Part.
 - B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 219.112 of this Part.
 - C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 219.112 of this Part.
- b) Automobile or Light-Duty Truck Test Protocol
- 1) The protocol for testing, including determining the transfer efficiency of coating applicators, at primer surfacer operations and topcoat operations at an automobile or light-duty truck assembly source shall follow the procedures in the following:
 - A) Prior to May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 219.112 of this Part.
 - B) On and after May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations" (topcoat protocol), September 2008, EPA-453/R-08-002, incorporated by reference in Section 219.112 of this Part.
 - 2) Prior to testing pursuant to the applicable topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(E) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

consistent with the applicable topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage that will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.

- c) Capture System Efficiency Test Protocols
 - 1) Applicability

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

 - A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.
 - B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, with the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

following additional restrictions:

- i) The source owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference in Section 219.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alternative multi-day rolling period not to exceed 30 days, with the approval of the Agency and USEPA. In addition, the criteria in subsection (c)(1)(B)(ii) or subsection (c)(1)(B)(iii) below must be met.
 - ii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard, or
 - iii) If the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.
- 2) Capture Efficiency Protocols
The capture efficiency of an emission unit shall be measured using one of the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in appendix M of 40 CFR

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

51, incorporated by reference in Section 219.112 of this Part. Any error margin associated with a test method or protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then an alternative capture efficiency protocol may be used, pursuant to the provisions of Section 219.108(b) of this Part.

- A) Gas/gas method using temporary total enclosure (TTE). The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

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

where:

CE = capture efficiency, decimal fraction;

G_w = mass of VOM captured and delivered to control device using a TTE;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204B or 204C contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain G_w . Method 204D in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w .

- B) Liquid/gas method using TTE. The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w.

- C) Gas/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure, as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part and in which "F_B" and "G" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

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

where:

CE = capture efficiency, decimal fraction;

G = mass of VOM captured and delivered to control device;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204B or 204C contained in appendix M of 40 CFR 51,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 219.112 of this Part is used to obtain G. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

- D) Liquid/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part and in which "F_B" and "L" are measured while operating only the affected line emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

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

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

- E) Mass balance using Data Quality Objective (DQO) or Lower Confidence Limit (LCL) protocol. For a liquid/gas input where an owner or operator is using the DQO/LCL protocol and not using an enclosure as described in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, the VOM content of the liquid input (L) must be determined using Method 204A or 204F in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The VOM content of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the captured gas stream (G) to the control device must be determined using Method 204B or 204C in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The results of capture efficiency calculations (G/L) must satisfy the DQO or LCL statistical analysis methodology as described in Section 3 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 219.112 of this Part. Where capture efficiency testing is done to determine emission reductions for the purpose of establishing emission credits for offsets, shutdowns, and trading, the LCL protocol cannot be used for these applications. In enforcement cases, the LCL protocol cannot confirm non-compliance; capture efficiency must be determined using a protocol under subsection (c)(2)(A), (B), (C) or (D) of this Section, the DQO protocol of this subsection (c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

BOARD NOTE: Where LCL was used in testing emission units that are the subject of later requests for establishing emission credits for offsets, shutdowns, and trading, prior LCL results may not be relied upon to determine the appropriate amount of credits. Instead, to establish the appropriate amount of credits, additional testing may be required that would satisfy the protocol of Section 219.105(c)(2)(A), (B), (C) or (D), the DQO protocol of Section 219.105(c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

- 3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:
 - A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 219.112 of this Part;
 - B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.
- 4) Recordkeeping and Reporting
- A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency within 60 days after the test date. A copy of the results must be kept on file with the source for a period of 3 years.
 - B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.
 - C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol and/or observe testing.
 - D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirement given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, for a PTE during any testing of their control device.
 - E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in appendix M or 40 CFR 51, incorporated by reference in Section 219.112 of this Part, for a TTE during any testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:
- i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part;
 - ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;
 - iii) The quantity of material used for each test run;
 - iv) The quantity of captured VOM for each test run;
 - v) The capture efficiency calculations and results for each test run;
 - vi) The DQO and/or LCL calculations and results; and
 - vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.
- d) Control Device Efficiency Testing and Monitoring
- 1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.
 - 2) An owner or operator:
 - A) That uses an afterburner or carbon adsorber to comply with any Section of Part 219 shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use except as provided in subsection

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:

- i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.
 - ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise across each catalytic afterburner bed or VOM concentration of exhaust.
 - iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.
- B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured, expressed in degrees Celsius or $\pm 0.5^\circ$ C, whichever is greater.
- C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A), shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:
- i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28° C (50° F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.
 - ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more than 28° C (50° F) below the average gas temperature

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.

- iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of a carbon adsorber or performance test for a catalytic afterburner, which determination or test that demonstrated that the operation was in compliance.
- 3) An owner or operator that uses a carbon adsorber to comply with Section 219.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:
- A) The owner or operator notifies in writing the Agency and USEPA, within 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;
 - B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;
 - C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and
 - D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational shall be reported, in writing, to the Agency and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA by January 31 of the following calendar year.

e) Overall Efficiency

- 1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.
- 2) For coating lines which are both chosen by the owner or operator to comply with Section 219.207(a), (d), (e), (f), ~~(g)~~, (l), or (m) of this Part by the alternative in Section 219.207(b)(2) of this Part and meet the criteria allowing them to comply with Section 219.207 instead of Section 219.204 of this Part, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in subsections (c), (d) and (e)(1) of this Section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

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

where:

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

VOM_a = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as applied to the subject coating line as determined by the applicable test methods and procedures specified in subsection (a)(4)(i) of this Part in units of kg VOM/l (lb VOM/gal) of coating solids as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

applied;

VOM₁ = The VOM emission limit specified in Sections 219.204 or 219.205 of this Part in units of kg VOM/1 (lb VOM/gal) of coating solids as applied.

- f) Volatile Organic Material Gas Phase Source Test Methods
The methods in 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part delineated below shall be used to determine control device efficiencies.
- 1) 40 CFR 60, appendix A, Method 18, 25 or 25A, incorporated by reference in Section 219.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 min, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.
 - A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual adsorber vessels.
 - B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.
 - 2) 40 CFR 60, appendix A, Method 1 or 1A, incorporated by reference in Section 219.112 of this Part, shall be used for sample and velocity traverses.
 - 3) 40 CFR 60, appendix A, Method 2, 2A, 2C or 2D, incorporated by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reference in Section 219.112 of this Part, shall be used for velocity and volumetric flow rates.

- 4) 40 CFR 60, appendix A, Method 3, incorporated by reference in Section 219.112 of this Part, shall be used for gas analysis.
 - 5) 40 CFR 60, appendix A, Method 4, incorporated by reference in Section 219.112 of this Part, shall be used for stack gas moisture.
 - 6) 40 CFR 60, appendix A, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by reference in Section 219.112 of this Part, shall be performed, as applicable, at least twice during each test run.
 - 7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:
- 1) Leak Detection Monitoring
 - A) Monitoring shall comply with 40 CFR 60, appendix A, Method 21, incorporated by reference in Section 219.112 of this Part.
 - B) The detection instrument shall meet the performance criteria of Method 21.
 - C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.
 - D) Calibration gases shall be:
 - i) Zero air (less than 10 ppm of hydrocarbon in air); and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.
 - E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.
- 2) When equipment is tested for compliance with no detectable emissions as required, the test shall comply with the following requirements:
- A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section shall apply.
 - B) The background level shall be determined as set forth in Method 21.
- 3) Leak detection tests shall be performed consistent with:
- A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 219.112 of this Part.
 - B) "Portable Instrument User's Manual for Monitoring VOM Sources", EPA-340/1-86-015, incorporated by reference in Section 219.112 of this Part.
 - C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", EPA-450/3-88-010, incorporated by reference in Section 219.112 of this Part.
 - D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008, incorporated by reference in Section 219.112 of this Part.
- h) Bulk Gasoline Delivery System Test Protocol
- 1) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR 60, Subpart XX, section 60.503,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 219.112 of this Part.

- 2) Other tests shall be performed consistent with:
 - A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 219.112 of this Part.
 - B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by reference in Section 219.112 of this Part.
- i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.
- j) Stage II Gasoline Vapor Recovery Test Methods
The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA 450/3-91-022b and incorporated by reference in Section 219.112 of this Part. Specifically, the test methods are as follows:
 - 1) Dynamic Backpressure Test is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.
 - 2) Pressure Decay/Leak Test is a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities.
 - 3) Liquid Blockage Test is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

SUBPART E: SOLVENT CLEANING

Section 219.187 Other Industrial Solvent Cleaning Operations

- a) Applicability. On and after ~~April 1, 2011~~ January 1, 2012:
- 1) Except as provided in subsection (a)(2) of this Section, the requirements of this Section shall apply to all cleaning operations that use organic materials at sources that emit a total of 226.8 kg per calendar month (500 lbs per calendar month)~~6.8 kg/day (15 lbs/day)~~ or more of VOM ~~from cleaning operations at the source~~, in the absence of air pollution control equipment, from cleaning operations at the source other than cleaning operations identified in subsection (a)(2) of this Section. For purposes of this Section, "cleaning operation" means the process of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance or servicing, including but not limited to spray gun cleaning, spray booth cleaning, large and small manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units;
 - 2) Notwithstanding subsection (a)(1) of this Section:
 - A) The following cleaning operations shall be exempt from the requirements of subsections (b), (c), (d), ~~(e)~~, (f), and (g) of this Section:
 - i) Cleaning operations subject to the limitations in Sections 219.182, 219.183, or 219.184;
 - ii) Janitorial cleaning;
 - iii) Stripping of cured coatings, inks, or adhesives, ~~including screen reclamation activities~~;
 - iv) Cleaning operations in printing pre-press areas, including the cleaning of film processors, color scanners, plate processors, film cleaning, and plate cleaning;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

~~ii)~~ Flexible package printing;

~~iii)~~ Lithographic printing;

~~iiii)~~ Letterpress printing;

~~v)~~ Flat wood paneling coating;

~~vi)~~ Large appliance coating;

~~vii)~~ Metal furniture coating;

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

~~ix)~~ Wood furniture coating;

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

~~xi)~~ Plastic parts coating;

~~xii)~~ Miscellaneous metal parts coating;

~~xiii)~~ Fiberglass boat manufacturing;

~~xiv)~~ Miscellaneous industrial adhesives; and

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

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;
- ii) Cleaning conducted as part of performance laboratory tests on coatings, adhesives, or inks; research and development operations; or laboratory tests in quality assurance laboratories;
- iii) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;
- iv) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;
- v) Cleaning of medical device and pharmaceutical manufacturing operations if the facility uses facilities using no more than 5.7 liters (1.5 gallons) per day of solvents for such cleaning;
- vi) Cleaning of adhesive application equipment used for thin metal laminating;
- vii) Cleaning of electronic or electrical cables;
- viii) Touch-up cleaning performed on printed circuit boards where surface mounted devices have already been attached;
- ix) Cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery products using no more than three gallons per day of ethyl acetate;
- x) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings;
- xi) Cleaning of application equipment used to apply solvent-borne fluoropolymer coatings;
- xii) Cleaning of ultraviolet or electron beam adhesive application;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- xiii) Cleaning of sterilization indicating ink application equipment if the facility uses no more than 5.7 liters (1.5 gallons) per day of solvents for such cleaning;
 - xiv) Cleaning of metering rollers, dampening rollers, and printing plates;
 - xv) Cleaning of numismatic dies; and
 - xvi) Cleaning operations associated with digital printing;:-
 - xvii) Cleaning with aerosol products if the facility uses no more than 4.7 liters (1.25 gallons) per day of such products;
 - xviii) Cleaning of plastic-based or vinyl-based substrates for use in the screen printing process when using UV curable ink and coating systems;
 - xix) Cleaning conducted as part of performance tests on coatings, adhesives, or inks that are in research and development and that are not yet commercially used for the applications for which they are being tested. This exemption is limited to the use of up to a total of 90.9 liters (24 gallons) per calendar month and 416.3 liters (110 gallons) of cleaning solvent per calendar year for such cleaning.
- b) Material and Control Requirements. No owner or operator of a source subject to this Section, other than manufacturers of coatings, inks, adhesives, or resins, shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3). No owner or operator of a source that manufactures coatings, inks, adhesives, or resins shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in at least one of the following subsections: (b)(1), (b)(2), (b)(3), (b)(4), or (b)(5).:-
- 1) The VOM content of the as-used cleaning solutions does not exceed the following emissions limitations:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Product cleaning during manufacturing process or surface preparation for coating, adhesive, or ink application:
- | | | kg/l | lb/gal |
|-----|---|------|--------|
| i) | Electrical apparatus components and electronic components | 0.10 | 0.83 |
| ii) | Medical device and pharmaceutical manufacturing | 0.80 | 6.7 |
- B) Repair and maintenance cleaning:
- | | | kg/l | lb/gal |
|------|--|------|--------|
| i) | Electrical apparatus components and electronic | 0.10 | 0.83 |
| ii) | Medical device and pharmaceutical manufacturing: tools, equipment, and machinery | 0.80 | 6.7 |
| iii) | Medical device and pharmaceutical manufacturing: general work surfaces | 0.60 | 5.0 |
- C) Cleaning of ink application equipment:
- | | | kg/l | lb/gal |
|------|---|------|--------|
| i) | Rotogravure printing that does not print flexible packaging | 0.10 | 0.83 |
| ii) | Screen printing, <u>including screen reclamation activities</u> | 0.50 | 4.2 |
| iii) | Ultraviolet ink and electron beam ink application equipment, except screen printing | 0.65 | 5.4 |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|-----|--|------|------|
| iv) | Flexographic printing that does not print flexible packaging | 0.10 | 0.83 |
|-----|--|------|------|
-
- | | | | |
|-----------|--|----------------------------|------------------------------|
| <u>D)</u> | <u>Cleaning of equipment used in the manufacture of coatings, inks, adhesives, or resins</u> | <u>kg/l</u>
<u>0.20</u> | <u>lb/gal</u>
<u>1.67</u> |
|-----------|--|----------------------------|------------------------------|
-
- | | | | |
|-------------|---|---------------|----------------|
| <u>E)D)</u> | All other cleaning operations not subject to a specific limitation in subsections (b)(1)(A) through (b)(1)(<u>DE</u>) of this Section | kg/l
0.050 | lb/gal
0.42 |
|-------------|---|---------------|----------------|
- 2) The VOM composite vapor pressure of each as-used cleaning solution used does not exceed 8.0 mmHg measured at 20°C (68°F); ~~or~~
- 3) An afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 85 percent overall, or for sources that manufacture coatings, inks, adhesives, or resins, an afterburner or carbon adsorber is installed and operated that reduces VOM emissions from the subject cleaning operation by at least 80 percent overall and has a 90 percent efficiency. The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if such device reduces VOM emissions from the subject cleaning operation in accordance with the applicable capture and control requirements of this subsection (b)(3) by at least 85 percent overall, the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for such control device, and such plan is approved by the Agency and USEPA within federally enforceable permit conditions.;
- 4) For sources that manufacture coatings, inks, adhesives, or resins, the owner or operator complies with the following work practices:
- A) Equipment being cleaned is maintained leak-free;
- B) VOM-containing cleaning materials are drained from the cleaned equipment upon completion of cleaning;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) VOM-containing cleaning materials, including waste solvent, are not stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and
 - D) VOM-containing cleaning materials are stored in closed containers;
- 5) Sources that manufacture coatings, inks, adhesives, or resins may utilize solvents that do not comply with subsection (b)(1) or (b)(2) of this Section provided that all of the following requirements are met:
 - A) No more than 228 l (60 gal) of fresh solvent is used per calendar month. Solvent that is reused or recycled, either onsite or offsite, for further use in equipment cleaning or in the manufacture of coatings, inks, adhesives, or resins, shall not be included in this limit;
 - B) Solvents, including cleanup solvents, are collected and stored in closed containers; and
 - C) Records are maintained in accordance with subsection (e)(6).
- c) The owner or operator of a subject source shall demonstrate compliance with this Section by using the applicable test methods and procedures specified in subsection (g) of this Section and by complying with the recordkeeping and reporting requirements specified in subsection (e) of this Section.
- d) Operating Requirements. The owner or operator of a source subject to the requirements of this Section shall comply with the following for each subject cleaning operation. Such requirements are in addition to work practices set forth in subsections (b)(4) and (b)(5) of this Section, as applicable:
 - 1) Cover open containers and properly cover and store applicators used to apply cleaning solvents;
 - 2) Minimize air circulation around the cleaning operation;
 - 3) Dispose of all used cleaning solutions, cleaning towels, and applicators used to apply cleaning solvents in closed containers;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Utilize equipment practices that minimize emissions;:-
 - 5) When using cleaning solvent for wipe cleaning, sources that manufacture coatings, inks, adhesives, or resins shall:
 - A) Cover open containers used for the storage of spent or fresh organic compounds used for cleanup or coating, ink, adhesive, or resin removal; and
 - B) Cover open containers used for the storage or disposal of cloth or paper impregnated with organic compounds that are used for cleanup or coating, ink, adhesive, or resin removal.
- e) Recordkeeping and Reporting Requirements
- 1) The owner or operator of a source exempt from the limitations of this Section because of the criteria in subsection Section 219.187(a)(1) of this Section~~Subpart~~ shall comply with the following:
 - A) By ~~January 1, 2012~~April 1, 2011, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - i) A declaration that the source is exempt from the requirements of this Section because of the criteria in subsection Section 219.187(a)(1);
 - ii) Calculations that demonstrate that combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, never equal or exceed 226.8 kg/month (500 lbs/month)6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. An emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is demonstrated to be less than 10 mmHg at 20°C (68°F) and the used shop towels are kept in closed containers. For cleaning solutions with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

VOM composite vapor pressure of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor shall be used;

- B) On and after January 1, 2012, collect and record the following information each month for each cleaning operation, other than cleaning operations identified in subsection (a)(2) of this Section:
- i) The name and identification of each VOM-containing cleaning solution as applied in each cleaning operation;
 - ii) The VOM content of each cleaning solution as applied in each cleaning operation;
 - iii) The weight of VOM per volume and the volume of each as-used cleaning solution; and
 - iv) The total monthly VOM emissions from cleaning operations at the source;
- C)B) Notify the Agency of any record that shows that the combined emissions of VOM from cleaning operations at the source, other than cleaning operations identified in subsection (a)(2) of this Section, ever equal or exceed 226.8 kg/month (500 lbs/month)6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.

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

- A) By January 1, 2012~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
- i) A declaration that all subject cleaning operations are in compliance with the requirements of this Section;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) Identification of each subject cleaning operation and each VOM-containing cleaning solution used as of the date of certification in such operation;
 - iii) If complying with the emissions control system requirement, what type of emissions control system will be used;
 - iv) Initial documentation that each subject cleaning operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - v) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - vi) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in subsection Section 219.187(d), and, if applicable, subsection (b)(4); and
 - vii) A description of each cleaning operation exempt pursuant to subsection Section 219.187(a)(2), if any, and a listing of the emission units on which the exempt cleaning operation is performed;
- B) At least 30 calendar days before changing the method of compliance between subsections (b)(1), ~~or (b)(2)~~, (b)(4), or (b)(5) and subsection (b)(3) of this Section, notify the Agency in writing of such change. The notification shall include a demonstration of compliance with the newly applicable subsection;
- 3) All sources complying with this Section pursuant to the requirements of subsection (b)(1) of this Section shall collect and record the following information for each cleaning solution used:
- A) For each cleaning solution that is prepared at the source with automatic equipment:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) The name and identification of each cleaning solution;
 - ii) The VOM content of each cleaning solvent in the cleaning solution;
 - iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) Date, time of preparation, and each subsequent modification of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are not prepared at the site but are used as purchased, the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;

- 4) All sources complying with this Section pursuant to the requirements of subsection (b)(2) of this Section shall collect and record the following information for each cleaning solution used:
 - A) The name and identification of each cleaning solution;
 - B) Date, time of preparation, and each subsequent modification of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;
 - D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;

- 5) All sources complying with this Section pursuant to the requirements of subsection (b)(3) of this Section shall comply with the following:
 - A) By ~~January 1, 2012~~~~April 1, 2011~~, or upon initial start-up of the source, whichever is later, and upon initial start-up of a new emissions control system, include in the certification required by subsection (e)(3) of this Section a declaration that the monitoring equipment required under ~~subsection~~ ~~Section 219.187~~(f) of this ~~Section~~~~Subpart~~ has been properly installed and calibrated according to manufacturer's specifications;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) If testing of an emissions control system is conducted pursuant to subsection Section 219.187(g) of this SectionSubpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
- i) A declaration that all tests and calculations necessary to demonstrate compliance with subsection Section 219.187(b)(3) of this SectionSubpart have been properly performed;
 - ii) A statement whether the subject cleaning operation is or is not in compliance with subsection Section 219.187(b)(3) of this SectionSubpart; and
 - iii) The operating parameters of the emissions control system during testing, as monitored in accordance with subsection Section 219.187(f) of this SectionSubpart;
- C) Collect and record daily the following information for each cleaning operation subject to the requirements of subsection Section 219.187(b)(3) of this SectionSubpart:
- i) Emissions control system monitoring data in accordance with subsection Section 219.187(f) of this SectionSubpart, as applicable;
 - ii) A log of operating time for the emissions control system, monitoring equipment, and associated cleaning equipment;
 - iii) A maintenance log for the emissions control system and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
- D) Maintain records documenting the use of good operating practices consistent with the equipment manufacturer's specifications for the cleaning equipment being used and the emissions control system equipment. At a minimum, these records shall include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) Records for periodic inspection of the cleaning equipment and emissions control system equipment with date of inspection, individual performing the inspection, and nature of inspection;
 - ii) Records for repair of malfunctions and breakdowns with identification and description of incident, date identified, date repaired, nature of repair, and the amount of VOM released into the atmosphere as a result of the incident;
- 6) All sources complying with this Section pursuant to the requirements of subsection (b)(5) of this Section shall collect and record monthly the following information for each cleaning operation subject to the requirements of subsection (b)(5) of this Section:
- A) The name, identification, and volume of each VOM-containing cleaning solution as applied in each cleaning operation;
 - B) The volume of each fresh cleaning solvent used for cleaning coating, ink, adhesive, or resin manufacturing equipment;
 - C) The volume of cleaning solvent recovered for either offsite or onsite reuse or recycling for further use in the cleaning of coating, ink, adhesive, or resin manufacturing equipment;
- 7) The owner or operator of a source with cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(v), (a)(2)(C)(xiii) or (a)(2)(C)(xvii), including sources exempt from the limitations of this Section because of the criteria in subsection (a)(1), shall:
- A) By January 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes a declaration that the source has cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(v), (a)(2)(C)(xiii) or (a)(2)(C)(xvii), and a statement identifying each such cleaning operation and the exclusion applicable to each cleaning operation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Collect and record the name, identification, and volume of each cleaning solvent as applied each day in each cleaning operation that falls under one or more of the exclusions set forth in subsection (a)(2)(C)(v), (a)(2)(C)(xiii), or (a)(2)(C)(xvii); and
- C) Notify the Agency in writing if the amount of cleaning solvent used in the cleaning of medical device and pharmaceutical manufacturing operations or of sterilization indicating ink application equipment at the source ever exceeds 5.7 liters (1.5 gallons) per day, or if the amount of aerosol cleaning products used at the source ever exceeds 4.7 liters (1.25 gallons) per day, within 30 days after the exceedance occurs;
- 8) The owner or operator of a source with cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(xviii) or (a)(2)(C)(xix), including sources exempt from the limitations of this Section because of the criteria in subsection (a)(1), shall:
- A) By January 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes a declaration that the source has cleaning operations that fall under one or more of the exclusions set forth in subsection (a)(2)(C)(xviii) or (a)(2)(C)(xix), and a statement identifying each such cleaning operation and the exclusion applicable to each cleaning operation;
- B) Collect and record the name identification, volume, and VOM content of each cleaning solvent as applied each month in each cleaning operation that falls under one or more of the exclusions set forth in subsection (a)(2)(C)(xviii) or (a)(2)(C)(xix);
- C) For cleaning operations that fall under the exclusion set forth in subsection (a)(2)(C)(xviii), collect and record each month information demonstrating that the exempt cleaning solvent is being used exclusively for the cleaning of plastic-based or vinyl-based substrates for use in the screen printing process when using UV curable ink and coating systems; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D) For cleaning operations that fall under the exclusion set forth in subsection (a)(2)(C)(xix), collect and record each month information demonstrating that the exempt cleaning solvent is being used exclusively for production line performance testing of coatings that are in research and development and are not yet commercially used for the applications for which they are being tested;

9)6) All sources subject to the requirements of subsections (b) and (d) of this Section shall notify the Agency of any violation of subsection (b) or (d) by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation;

10)7) All records required by this subsection (e) shall be retained by the source for at least three years and shall be made available to the Agency upon request.

f) Monitoring Requirements

1) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator of a source subject to ~~subsection~~ Section 219.187(b)(3) of this ~~Section~~ Subpart shall:

A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

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

2) If a carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection (b)(3) shall use Agency and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed or the exhaust of the bed next in sequence to be desorbed;

- 32) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to subsection Section 219.187(b)(3) of this SectionSubpart shall install, maintain, calibrate, and operate such monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to subsection Section 219.187(b)(3).

g) Testing Requirements

- 1) Testing to demonstrate compliance with the requirements of this Section shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Section. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during the testing;
- 2) Testing to demonstrate compliance with the VOM content limitations in subsection Section 219.187(b)(1) of this SectionSubpart, and to determine the VOM content of cleaning solvents and cleaning solutions, shall be conducted as follows:
 - A) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or
 - B) The manufacturer's specifications for VOM content for cleaning solvents may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between a Method

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

24 test and the manufacturer's specifications, the Method 24 test shall govern;

- 3) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part;
- 4) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) shall be used for testing to demonstrate compliance with the requirements of subsection Section 219.187(b)(3) of this SectionSubpart, as follows:
 - A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - C) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - i) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

- 5) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of subsection Section 219.187(b)(3) of this SectionSubpart as set forth in the owner's or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to subsection Section 219.187(b)(3) ~~of this Subpart.~~

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

SUBPART F: COATING OPERATIONS

Section 219.204 Emission Limitations

Except as provided in Sections 219.205, 219.207, 219.208, 219.212, 219.215 and 219.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (a), (c), (g), (h), (j), (l), (n), (o), and (q) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(c) of this Subpart except where noted. (Note: The equation presented in Section 219.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

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

BOARD NOTE: The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surface operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surface limitation.)

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

BOARD NOTE: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation.)

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

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

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

	kg VOM/l coating solids applied	lb VOM/gal coating solids applied
i) When solids turnover ratio (R_T) is greater than or equal to 0.160	0.084	(0.7)
ii) When R_T is greater than or equal to 0.040 and less than 0.160	$0.084 \times 350^{0.160-R_T}$	$(0.084 \times 350^{0.160-R_T} \times 8.34)$

B)	Primer surfacer operations	kg VOM/l coating solids deposited	lb VOM/gal coating solids deposited
----	----------------------------	--	---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|-----|---|--|---|
| i) | VOM content limitation | 1.44 | (12.0) |
| ii) | Compliance with the limitation set forth in subsection (a)(2)(B)(i) shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surfacer limitation. | | |
| C) | Topcoat operations | kg VOM/l
coating
solids
deposited | lb VOM/gal
coating solids
deposited |
| i) | VOM content limitation | 1.44 | (12.0) |
| ii) | Compliance with the limitation set forth in subsection (a)(2)(C)(i) shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the topcoat limitation. | | |
| D) | Combined primer surfacer and topcoat operations | kg VOM/l | lb VOM/gal |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	coating solids deposited	coating solids deposited
i) VOM content limitation	1.44	(12.0)
ii) Compliance with the limitation set forth in subsection (a)(2)(D)(i) shall be based on the daily-weighted average from the combined primer surfacer and topcoat operations. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the combined primer surfacer and topcoat limitation.		
E) Final repair coat operations	kg/l coatings	lb/gal coatings
i) VOM content limitation	0.58	(4.8)
ii) Compliance with the final repair operations limitation set forth in subsection (a)(2)(E)(i) shall be on an occurrence-weighted average basis, calculated in accordance with the equation below, in which clear coatings shall have a weighting factor of 2 and all other coatings shall have a weighting factor of 1. <u>For purposes of this subsection (a)(2)(E)(ii), an "occurrence" is the application of the combination of coatings that constitute a final repair coat for a single automobile or light-duty truck. Section 219.205 does not apply to the final repair coat limitation.</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

where:

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

i = Subscript denoting a specific coating applied.

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

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

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

- F) Miscellaneous Materials. For reactive adhesives subject to this subsection (a)(2)(F), compliance shall be demonstrated in accordance with the methods and procedures set forth in appendix A to Subpart PPPP of 40 CFR 63, incorporated by reference in Section 219.112 of this Part.

	kg/l	lb/gal
i) Glass bonding primer	0.90	(7.51)
ii) Adhesive	0.25	(2.09)
iii) Cavity wax	0.65	(5.42)
iv) Trunk sealer	0.65	(5.42)
v) Deadener	0.65	(5.42)
vi) Gasket/gasket sealing	0.20	(1.67)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		material	
	vii) Underbody coating	0.65	(5.42)
	viii) Trunk interior coating	0.65	(5.42)
	ix) Bedliner	0.20	(1.67)
	x) Weatherstrip adhesive	0.75	(6.26)
	xi) Lubricating wax/compound	0.70	(5.84)
b)	Can Coating	kg/l	lb/gal
	1) Sheet basecoat and overvarnish		
	A) Sheet basecoat	0.34	(2.8)
		0.26*	(2.2)*
	B) Overvarnish	0.34	(2.8)
		0.34	(2.8)*
	2) Exterior basecoat and overvarnish	0.34	(2.8)
		0.25*	(2.1)*
	3) Interior body spray coat		
	A) Two piece	0.51	(4.2)
		0.44*	(3.7)*
	B) Three piece	0.51	(4.2)
		0.51*	(4.2)*
	4) Exterior end coat	0.51	(4.2)
		0.51*	(4.2)*
	5) Side seam spray coat	0.66	(5.5)
		0.66*	(5.5)*
	6) End sealing compound coat	0.44	(3.7)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		0.44*	(3.7)*
c)	Paper Coating		
	1) Prior to May 1, 2011:	kg/l 0.28	lb/gal (2.3)
	2) On and after May 1, 2011:	kg VOM/kg (lb VOM/lb) solids applied	kg VOM/kg (lb VOM/lb) coatings applied
	A) Pressure sensitive tape and label surface coatings	0.20	(0.067)
	B) All other paper coatings	0.40	(0.08)
	3) The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.		
d)	Coil Coating	kg/l 0.31 0.20*	lb/gal (2.6) (1.7)*
e)	Fabric Coating	0.35 0.28*	(2.9) (2.3)*
f)	Vinyl Coating	0.45 0.28*	(3.8) (2.3)*
g)	Metal Furniture Coating		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
3)	On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.		
h)	Large Appliance Coating		
1)	Prior to May 1, 2011:	kg/l	lb/gal
	A) Air dried	0.34	(2.8)
	B) Baked	0.28	(2.3)
2)	On and after May 1, 2011:	kg/l (lb/gal)	kg/l (lb/gal) solids applied
	A) General, One Component	0.275 (2.3)	0.40 (3.3)
	B) General, Multi-Component		
	i) Air dried	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.275 (2.3)	0.40 (3.3)
	C) Extreme High Gloss		
	i) Air dried	0.340	0.55

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		(2.8)	(4.5)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
D)	Extreme Performance		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
E)	Heat Resistant		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360	0.61
3)	The limitations set forth in this subsection (h) shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period. On and after May 1, 2011, these limitations shall also not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

i)	Magnet Wire Coating	kg/l	lb/gal
		0.20	(1.7)
		0.20*	(1.7)*
j)	Prior to May 1, 2012: Miscellaneous Metal Parts and Products Coating		
1)	Clear coating	0.52	(4.3)
		0.52*	(4.3)*
2)	Extreme performance coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.42	(3.5)
		0.40*	(3.3)*
3)	Steel pail and drum interior coating	0.52	(4.3)
		0.52*	(4.3)*
4)	All other coatings		
A)	Air dried	0.42	(3.5)
		0.40*	(3.3)*
B)	Baked	0.36	(3.0)
		0.34*	(2.8)*
5)	Metallic Coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.36	(3.0)
		0.36	(3.0)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 6) For purposes of subsection (j)(5) of this Section, "metallic coating" means a coating which contains more than $\frac{1}{4}$ lb/gal of metal particles, as applied.

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

k)	Heavy Off-Highway Vehicle Products Coating	kg/l	lb/gal
	1) Extreme performance prime coat	0.42	(3.5)
		0.42*	(3.5)*
	2) Extreme performance topcoat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
	3) Final repair coat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
	4) All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j).		
l)	Wood Furniture Coating		
	1) Limitations before March 15, 1998:	kg/l	lb/gal
	A) Clear topcoat	0.67	(5.6)
	B) Opaque stain	0.56	(4.7)
	C) Pigmented coat	0.60	(5.0)
	D) Repair coat	0.67	(5.6)
	E) Sealer	0.67	(5.6)
	F) Semi-transparent stain	0.79	(6.6)
	G) Wash coat	0.73	(6.1)

BOARD NOTE: Prior to March 15, 1998, an owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

- 2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (1)(2)(A) through (E):

		kg VOM/kg solids	lb VOM/lb solids
A)	Topcoat	0.8	(0.8)
B)	Sealers and topcoats with the following limits:		
	i) Sealer other than acid-cured alkyd amino vinyl sealer	1.9	(1.9)
	ii) Topcoat other than acid-cured alkyd amino conversion varnish topcoat	1.8	(1.8)
	iii) Acid-cured alkyd amino vinyl sealer	2.3	(2.3)
	iv) Acid-cured alkyd amino conversion varnish topcoat	2.0	(2.0)
C)	Meet the provisions of Section 219.215 of this Subpart for use of an averaging approach;		
D)	Achieve a reduction in emissions equivalent to the requirements of subsection (1)(2)(A) or (B) of this Section, as calculated using Section 219.216 of this Subpart; or		
E)	Use a combination of the methods specified in subsections (1)(2)(A) through (D) of this Section.		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

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

- A) No source subject to the limitations of subsection (1)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied.
- B) Any source subject to the limitations of subsection (1)(2) or (3) of this Section shall comply with the requirements of Section 219.217 of this Subpart.
- C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coaters, shall for each continuous coater, use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:
- i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	ii)	Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added; and		
	iii)	Maintain these records at the source for a period of three years.		
m)		Prior to May 1, 2012: Plastic Parts Coating: Automotive/Transportation	kg/l	lb/gal
	1)	Interiors		
		A) Baked		
		i) Color coat	0.49*	(4.1)*
		ii) Primer	0.46*	(3.8)*
		B) Air dried		
		i) Color coat	0.38*	(3.2)*
		ii) Primer	0.42*	(3.5)*
	2)	Exteriors (flexible and non-flexible)		
		A) Baked		
		i) Primer	0.60*	(5.0)*
		ii) Primer non-flexible	0.54*	(4.5)*
		iii) Clear coat	0.52*	(4.3)*
		iv) Color coat	0.55*	(4.6)*
		B) Air dried		
		i) Primer	0.66*	(5.5)*
		ii) Clear coat	0.54*	(4.5)*
		iii) Color coat (red & black)	0.67*	(5.6)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

n)		Prior to May 1, 2012: Plastic Parts Coating: Business Machine	kg/l	lb/gal
	1)	Primer	0.14*	(1.2)*
	2)	Color coat (non-texture coat)	0.28*	(2.3)*
	3)	Color coat (texture coat)	0.28*	(2.3)*
	4)	Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.48*	(4.0)*
	5)	Specialty Coatings		
	A)	Soft coat	0.52*	(4.3)*
	B)	Plating resist	0.71*	(5.9)*
	C)	Plating sensitizer	0.85*	(7.1)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

- o) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:
 - 1) 0.25 kg VOM/l of coatings (2.1 lb VOM/gal coatings); or
 - 2) 0.35 kg VOM/l solids (2.9 lb VOM/gal solids).

BOARD NOTE: The Board has omitted subsection (p) and adopted a subsection (q) in order to preserve consistent labeling with similar requirements in 35 Ill. Adm. Code 218.

- q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2012. On and after May 1, 2012, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations in this subsection (q). The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing. Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.
 - 1) Metal Parts and Products. For purposes of this subsection (q)(1), "corrosion resistant basecoat" means a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. ~~Also for purposes of this subsection (q)(1), "marine engine coating" means any extreme performance protective, decorative, or functional coating applied to an engine that is used to propel watercraft.~~ The limitations in this subsection (q)(1) shall not apply to stencil coats, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating. The limitations in Section 219.219, however, shall apply to these coatings unless specifically excluded in Section 219.219.

kg VOM/l	lb VOM/gal
coating	coating
solids	solids
applied	applied

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	ii) Baked	0.36 (3.0)	0.61 (5.06)
H)	Heat-resistant coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
I)	High performance architectural coating	0.4274 (3.562)	0.80456 (6.67380)
J)	High temperature coating	0.42 (3.5)	0.80 (6.67)
K)	Metallic coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)
L)	Military specification coating		
	i) Air dried	0.34 (2.8)	0.54 (4.52)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
M)	Mold-seal coating	0.42 (3.5)	0.80 (6.67)
N)	Pan backing coating	0.42 (3.5)	0.80 (6.67)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

O)	Prefabricated architectural coating: multi-component		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
P)	Prefabricated architectural coating: one-component		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.28 (2.3)	0.40 (3.35)
Q)	Pretreatment coating	0.42 (3.5)	0.80 (6.67)
R)	Repair coats and touch-up coatings		
	i) Air dried	0.42 (3.5)	
	ii) Baked	0.36 (3.01)	
S)	Silicone release coating	0.42 (3.5)	0.80 (6.67)
T)	Solar-absorbent coating		
	i) Air dried	0.42 (3.5)	0.80 (6.67)
	ii) Baked	0.36 (3.0)	0.61 (5.06)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(3.0) (5.06)

| ~~AACC~~) Electrical switchgear compartment coatingsi) Air dried 0.42 0.80
(3.5) (6.67)ii) Baked 0.36 0.61
(3.0) (5.06)| ~~BBDD~~) All other coatingsi) Air dried 0.40 0.73
(3.3) (5.98)ii) Baked: primer/topcoat 0.34 0.54
(2.8) (4.52)

- 2) Plastic Parts and Products: Miscellaneous. For purposes of this subsection (q)(2), miscellaneous plastic parts and products are plastic parts and products that are not subject to subsection (q)(3), (q)(4), (q)(5), or (q)(6) of this Section. The limitations in subsection (q)(2) shall not apply to touch-up and repair coatings; stencil coats applied on clear or transparent substrates; clear or translucent coatings; coatings applied at a paint manufacturing facility while conducting performance tests on the coatings; any individual coating category used in volumes less than 189.2 liters (50 gallons) in any one calendar year, if the total usage of all such coatings does not exceed 756.9 liters (200 gallons) per calendar year per source and substitute compliant coatings are not available; reflective coatings applied to highway cones; mask coatings that are less than 0.5 mm thick (dried) if the area coated is less than 25 square inches; electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices if the total usage of all such coatings does not exceed 378.4 liters (100 gallons) per calendar year per source. The limitations in Section 219.219, however, shall apply to such coatings unless specifically excluded in Section 219.219.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

C)	Low bake/air dried coatings – interior parts		
	i) Color coat	0.38 (3.2)	0.67 (5.66)
	ii) Primer	0.42 (3.5)	0.80 (6.67)
D)	Touchup and repair coatings	0.62 (5.2)	2.13 (17.72)
E)	Specialty		
	i) Vacuum metallizing basecoats, texture basecoats	0.66 (5.5)	2.62 (21.8)
	ii) Reflective argent coatings, air bag cover coatings, and soft coatings	0.71 (5.9)	3.64 (29.7)
	iii) Vacuum Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77 (6.4)	6.06 (49.1)
	iv) Stencil coats, adhesion primers, ink pad coatings, electrostatic prep coats, and resist coats	0.82 (6.8)	(11.67) (89.4)
	v) Head lamp lens coating	0.89 (7.4)	
F)	Red, yellow, and black coatings: Subject coating lines shall comply with a limit determined by multiplying the appropriate limit in subsections (q)(3)(A) through (q)(3)(CE) of this Section by 1.15.		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Plastic Parts and Products: Business Machine. The limitations of this subsection (q)(4) shall not apply to vacuum metallizing coatings, gloss reducers, texture topcoats, adhesion primers, electrostatic preparation coatings, stencil coats, and resist coats other than plating resist coats. The limitations in Section 219.219, however, shall apply to such coatings unless specifically excluded in Section 219.219.

	kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A) Primers	0. 35 ¹⁴ (2.9 ^{1.2})	0. 57 ¹⁷ (4.80 ^{1.4})
B) Topcoat	0.35 (2.9)	0.57 (4.80)
C) Color coat (texture coat)	0.28 (2.3)	0.40 (4.80)
D) Color coat (non-texture coat)	0.28 (2.3)	0.40 (4.80)
E) Texture coats other than color texture coats	0.35 (2.9)	0.57 (4.80)
F) EMI/RFI shielding coatings	0.48 (4.0)	1.05 (8.76)
G) Fog coat	0.26 (2.2)	0.38 (3.14)
H) Touchup and repair	0.35 (2.9)	0.57 (4.80)
I) Specialty coatings		
i) Soft coat	0. 52 (4.3)	1. 24 (10.34)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ii) Plating resist	0.71 (5.9)	3.64 (29.7)
iii) Plating sensitizer	0.85 (7.1)	(23.4) (201.0)

5) Pleasure Craft Surface Coatings

	kg/l (lb/gal) coatings	kg/l (lb/gal) solids
A) Extreme high gloss coating – topcoat	0.60 0.49 (5.0)(4.1)	1.88 1.10 (15.6)(9.2)
B) High gloss coating – topcoat	0.42 (3.5)	0.80 (6.7)
C) Pretreatment wash primer	0.78 (6.5)	6.67 (55.6)
D) Finish primer surfacer	0.42 (3.5)	0.80 (6.7)
	<u>Prior to January 1, 2014</u>	<u>0.60</u> (5.0)
	<u>0.60</u> (5.0)	<u>1.88</u> (15.6)
	<u>On and after January 1, 2014</u>	<u>0.42</u> (3.5)
	<u>0.42</u> (3.5)	<u>0.80</u> (6.7)
E) High build primer/surfacer	0.34 (2.8)	0.55 (4.6)
F) Aluminum substrate antifoulant coating	0.56 (4.7)	1.53 (12.8)
G) Other substrate antifoulant coating	0.40 0.33 (3.3)(2.8)	0.73 0.53 (5.8)(4.4)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>H)</u>	<u>Antifouling Sealer/Tie Coat</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
-----------	------------------------------------	-----------------------------	-----------------------------

<u>I</u> H)	All other pleasure craft surface coatings for metal or plastic	0.42 (3.5)	0.80 (6.7)
-------------	--	---------------	---------------

6) Motor Vehicle Materials

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

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.207 Alternative Emission Limitations

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Any owner or operator of a coating line subject to Section 219.204 of this Subpart, except coating lines subject to Section 219.204(q)(6), may comply with this Section, rather than with Section 219.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 219.105 of this Part and the recordkeeping and reporting requirements specified in Section 219.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 219.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m) of this Section may be used as an alternative to compliance with Section 219.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. ~~The owner or operator of a pleasure craft surface coating operation subject to Section 219.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (n) of this Section, rather than with Section 219.204 of this Subpart.~~
- b) Alternative Add-On Control Methodologies
- 1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency; or
 - 2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 219.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:
 - A) Obtain the emission limitation from the appropriate subsection in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 219.204 of this Subpart;

- B) Unless complying with an emission limitation in Section 219.204 that is already expressed in terms of weight of VOM per volume of solids, calculate "S" according to the equation in Section 219.206 of this Subpart. For coating lines subject to an emission limitation in Section 219.204 that is already expressed in terms of weight of VOM per volume of solids, "S" is equal to such emission limitation;
- C) Calculate the overall efficiency required according to Section 219.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 219.105(e)(2) of this Part, VOM_1 is equal to the value of "S" as determined in subsection (b)(2)(B) of this Section. If the coating line is subject to complying with an emission limitation in Section 219.204 of this Subpart that is already expressed in terms of weight of VOM per volume of solids, VOM_1 is equal to that emission limitation.
- c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 219.204(a)(1)(A), (a)(1)(D), (a)(2)(A), (a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), or (i) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 219.204(a)(1)(B) (a) (1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) or (b)(1)(B), as applicable.
- d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- e) No owner or operator of a heavy off-highway vehicle products coating line that

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

- f) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 219.204(l) of this Subpart must also be met.
- g) No owner or operator of a can coating line equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (g)(1) or (g)(2) of this Section are met.
- 1) An alternative daily emission limitation for the can coating operation, i.e., for all of the can coating lines at the source, shall be determined according to Section 219.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

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

where:

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

i = Subscript denoting the specific coating applied;

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

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

- 2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.
- h) No owner or operator of a plastic parts coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- i) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- j) Prior to May 1, 2011, no owner or operator of a large appliance coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

- k) On and after May 1, 2011, no owner or operator of a paper coating line, metal furniture coating line, or large appliance coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator complies with the applicable limitation set forth in Section 219.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.
- l) No owner or operator of a flat wood paneling coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.
- m) On and after May 1, 2011, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts and products coating line, or pleasure craft surface coating line that is equipped with a capture system and control device shall operate the subject coating line unless:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator of the coating line complies with all requirements set forth in subsection (b)(2) of this Section.
- n) ~~Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations. The owner or operator of a source with coating operations subject to the requirements of Section 219.204(q)(5)(A) through (G) may elect to include such~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative and coating operations subject to Section 219.204(q)(5)(H), shall comply with the requirements in Section 219.204(q)(5) or 219.205, or subsection (m) of this Section, as applicable, as well as with all other applicable requirements in this Subpart.~~

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

~~Equation 1:~~

$$\del{VOM}_{Allowable} = \sum_{i=A}^G LIM_i V_i$$

~~where:~~

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

~~LIM_i = The applicable VOM content limit for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.~~

~~V_i = Volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.~~

~~i = Subscript denoting a specific pleasure craft coating~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~category from Section 219.204(q)(5)(A) through (G).~~

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

~~Equation 2:~~

$$\del{VOM}_{Actual} = \sum_{i=A}^G VOM_i V_i$$

~~where:~~

~~VOM_{Actual} = VOM emissions calculated using the VOM content for all coatings from Section 219.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.~~

~~VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.~~

~~V_i = Total volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.~~

~~i = Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).~~

- 3) ~~For purposes of Equation 2, the owner or operator of a source subject to this subsection (n) shall use Equation 3 to calculate the weighted average~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~VOM content for each coating included in the emissions average for the previous 12 months.~~

Equation 3:

$$VOM_i = \frac{\sum_{j=1}^n VOM_j V_j}{\sum_{j=1}^n V_j}$$

where:

- ~~VOM_i = Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.~~
- ~~VOM_j = VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i.~~
- ~~V_i = Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.~~
- ~~i = Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).~~
- ~~j = Subscript denoting a specific pleasure craft coating within a specified coating category, i.~~
- ~~n = Number of coatings applied within a specific coating category, i.~~

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 219.211 Recordkeeping and Reporting

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line that is exempt from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) or (b) of this Subpart shall comply with the following:
- 1) For sources exempt from Section 219.208(a) of this Subpart, by a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 219.208(a) of this Subpart. Such certification shall include:
 - A) A declaration that the coating line is exempt from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart; and
 - B) Calculations that demonstrate that the combined VOM emissions from the coating line and all other coating lines in the same category never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

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

where:

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

m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 219.104 of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Part (because they belong to the same category, e.g., can coating);

j = Subscript denoting an individual coating line;

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

i = Subscript denoting an individual coating;

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

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

- 2) For sources exempt under Section 219.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 219.208(b) of this Subpart. Such certification shall include:
 - A) A declaration that the source is exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart; and
 - B) Calculations that demonstrate that the source meets the criteria of exemption because of Section 219.208(b) of this Subpart.
- 3) For sources exempt under Section 219.208(a) of this Subpart, on and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of lines referenced in this subsection shall

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.
- 4) For sources exempt under Section 219.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.
- 5) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.
- 6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 219.208(b) of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.

- c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart other than Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and complying by means of Section 219.204 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 219.205, Section 219.207, Section 219.215, or Section 219.216 of this Subpart to Section 219.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating as applied on each coating line;
 - B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;
 - D) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line;
 - E) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

solids in each coating, as applicable) as applied each day on each coating line;

- F) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating as applied each day on each coating line;
- G) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, and the solids turnover ratio of the EDP operation, with supporting calculations;
- H) For coating lines subject to the limitations of Section 219.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, and the weight of VOM per volume of the final repair coat as applied ~~each day on each coating line~~, calculated on an occurrence weighted average basis;
- I) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day, unless otherwise specified, for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line;
- B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;
- D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitation of Section 219.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;
- E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating;
- F) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating;
- G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line;
- H) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, certified product data sheets for each coating, and the solid turnover ratio for the EDP operation, calculated on a calendar monthly basis, with supporting calculations;
- I) For coating lines subject to the limitations of Section 219.204(a)(2)(E), the weight of VOM per volume and volume of each coating used in the final repair coat operation, the weight of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

VOM per volume of the final repair coat as applied, calculated on an occurrence weighted average basis ~~applied each day on each coating line, calculated on an occurrence weighted average basis,~~ and certified product data sheets for each coating;

- J) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line, and certified product data sheets for each coating.
- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 219.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1) or; (e)(1) ~~or (i)(1)~~, as applicable. Upon changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d) or; (e) ~~or (i)~~ of this Section, as applicable.
- d) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of Section 219.205 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 219.204 or Section 219.207 to Section 219.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.205 on and after a date consistent with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

- A) The name and identification number of each coating line which will comply by means of Section 219.205 of this Subpart.
- B) The name and identification number of each coating as applied on each coating line.
- C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
- D) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
- E) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
- F) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.
- G) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- H) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
 - J) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - K) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
 - L) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.
- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line.
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
 - D) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.
- F) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, for each coating, as applied each day on each coating line.
- H) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- I) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 219.104 of this Part.
- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 219.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or, (e)(1); ~~or (i)(1)~~ of this Section, as applicable. Upon changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall comply with all requirements of subsection (c) or, (e), ~~or (i)~~ of this Section, as applicable.

- e) Any owner or operator of a coating line subject to the limitations of Section 219.207 and complying by means of Section 219.207(c), (d), (e), (f), (g), (h), or (k), (l), (m), or (n) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 219.204 or Section 219.205 to Section 219.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.
 - 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 219.207(b)(2) of this Subpart.
 - B) Control device monitoring data.
 - C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
 - D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
 - A) Any record showing violation of Section 219.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
- f) Any owner or operator of a primer surfacer operation or topcoat operation, or combined primer surfacer and topcoat operation, subject to the limitations of Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(C), or (a)(2)(D) of this Subpart shall comply with the following:
 - 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating operation that will comply by means of Section 219.204(a)(1)(B),(a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart and the name and identification number of each coating line in each coating operation.
 - B) The name and identification number of each coating as applied on each coating line in the coating operation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) The transfer efficiency and control efficiency measured for each coating line.
 - E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
 - F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.
 - H) An example format for presenting the records required in subsection (f)(2) of this Section.
- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each topcoat or primer surfacer coating operation and maintain the information at the source for a period of three years:
- A) All information necessary to demonstrate compliance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and to calculate the daily-weighted average VOM emissions from the coating operations in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart including:
 - i) The name and identification number of each coating as applied on each coating operation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
 - B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 219.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 219.204 (a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart within 10 days from the end of the month and maintain this information at the source for a period of three years.
- 4) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:
- A) Any record showing a violation of Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D) of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.
 - B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- g) On and after a date consistent with Section 219.106(c) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.218 of this Subpart shall comply with the following:
- 1) By May 1, 2011, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.218 of this Subpart;
 - 2) Notify the Agency of any violation of Section 219.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- h) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.219 of this Subpart shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes:
 - A) A description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.219 of this Subpart;
 - B) For sources subject to Section 219.219(a)(6), the work practices plan specified in that Section;
 - C) For sources subject to Section 219.219(b)(6), the application methods used to apply coatings on the subject coating line;
 - 2) Notify the Agency of any violation of Section 219.219 of this Subpart by providing a description of the violation and copies of records documenting

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the violation to the Agency within 30 days following the occurrence of the violation; and

- 3) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- i) On and after a date consistent with Section 219.106(d) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 219.217 of this Subpart shall comply with the following:
 - 1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.217(c) and (d) of this Subpart; and
 - 2) Notify the Agency of any violation of Section 219.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.
 - ~~j) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 219.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 219.207(n) of this Subpart shall comply with the following:
 - 1) ~~By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 219.204, 219.205, or 219.207(k) of this Subpart to Section 219.207(n) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207(n) on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.~~~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft coating operation shall:~~
- A) ~~Collect and record the following information each month:~~
 - i) ~~The amount of each pleasure craft surface coating used in each subject coating operation;~~
 - ii) ~~The VOM content of each pleasure craft surface coating used in each subject coating operation;~~
 - iii) ~~Total monthly VOM emissions for all subject pleasure craft surface coating operations;~~
 - B) ~~At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:~~
 - i) ~~The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;~~
 - ii) ~~The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;~~
 - C) ~~Notify the Agency in writing of any violation of the requirements of Section 219.207(n) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;~~
 - D) ~~Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207(n) to Section 219.204, 219.205, or 219.207(m). Upon changing the method of compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable.~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ~~E) Maintain at the source all records required by this subsection (j) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.~~

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.217 Wood Furniture Coating and Flat Wood Paneling Coating Work Practice Standards

- a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.
- b) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (b)(1) through (4) of this Section:
- 1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;
 - 2) For repair coating under the following circumstances:
 - A) The coating materials are applied after the completion of the coating operation; or
 - B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;
 - 3) If the spray gun is aimed and triggered automatically, rather than manually; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) If emissions from the finishing application station are directed to a control device pursuant to Section 219.216 of this Subpart.
- c) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 219.204(l) or (o) of this Subpart shall:
- 1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;
 - 2) Pump or drain all organic solvent used for line cleaning into closed containers;
 - 3) Collect all organic solvent used to clean spray guns in closed containers; and
 - 4) Control emissions from washoff operations by using closed tanks.
- d) Additional cleaning and storage requirements for flat wood paneling coating lines. Every owner or operator of a source subject to the limitations of Section 219.204(o) of this Subpart shall:
- 1) Minimize spills of VOM-containing coatings, thinners, and cleaning materials and clean up spills immediately;
 - 2) Minimize emissions of VOM during the cleaning of storage, mixing, and conveying equipment; and
 - 3) Keep mixing vessels that contain VOM-containing coatings and other VOM-containing materials closed except when specifically in use.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

SUBPART H: PRINTING AND PUBLISHING

Section 219.401 Flexographic and Rotogravure Printing

- a) No owner or operator of a subject flexographic or rotogravure printing line shall apply at any time any coating or ink unless the VOM content does not exceed the limitation specified in either subsection (a)(1) or (a)(2), as applicable.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Compliance with this Section must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) and the recordkeeping and reporting requirements specified in Section 219.404(c) of this Part. As an alternative to compliance with this subsection, a subject printing line may meet the requirements of subsection (b) or (c).

- 1) Prior to August 1, 2010, either:
 - A) Forty percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM); or
 - B) Twenty-five percent VOM by volume of the volatile content in the coating and ink; and
 - 2) On and after August 1, 2010:
 - A) For owners or operators of flexographic or rotogravure printing lines that do not print flexible packaging, either:
 - i) Forty percent VOM by volume of the coating and ink (minus water and any compounds that are specifically exempted from the definition of VOM); or
 - ii) Twenty-five percent VOM by volume of the volatile content in the coating and ink;
 - B) For owners or operators of flexographic or rotogravure printing lines that print flexible packaging, or that print flexible packaging and non-flexible packaging on the same line, either:
 - i) 0.8 kg VOM/kg (0.8 lbs VOM/lb) solids applied; or
 - ii) 0.16 kg VOM/kg (0.16 lbs VOM/lb) inks and coatings applied.
- b) Weighted Averaging Alternative
- 1) Prior to August 1, 2010, no owner or operator of a subject flexographic or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

rotogravure printing line shall apply coatings or inks on the subject printing line unless the weighted average, by volume. VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(1)(A) (as determined by subsection (b)(1)(A)) or subsection (a)(1)(B) (as determined by subsection (b)(1)(B) of this Section). Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Part.

- A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(A) of this Section.

$$VOM_{(i)(A)} = \frac{\sum_{i=1}^n C_i L_i (V_{si} + V_{VOMi})}{\sum_{i=1}^n L_i (V_{si} + V_{VOMi})}$$

where:

- $VOM_{(i)(A)}$ = The weighted average VOM content in units of percent VOM by volume of all coatings and inks (minus water and any compounds that are specifically exempted from the definition of VOM) used each day;
- i = Subscript denoting a specific coating or ink as applied;
- n = The number of different coatings and/or inks as applied each day on a printing line;
- C_i = The VOM content in units of percent VOM by volume of each coating or ink as applied (minus water and any compounds that are specifically exempted from the definition of VOM);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- L_i = The liquid volume of each coating or ink as applied in units of l (gal);
- V_{si} = The volume fraction of solids in each coating or ink as applied;
- V_{VOMi} = The volume fraction of VOM in each coating or ink as applied.

- B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(1)(B) of this Section.

$$VOM_{(i)(B)} = \frac{\sum_{i=1}^n C_i L_i V_{VMi}}{\sum_{i=1}^n L_i V_{VMi}}$$

where:

- $VOM_{(i)(B)}$ = The weighted average VOM content in units of percent VOM by volume of the volatile content of all coatings and inks used each day;
- i = Subscript denoting a specific coating or ink as applied;
- n = The number of different coatings and/or inks as applied each day on a printing line;
- C_i = The VOM content in units of percent VOM by volume of the volatile matter in each coating or ink as applied;
- L_i = The liquid volume of each coating or ink as applied in units of l (gal);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

V_{VMi} = The volume fraction of volatile matter in each coating or ink as applied.

- 2) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that does not print flexible packaging shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(A)(i) (calculated in accordance with the equation in subsection (b)(1)(A)) or (a)(2)(A)(ii) (calculated in accordance with the equation in subsection (b)(1)(B)) of this Section. Compliance with this subsection (b)(2) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Subpart.
- 3) On and after August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, shall apply coatings or inks on the subject printing line unless the weighted average, by weight, VOM content of all coatings and inks as applied each day on the subject printing line does not exceed the limitation specified in either subsection (a)(2)(B)(i) (calculated in accordance with the equation in subsection (b)(3)(A)) or subsection (a)(2)(B)(ii) (calculated in accordance with the equation in subsection (b)(3)(B)) of this Section. Compliance with this subsection (b)(3) shall be demonstrated through the applicable coating or ink analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.404(d) of this Subpart.
- A) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(i) of this Section.

$$VOM_{(A)} = \frac{\sum_{i=1}^n C_i W_i}{\sum_{i=1}^n W_i}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

$VOM_{(A)}$ = The weighted average VOM content in units of kg VOM per kg (lbs VOM per lb) solids of all coatings and inks used each day;

i = Subscript denoting a specific coating or ink as applied;

n = The number of different coatings and/or inks as applied each day on a printing line;

C_i = The VOM content in units of kg VOM per kg (lbs VOM per lb) solids of each coating or ink as applied;

W_i = Weight of solids in each coating or ink, as applied, in units of kg (lb/gal).

- B) The following equation shall be used to determine if the weighted average VOM content of all coatings and inks as applied each day on the subject printing line exceeds the limitation specified in subsection (a)(2)(B)(ii) of this Section.

$$VOM_{(B)} = \frac{\sum_{i=1}^n C_i L_i}{\sum_{i=1}^n L_i}$$

where:

$VOM_{(B)}$ = The weighted average VOM content in units of kg (lbs) VOM per weight in kg (lbs) of all coatings or inks as applied each day;

i = Subscript denoting a specific coating or ink as applied;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- n = The number of different coatings and/or inks as applied each day on each printing line;
- C_i = The VOM content in units of kg (lbs) VOM per weight in kg (lbs) of each coating or ink as applied;
- L_i = The weight of each coating or ink, as applied, in units of kg/lb (lb/gal).

c) Capture System and Control Device Requirements

- 1) Prior to August 1, 2010, no owner or operator of a subject flexographic or rotogravure printing line equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6).

A) One of:)

- i) A carbon adsorption system is used that reduces the captured VOM emissions by at least 90 percent by weight; or
- ii) An incineration system is used that reduces the captured VOM emissions by at least 90 percent by weight; or
- iii) An alternative VOM emission reduction system is used that is demonstrated to have at least a 90 percent control device efficiency, approved by the Agency and approved by USEPA as a SIP revision; and

B) The printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least:

- i) 75 percent where a publication rotogravure printing line is employed; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) 65 percent where a packaging rotogravure printing line is employed; or
 - iii) 60 percent where a flexographic printing line is employed;
- 2) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that does not print flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsection (c)(1)(A)(i), (c)(1)(A)(ii), or (c)(1)(A)(iii), as well as subsections (c)(1)(B), (c)(5), and (c)(6) of this Section;
- 3) On and after August 1, 2010, no owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and that is equipped with a capture system and control device shall operate the subject printing line unless the owner or operator meets the requirements in subsections (c)(5) and (c)(6) of this Section and the capture system and control device provides an overall reduction in VOM emissions of at least:
- A) 65 percent in cases in which a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or
 - B) 70 percent when a subject printing line was first constructed at the subject source prior to March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010; or
 - C) 75 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source prior to January 1, 2010; or
 - D) 80 percent when a subject printing line was first constructed at the subject source on or after March 14, 1995 and utilizes a control device that was first constructed at the subject source on or after January 1, 2010;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) On and after August 1, 2010, the owner or operator of a flexographic or rotogravure printing line that prints flexible packaging and non-flexible packaging on the same line and that is equipped with a control device shall be subject to the requirements of either subsection (c)(1)(B) or (c)(3) of this Section, whichever is more stringent, as well as subsections (c)(5) and (c)(6) of this Section;
- 5) The control device is equipped with the applicable monitoring equipment specified in Section 219.105(d)(2) of this Part and, except as provided in Section 219.105(d)(3) of this Part, the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use; and
- 6) The capture system and control device are operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in Section 219.105(c) of this Part through Section 219.105(f) of this Part and by complying with the recordkeeping and reporting requirements specified in Section 219.404(e) of this Part. The owner or operator of a printing line subject to the requirements in subsection (c)(1)(B) or (c)(2) of this Section that performed all testing necessary to demonstrate compliance with subsection (c)(1)(B) prior to August 1, 2010, is not required to retest pursuant to this subsection (c)(6). The owner or operator of a printing line subject to the requirements in subsection (c)(3) shall perform testing in compliance with this subsection (c)(6), even if the owner or operator already performed such testing prior to August 1, 2010, unless the following conditions are met. Nothing in this subsection (c)(6), however, shall limit the Agency's ability to require that the owner or operator perform testing pursuant to 35 Ill. Adm. Code 201.282:
 - A) On or after May 1, 2000, the owner or operator of the subject printing line performed all testing necessary to demonstrate compliance with subsection (c)(1)(B);
 - B) Such testing also demonstrated an overall control efficiency equal to or greater than the applicable control efficiency requirements in subsection (c)(3);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) The owner or operator submitted the results of such tests to the Agency, and the tests were not rejected by the Agency;
 - D) The same capture system and control device subject to the tests referenced in subsection (c)(6)(A) of this Section is still being used by the subject printing line; and
 - E) The owner or operator complies with all recordkeeping and reporting requirements in Section 219.404(e)(1)(B).
- d) No owner or operator of subject flexographic or rotogravure printing lines that print flexible packaging or print flexible packaging and non-flexible packaging on the same line shall cause or allow VOM containing cleaning materials, including used cleaning towels, associated with the subject flexographic or rotogravure printing lines to be kept, stored, or disposed of in any manner other than in closed containers, or conveyed from one location to another in any manner other than in closed containers or pipes, except when specifically in use.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.404 Recordkeeping and Reporting

- a) The VOM content of each coating and ink and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a printing line which is exempted from any of the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall comply with the following:
 - 1) By a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, by ~~January 1, 2012~~, ~~August 1, 2010~~, the owner or operator of a flexographic and rotogravure printing line to which this subsection (b) is applicable shall certify to the Agency that the flexographic and rotogravure printing line is exempt under the provisions of Section 219.402(a) of this Part. Such certification shall include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) A declaration that the flexographic and rotogravure printing line is exempt from the limitations of the criteria in Section 219.401 because of Section 219.402(a) of this Part; and
- B) Calculations ~~that~~which demonstrate that total maximum theoretical emissions of VOM from all flexographic and rotogravure printing lines at the source never exceed 90.7 Mg (100 tons) per calendar year before the application of capture systems and control devices. Total maximum theoretical emissions of VOM for a flexographic or rotogravure printing source is the sum of maximum theoretical emissions of VOM from each flexographic and rotogravure printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year before the application of capture systems and control devices for each flexographic and rotogravure printing line at the source:

$$E_p = A \times B + 1095 (C \times D \times F)$$

where:

- E_p = Total maximum theoretical emissions of VOM from one flexographic or rotogravure printing line in units of kg/year (lbs/year);
- A = Weight of VOM per volume of solids of the coating or ink with the highest VOM content as applied each year on the printing line in units of kg VOM/l (lbs VOM/gal) of coating or ink solids;
- B = Total volume of solids for all coatings and inks that can potentially be applied each year on the printing line in units of l/year (gal/year). The method by which the owner or operator accurately calculated the volume of each coating and ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lbs VOM/gal) of such material;
- D = The greatest volume of cleanup material or solvent used in any 8-hour period;
- F = The highest fraction of cleanup material or solvent which is not recycled or recovered for offsite disposal during any 8-hour period.
- 2) On and after a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a facility referenced in this subsection shall collect and record all of the following information each year for each printing line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating and ink as applied on each printing line.
- B) The VOM content and the volume of each coating and ink as applied each year on each printing line.
- 3) On and after a date consistent with Section 219.106 of this Part, or, for flexographic or rotogravure printing lines that print flexible packaging or that print flexible packaging and non-flexible packaging on the same line, on and after January 1, 2012, the owner or operator of a facility exempted from the limitations of Section 219.401 of this Part because of the criteria in Section 219.402(a) of this Part shall notify the Agency of any record showing that total maximum theoretical emissions of VOM from all printing lines exceed 90.7 Mg (100 tons) in any calendar year before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.
- c) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(a) of this Part

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall comply with the following:

- 1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance from an existing subject printing line from Section 219.401(b) or Section 219.401(c) to Section 219.401(a) of this Part, the owner or operator of a subject printing line shall certify to the Agency that the printing line will be in compliance with Section 219.401(a) of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 219.401(a)(2)(B) shall certify in accordance with this subsection (c)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:
 - A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content of each coating and ink as applied each day on each printing line.
- 2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(a) of this Part shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating and ink as applied on each printing line.
 - B) The VOM content of each coating and ink as applied each day on each printing line.
- 3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Any record showing violation of Section 219.401(a) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(a) to Section 219.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(a) to Section 219.401(b) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.
- d) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(b) of this Part shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing subject printing line from Section 219.401(a) or (c) to Section 219.401(b) of this Part, the owner or operator of the subject printing line shall certify to the Agency that the printing line will be in compliance with Section 219.401(b) of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, on and after the initial start-up date. The owner or operator of a printing line subject to the requirements in Section 219.401(b)(3) shall certify in accordance with this subsection (d)(1) even if the owner or operator of such line submitted a certification prior to January 1, 2010. Such certification shall include:
 - A) The name and identification number of each printing line which will comply by means of Section 219.401(b) of this Part.
 - B) The name and identification number of each coating and ink available for use on each printing line.
 - C) The VOM content of each coating and ink as applied each day on each printing line.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) The method by which the owner or operator will accurately calculate the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.
- E) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
- F) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.
- 2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 and complying by means of Section 219.401(b) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating and ink as applied on each printing line.
- B) The VOM content and the volume, or weight of solids, as applicable, of each coating and ink as applied each day on each printing line, and on and after January 1, 2012, the weight of each coating or ink.
- C) The daily-weighted average VOM content of all coatings and inks as applied on each printing line.
- 3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 219.401(b) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(b) to Section 219.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(b) to Section 219.401(a) or (c) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.
- e) Any owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(c) of this Part shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or upon initial start-up of a new printing line, or upon changing the method of compliance for an existing printing line from Section 219.401(a) or (b) to Section 219.401(c) of this Part, the owner or operator of the subject printing line shall either:
- A) Perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject printing line will be in compliance with Section 219.401(c) of this Part on and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date; or
- B) If not required to perform such testing pursuant to Section 219.401(c)(6), submit a certification to the Agency that includes:
- i) A declaration that the owner or operator is not required to perform testing pursuant to Section 219.401(c)(6);
- ii) The dates that testing demonstrating compliance with Section 219.401(c)(3) was performed; and
- iii) The dates that the results of such testing were submitted to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, or on and after the initial start-up date, the owner or operator of a printing line subject to the limitations of Section 219.401 of this Part and complying by means of Section 219.401(c) of this Part shall collect and record all of the following information each day for each printing line and maintain the information at the facility for a period of three years:
 - A) Control device monitoring data.
 - B) A log of operating time for the capture system, control device, monitoring equipment and the associated printing line.
 - C) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 219.106 of this Part, or Section 219.403(e), as applicable, the owner or operator of a subject printing line shall notify the Agency in the following instances:
 - A) Any record showing violation of Section 219.401(c) of this Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with Section 219.401 of this Part from Section 219.401(c) to Section 219.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with Section 219.401 of this Part from Section 219.401(c) to Section 219.401(a) or (b) of this Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
- 4) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, the owner or operator of a printing line subject to the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements in Section 219.401(c)(3) or (c)(4) shall submit to the Agency records documenting the date the printing line was constructed at the subject source and the date the control device for such printing line was constructed at the subject source.

- f) Any owner or operator of a flexographic or rotogravure printing line that prints flexible packaging, or that prints flexible packaging and non-flexible packaging on the same line, and that is exempt from the limitations of Section 219.401(d) because of the criteria in Section 219.402(b) shall:
- 1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon modification of a printing line, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the requirements in Section 219.401(d) because of the criteria in Section 219.402(b);
 - B) Calculations that demonstrate that combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with such printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment; ~~and~~
 - 2) On and after January 1, 2012, collect and record the following information each day for each subject printing line:
 - A) The name and identification number of each coating, ink, and cleaning solvent as applied each day on each printing line;
 - B) The VOM content of each coating and ink (measured in weight of VOM per volume of coating or ink, or in weight of VOM per weight of coating or ink) as applied each day on each printing line, and the volume or weight of each coating or ink, as applicable;
 - C) The weight of VOM per volume of each cleaning solvent and the volume of each cleaning solvent used each day on each printing line;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) The total daily emissions of VOM from each printing line (including solvents used for cleanup operations associated with the printing line) and the sum of daily emissions from all subject printing lines at the source; and
- ~~3)2)~~ Notify the Agency in writing if the combined emissions of VOM from all flexographic and rotogravure printing lines (including inks and solvents used for cleanup operations associated with the flexographic and rotogravure lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs.
- g) Any owner or operator of a printing line subject to the limitations of Section 219.401(d) shall:
- 1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, submit a certification to the Agency describing the practices and procedures that the owner or operator will follow to ensure compliance with the limitations of Section 219.401(d); and
 - 2) Notify the Agency of any violation of Section 219.401(d) by sending a description of the violation and copies of records documenting such violations to the Agency within 30 days following the occurrence of the violation.
- h) All records required by subsections (f) and (g) of this Section shall be retained for at least three years and shall be made available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.409 Testing for Lithographic Printing

- a) Testing to demonstrate compliance with the requirements of Section 219.407 of this Subpart shall be conducted by January 1, 2012, unless such testing was conducted on or after May 9, 1995, the test was conducted pursuant to a test method approved by USEPA, the current operating conditions and operating capacity of the press are consistent with the operation of the press during such testing, and the test results were submitted to the Agency. If an owner or operator of a printing line performed such testing prior to May 9, 1995, the owner or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

operator shall either retest pursuant to this Section or submit to the Agency all information necessary to demonstrate that the prior testing was conducted pursuant to a test method approved by USEPA, and that the current operating conditions and operating capacity of the press are consistent with the operation of the press during prior testing. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

- b) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part;
 - 3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;
- 4) Notwithstanding the criteria or requirements in Method 25 that specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);
- 5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and
- 6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 219.407(a)(1)(B) of this Subpart.
- c) Testing to demonstrate compliance with the VOM content limitations in Section 219.407(a)(1)(A), (a)(2), (a)(3) and (a)(4)(A) of this Subpart, and to determine the VOM content of fountain solutions, fountain solution additives, cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 219.411(a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Subpart, as applicable), shall be conducted upon request of the Agency or as otherwise specified in this Subpart, as follows:
- 1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 219.112 of this Part, shall be used to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

demonstrate compliance; or

- 2) The manufacturer's specifications for VOM content for fountain solution additives, cleaning solvents, and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.
- d) Testing to demonstrate compliance with the requirements of Section 219.407(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.407(b) of this Subpart.
- e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.411 Recordkeeping and Reporting for Lithographic Printing

- a) Exempt Units prior to August 1, 2010. An owner or operator of lithographic printing lines exempt from the limitations of Section 219.407 of this Subpart prior to August 1, 2010, because of the criteria in Section 219.405(b) of this Subpart, shall comply with the following:
 - 1) Upon initial start-up of a new lithographic printing line, and upon modification of a lithographic printing line, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the control requirements in Section 219.407 of this Part because of the criteria in Section 219.405(b) of this Subpart;
 - B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

kg/day (100 lbs/day) before the use of capture systems and control devices, as follows:

- i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;
 - ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the tests methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;
 - iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and
 - iv) To determine VOM emissions from fountain solutions and cleaning solvents used on lithographic printing lines at the source, no retention factor is used;
- C) Either a declaration that the source, through federally enforceable permit conditions, has limited its maximum theoretical emissions of VOM from all heatset web offset lithographic printing lines (including solvents used for cleanup operations associated with heatset web offset printing lines) at the source to no more than 90.7 Mg (100 tons) per calendar year before the application of capture

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

systems and control devices or calculations which demonstrate that the source's total maximum theoretical emissions of VOM do not exceed 90.7 Mg/yr (100 tons/yr). Total maximum theoretical emissions of VOM for a heatset web offset lithographic printing source is the sum of maximum theoretical emissions of VOM from each heatset web offset lithographic printing line at the source. The following equation shall be used to calculate total maximum theoretical emissions of VOM per calendar year in the absence of air pollution control equipment for each heatset web offset lithographic printing line at the source:

$$E_p = (R \times A \times B) + (C \times D) + 1095 (F \times G \times H)$$

where:

- E_d = Total maximum theoretical emissions of VOM from one heatset web offset printing line in units of kg/yr (lb/yr);
- A = Weight of VOM per volume of solids of ink with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal) of solids;
- B = Total volume of solids for all inks that can potentially be applied each year on the printing line in units of l/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each ink as applied and the amount that can potentially be applied each year on the printing line shall be described in the certification to the Agency;
- C = Weight of VOM per volume of fountain solution with the highest VOM content as applied each year on the printing line in units of kg/l (lb/gal);
- D = The total volume of fountain solution that can potentially be used each year on the printing line in units of l/yr (gal/yr). The method by which the owner or operator accurately calculated the volume of each

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

fountain solution used and the amount that can potentially be used each year on the printing line shall be described in the certification to the Agency;

- F = Weight of VOM per volume of material for the cleanup material or solvent with the highest VOM content as used each year on the printing line in units of kg/l (lb/gal) of such material;
- G = The greatest volume of cleanup material or solvent used in any 8-hour period;
- H = The highest fraction of cleanup material or solvent that is not recycled or recovered for offsite disposal during any 8-hour period;
- R = The multiplier representing the amount of VOM not retained in the substrate being used. For paper, R = 0.8. For metal, plastic, or other impervious substrates, R = 1.0;
- D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;
- 2) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. Such notification shall include a copy of all records of such event.
- b) Exempt Units on and after August 1, 2010
- 1) Lithographic Printing Lines Exempt pursuant to Section 219.405(c)(2). By August 1, 2010, or upon initial start-up of a new lithographic printing line, whichever is later, and upon modification of a lithographic printing line,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

an owner or operator of lithographic printing lines exempt from the limitations in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(2) of this Subpart shall submit a certification to the Agency that includes the information specified in either subsections (b)(1)(A), (b)(1)(B), and (b)(1)(D) of this Section, or subsections (b)(1)(A) and (b)(1)(C) of this Section, as applicable. An owner or operator complying with subsection (b)(1)(B) shall also comply with the requirements in subsection (b)(1)(E) of this Section. An owner or operator complying with subsection (b)(1)(C) shall also comply with the requirements in subsection (b)(1)(F) of this Section:

- A) A declaration that the source is exempt from the requirements in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(2) of this Subpart;
- B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source do not equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, as follows:
 - i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;
 - ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;
 - iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

- iv) To determine VOM emissions from cleaning solutions used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is demonstrated to be less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

- C) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(C)(i) or (ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days after the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection (b)(1)(C) as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web offset and either nonheatset web offset or sheetfed lithographic printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) The sum of all sheetfed and nonheatset web offset lithographic printing operations at the source: 242.3liters (64 gallons) of cleaning solvent and fountain solution additives, combined; or
 - ii) The sum of all heatset web offset lithographic printing operations at the source: 204.1 kg (450 lbs) of ink, cleaning solvent, and fountain solution additives, combined;
- D) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;
- E) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs. If such emissions of VOM at the source equal or exceed 6.8 kg/day (15 lbs/day) but do not exceed 45.5 kg/day (100 lbs/day), the source shall comply with the requirements in subsection (b)(2) of this Section;
- F) For sources complying with subsection (b)(1)(C) of this Section, comply with the following:
- i) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(C)(i) and (b)(1)(C)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM, and provide such records to the Agency upon request. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

cleaning solvent and fountain solution additive used per calendar month, the volume of each cleaning solvent and fountain solution additive used per calendar month for each sheetfed and nonheatset web offset lithographic printing operation, and the weight of each cleaning solvent, ink, and fountain solution additive used per calendar month for each heatset web offset lithographic printing operation;

- ii) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(C) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs;
- 2) Heatset web offset lithographic printing lines exempt pursuant to Section 219.405(c)(1) but not exempt pursuant to Section 219.405(c)(2). By August 1, 2010, or upon initial start-up of a new heatset web offset lithographic printing line, whichever is later, and upon modification of a heatset web offset lithographic printing line, an owner or operator of heatset web offset lithographic printing lines that are exempt from the limitations in Section 219.407 of this Subpart pursuant to the criteria in Section 219.405(c)(1) of this Subpart, but that are not exempt pursuant to the criteria in Section 219.405(c)(2) of this Subpart, shall submit a certification to the Agency that includes the information specified in subsections (b)(2)(A) through (b)(2)(C) of this Section. Such owner or operator shall also comply with the requirements in subsection (b)(2)(D) of this Section:
- A) A declaration that the source is exempt from the control requirements in Section 219.407 of this Subpart because of the criteria in Section 219.405(c)(1) of this Subpart, but is not exempt pursuant to the criteria in Section 219.405(c)(2) of this Subpart;
 - B) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, as follows (the following methodology shall also be used

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

to calculate whether a source exceeds 45.5 kg/day (100 lbs/day) for purposes of determining eligibility for the exclusions set forth in Section 219.405(c)(3), in accordance with Section 219.411(g)(2)(A)(i):

- i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all lithographic printing lines at the source (including solvents used for cleanup operations associated with the lithographic printing lines) and divide this amount by the number of days during that calendar month that lithographic printing lines at the source were in operation;
- ii) To determine the VOM content of the inks, fountain solution additives and cleaning solvents, the test methods and procedures set forth in Section 219.409(c) of this Subpart shall be used;
- iii) To determine VOM emissions from inks used on lithographic printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;
- iv) To determine VOM emissions from cleaning solvents used on lithographic printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from cleaning solution in shop towels if the VOM composite vapor pressure of such cleaning solution is demonstrated to be less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. For cleaning solutions with VOM composite vapor

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

pressures of equal to or greater than 10 mmHg measured at 20°C (68°F) and for shop towels that are not kept in closed containers, no emission adjustment factor is used;

- C) A description and the results of all tests used to determine the VOM content of inks, fountain solution additives, and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.409(c)(1) of this Subpart;
 - D) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs.
- c) Unless complying with subsections (b)(1)(C) and (b)(1)(F) of this Section, an owner or operator of lithographic printing lines subject to the requirements of subsection (a) or (b) of this Section shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all lithographic printing lines at the source:
- 1) Standard recordkeeping, including the following:
 - A) The name and identification of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;
 - B) A daily record which shows whether a lithographic printing line at the source was in operation on that day;
 - C) The VOM content and the volume of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;
 - D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(with the applicable ink VOM emission adjustment) used at the source, calculated each month; and

- E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable;
- 2) Purchase and inventory recordkeeping, including the following:
- A) The name, identification, and VOM content of each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line, recorded each month;
 - B) Inventory records from the beginning and end of each month indicating the total volume of each fountain solution additive, lithographic ink, and cleaning solvent to be used on any lithographic printing line at the source;
 - C) Monthly purchase records for each fountain solution additive, lithographic ink, and cleaning solvent used on any lithographic printing line at the source;
 - D) A daily record which shows whether a lithographic printing line at the source was in operation on that day;
 - E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each fountain solution additive, cleaning solvent, and lithographic ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section;
 - F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (a)(1)(B), (b)(1)(B), or (b)(2)(B) of this Section, as applicable.
- d) An owner or operator of a heatset web offset lithographic printing line subject to the control requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall comply with the following:

- 1) By August 1, 2010, upon initial start-up of a new printing line, and upon initial start-up of a new control device for a heatset web offset printing line, submit a certification to the Agency that includes the following:
 - A) An identification of each heatset web offset lithographic printing line at the source;
 - B) A declaration that each heatset web offset lithographic printing line is in compliance with the requirements of Section 219.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) or (b) of this Subpart, as appropriate;
 - C) The type of afterburner or other approved control device used to comply with the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart and the date that such device was first constructed at the source;
 - D) The control requirements in Section 219.407(a)(1)(C) or (b)(1) of this Subpart with which the lithographic printing line is complying;
 - E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and
 - F) A declaration that the monitoring equipment required under Section 219.407(a)(1)(D) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;
- 2) If testing of the afterburner or other approved control device is conducted pursuant to Section 219.409(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
 - A) A declaration that all tests and calculations necessary to demonstrate whether the lithographic printing lines are in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

compliance with Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable, have been properly performed;

- B) A statement whether the lithographic printing lines are or are not in compliance with Section 219.407(a)(1)(C) or (b)(1) of this Subpart, as applicable; and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.410(c) or (d) of this Subpart, as applicable;
- 3) Except as provided in subsection (d)(3)(D)(ii) of this Section, collect and record daily the following information for each heatset web offset lithographic printing line subject to the requirements of Section 219.407(a)(1)(C) or (b)(1) of this Subpart:
- A) Afterburner or other approved control device monitoring data in accordance with Section 219.410(c) or (d) of this Subpart, as applicable;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and
 - D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 219.407(a)(1)(B) of this Subpart as follows:
 - i) Prior to August 1, 2010, at least once per 24-hour period while the line is operating; and
 - ii) On and after August 1, 2010, at least once per calendar month while the line is operating;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Notify the Agency in writing of any violation of Section 219.407(a)(1)(C) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;
 - 5) If changing its method of compliance between subsections (a)(1)(C) and (b) of Section 219.407 of this Subpart, certify compliance for the new method of compliance in accordance with subsection (d)(1) of this Section at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 219.407(a)(1)(B), (a)(1)(C), (a)(1)(D) and (a)(1)(E) of this Subpart, or Section 219.407(b) of this Subpart, as applicable.
- e) An owner or operator of a lithographic printing line subject to Section 219.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart shall:
- 1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that fountain solutions used on each lithographic printing line will be in compliance with the applicable VOM content limitation. Such certification shall include:
 - A) Identification of each lithographic printing line at the source, by type, e.g., heatset web offset, non-heatset web offset, or sheet-fed offset;
 - B) Identification of each centralized fountain solution reservoir and each lithographic printing line that it serves;
 - C) A statement that the fountain solution will comply with the VOM content limitations in Section 219.407(a)(1)(A), (a)(2), or (a)(3), as applicable;
 - D) Initial documentation that each type of fountain solution will comply with the applicable VOM content limitations, including copies of manufacturer's specifications, test results, if any, formulation data and calculations;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitation, e.g., a refractometer, hydrometer, conductivity meter, or recordkeeping procedures with detailed description of the compliance methodology; and
 - F) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section.
- 2) Collect and record the following information for each fountain solution:
- A) The name and identification of each batch of fountain solution prepared for use on one or more lithographic printing lines, the lithographic printing lines or centralized reservoir using such batch of fountain solution, and the applicable VOM content limitation for the batch;
 - B) If an owner or operator uses a hydrometer, refractometer, or conductivity meter, pursuant to Section 219.410(b)(1)(B), to demonstrate compliance with the applicable VOM content limit in Section 219.407(a)(1)(A), (a)(2), or (a)(3) of this Subpart:
 - i) The date and time of preparation, and each subsequent modification, of the batch;
 - ii) The results of each measurement taken in accordance with Section 219.410(b) of this Subpart;
 - iii) Documentation of the periodic calibration of the meter in accordance with the manufacturer's specifications, including date and time of calibration, personnel conducting, identity of standard solution, and resultant reading; and
 - iv) Documentation of the periodic temperature adjustment of the meter, including date and time of adjustment, personnel conducting and results;
 - C) If the VOM content of the fountain solution is determined pursuant

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

to Section 219.410(b)(1)(A) of this Subpart, for each batch of as-applied fountain solution:

- i) Date and time of preparation and each subsequent modification of the batch;
 - ii) Volume or weight, as applicable, and VOM content of each component used in, or subsequently added to, the fountain solution batch;
 - iii) Calculated VOM content of the as-applied fountain solution; and
 - iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 219.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit;
- D) If the VOM content of the fountain solution is determined pursuant to Section 219.410(b)(2) of this Subpart, for each setting:
- i) VOM content limit corresponding to each setting;
 - ii) Date and time of initial setting and each subsequent setting;
 - iii) Documentation of the periodic calibration of the automatic feed equipment in accordance with the manufacturer's specifications; and
 - iv) Any other information necessary to demonstrate compliance with the applicable VOM content limits in Section 219.407(a)(1)(A), (a)(2) and (a)(3) of this Subpart, as specified in the source's operating permit.
- E) If the owner or operator relies on the temperature of the fountain solution to comply with the requirements in Section 219.407(a)(1)(A)(ii) or (a)(3)(B) of this Subpart:
- i) The temperature of the fountain solution at each printing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

line, as monitored in accordance with Section 219.410(a);
and

- ii) A maintenance log for the temperature monitoring devices and automatic, continuous temperature recorders detailing all routine and non-routine maintenance performed, including dates and duration of any outages.
- 3) Notify the Agency in writing of any violation of Section 219.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.
- f) For lithographic printing line cleaning operations, an owner or operator of a lithographic printing line subject to the requirements of Section 219.407 of this Subpart shall:
- 1) By August 1, 2010, and upon initial start-up of a new lithographic printing line, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 219.405(c)(3)(C), and the handling of all cleaning materials, will be in compliance with the requirements of Section 219.407(a)(4)(A) or (a)(4)(B) and (a)(5) of this Subpart, and such certification shall also include:
 - A) A statement that the cleaning solution will comply with the limitations in Section 219.407(a)(4);
 - B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - C) A sample of the records that will be kept pursuant to subsection (f)(2) of this Section; and
 - D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;
 - 2) Collect and record the following information for each cleaning solution used on each lithographic printing line:
 - A) For each cleaning solution for which the owner or operator relies

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

on the VOM content to demonstrate compliance with Section 219.407(a)(4)(A) of this Subpart and that is prepared at the source with automatic equipment:

- i) The name and identification of each cleaning solution;
 - ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.409(c) of this Subpart;
 - iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.407(a)(4)(A) of this Subpart, and that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.409(c) of this Subpart;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;
- C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.407(a)(4)(B) of this Subpart:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;
 - iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.409(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

- D) The date, time and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;
- 3) Notify the Agency in writing of any violation of Section 219.407 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.
- g) The owner or operator of lithographic printing lines subject to one or more of the exclusions set forth in Section 219.405(c)(3) shall:
- 1) By August 1, 2010, or upon initial start-up of a new lithographic printing line that is subject to one or more of the exclusions set forth in Section 219.405(c)(3), whichever is later, submit a certification to the Agency that includes either:
 - A) A declaration that the source is subject to one or more of the exclusions set forth in Section 219.405(c)(3) and a statement indicating which such exclusions apply to the source; or
 - B) A declaration that the source will not make use of any of the exclusions set forth in Section 219.405(c)(3);
 - 2) Unless the source has certified in accordance with subsection (g)(1)(B) of this Section that it will not make use of any of the exclusions set forth in Section 219.405(c)(3):
 - A) Collect and record the following information for all lithographic printing lines at the source:
 - i) Calculations that demonstrate that combined emissions of VOM from all lithographic printing lines (including inks,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source never exceed 45.5 kg/day (100 lbs/day) before the use of capture systems and control devices, determined in accordance with the calculations in subsection (b)(2)(B) of this Section;

- ii) The name, identification, and volume of all amount of cleaning materials used per calendar month on lithographic printing lines at the source that does not comply with the cleaning material limitations in Section 219.407(a)(4) of this Subpart;
- B) Notify the Agency in writing if the combined emissions of VOM from all lithographic printing lines (including inks, fountain solutions, and solvents used for cleanup operations associated with the lithographic printing lines) at the source ever exceed 45.5 kg/day (100 lbs/day), before the use of capture systems and control devices, within 30 days after the event occurs;
- 3) If changing from utilization of the exclusions set forth in Section 219.405(c)(3) to opting out of such exclusions pursuant to subsection (g)(1)(B) of this Section, or if there is a change at the source such that the exclusions no longer apply, certify compliance in accordance with subsection (g)(1)(B) of this Section within 30 days after making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the applicable requirements of Section 219.407 of this Subpart;
- 4) If changing from opting out of the exclusions set forth in Section 219.405(c)(3) pursuant to subsection (g)(1)(B) of this Section to utilization of such exclusions, certify compliance in accordance with subsection (g)(1)(A) of this Section within 30 days after making such change.
- h) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) Provisions for Calculation of Emissions from Heatset Web Offset Lithographic Printing Operations. To calculate VOM emissions from heatset web offset lithographic printing operations for purposes other than the applicability thresholds specified in Section 219.405 of this Subpart, sources may use the following emission adjustment factors (for Annual Emissions Reports or permit limits, for example):
- 1) A factor of 0.80 may be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines;
 - 2) To determine VOM emissions from fountain solutions that contain no alcohol, an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

- A) The VOM emitted from the fountain solution shall be calculated using the following equation:

$$VOM_{fs} = 0.30 \times VOM_{tot} + (0.70 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the fountain solution;

VOM_{fs} = VOM emitted from the fountain solution;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

- B) For fountain solutions that contain alcohol, impervious substrates such as metal or plastic, or non-heatset lithographic presses, no emission adjustment factor is used;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) To determine VOM emissions from cleaning solutions used on heatset web offset lithographic printing lines at the source, an emission adjustment factor of 0.50 may be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. To determine VOM emissions from automatic blanket wash solution with a VOM composite vapor pressure of less than 10 mmHg measured at 20°C (68°F), an emission adjustment factor may be used to account for carryover into the dryer, except when using an impervious substrate.

- A) The VOM emitted from the automatic blanket wash solution shall be calculated using the following equation:

$$VOM_{bw} = 0.60 \times VOM_{tot} + (0.40 \times VOM_{tot}) \times (1 - DE)$$

where:

VOM_{tot} = Total VOM in the blanket wash;

VOM_{bw} = VOM emitted from the blanket wash;

DE = Destruction efficiency of the control device on the associated dryer, in decimal form (i.e., 95% control is represented as 0.95). If no control device is present, DE = 0;

- B) For cleaning solutions with VOM composite vapor pressures of equal to or greater than 10 mmHg measured at 20°C (68°F), for shop towels that are not kept in closed containers, and for impervious substrates such as metal or plastic, no emission adjustment factor is used.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.415 Testing for Letterpress Printing Lines

- a) Testing to demonstrate compliance with the requirements of Section 219.413 of this Subpart shall be conducted by the owner or operator by January 1, 2012.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

unless such testing has been conducted within the two years immediately preceding January 1, 2012. Thereafter, testing shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. Such testing shall be conducted at the expense of the owner or operator, and the owner or operator shall notify the Agency in writing 30 days in advance of conducting such testing to allow the Agency to be present during such testing.

- b) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - 3) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
 - A) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - B) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - C) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

- 4) Notwithstanding the criteria or requirements in Method 25 which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F);
 - 5) During testing, the printing lines shall be operated at representative operating conditions and flow rates; and
 - 6) During testing, an air flow direction indicating device, such as a smoke stick, shall be used to demonstrate 100 percent emissions capture efficiency for the dryer in accordance with Section 219.413(a)(1)(A) of this Subpart.
- c) Testing to demonstrate compliance with the VOM content limitations in Section 219.413(a)(2)(A) of this Subpart, and to determine the VOM content of cleaning solvents, cleaning solutions, and inks (pursuant to the requirements of Section 219.417(b)(1)(B) of this Subpart), shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:
- 1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference in Section 219.112 of this Part, shall be used to demonstrate compliance; or
 - 2) The manufacturer's specifications for VOM content for cleaning solvents and inks may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

- d) Testing to demonstrate compliance with the requirements of Section 219.413(b) of this Subpart shall be conducted as set forth in the owner or operator's plan approved by the Agency and USEPA as federally enforceable permit conditions pursuant to Section 219.413(b) of this Subpart.
- e) Testing to determine the VOM composite partial vapor pressure of cleaning solvents, cleaning solvent concentrates, and as-used cleaning solutions shall be conducted in accordance with the applicable methods and procedures specified in Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.417 Recordkeeping and Reporting for Letterpress Printing Lines

- a) By August 1, 2010, or upon initial start-up of a new heatset web letterpress printing line, whichever is later, and upon modification of a heatset web letterpress printing line, an owner or operator of a heatset web letterpress printing line exempt from any of the limitations of Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) shall submit a certification to the Agency that includes:
 - 1) A declaration that the source is exempt from the requirements in Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) of this Subpart;
 - 2) Calculations which demonstrate that the source's total potential to emit VOM does not equal or exceed 22.7 Mg (25 tons) per year.
- b) An owner or operator of a letterpress printing line exempt from any of the limitations of Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(2) shall:
 - 1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, and upon modification of a letterpress printing line, submit a certification to the Agency that includes the information

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

specified in either subsections (b)(1)(A) through (b)(1)(C) of this Section, or subsections (b)(1)(A) and (b)(1)(D) of this Section, as applicable:

- A) A declaration that the source is exempt from the control requirements in Section 219.413 of this Part because of the criteria in Section 219.412(a)(2) of this Subpart;
- B) Calculations that demonstrate that combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, as follows:
 - i) To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from all letterpress printing lines at the source (including solvents used for cleanup operations associated with the letterpress printing lines) and divide this amount by the number of days during that calendar month that letterpress printing lines at the source were in operation;
 - ii) To determine the VOM content of the inks and cleaning solvents, the tests methods and procedures set forth in Section 219.415(c) of this Subpart shall be used;
 - iii) To determine VOM emissions from inks used on letterpress printing lines at the source, an ink emission adjustment factor of 0.05 shall be used in calculating emissions from all non-heatset inks except when using an impervious substrate, and a factor of 0.80 shall be used in calculating emissions from all heatset inks to account for VOM retention in the substrate except when using an impervious substrate. For impervious substrates such as metal or plastic, no emission adjustment factor is used. The VOM content of the ink, as used, shall be multiplied by this factor to determine the amount of VOM emissions from the use of ink on the printing lines; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iv) To determine VOM emissions from cleaning solutions used on letterpress printing lines at the source, an emission adjustment factor of 0.50 shall be used in calculating emissions from used shop towels if the VOM composite vapor pressure of each associated cleaning solution is less than 10 mmHg measured at 20°C (68°F) and the shop towels are kept in closed containers. Otherwise, no retention factor is used;
- C) A description and the results of all tests used to determine the VOM content of inks and cleaning solvents, and a declaration that all such tests have been properly conducted in accordance with Section 219.415(c)(1) of this Subpart;
- D) As an alternative to the calculations in subsection (b)(1)(B), a statement that the source uses less than the amount of material specified in subsection (b)(1)(D)(i) or (b)(1)(D)(ii), as applicable, during each calendar month. A source may determine that it emits below 6.8 kg/day (15 lbs/day) of VOM based upon compliance with such material use limitations. If the source exceeds this amount of material use in a given calendar month, the owner or operator must, within 15 days of the end of that month, complete the emissions calculations of subsection (b)(1)(B) to determine daily emissions for applicability purposes. If the source ever exceeds this amount of material use for six consecutive calendar months, it is no longer eligible to use this subsection as an alternative to the calculations in subsection (b)(1)(B). If a source has both heatset web and either nonheatset web or sheetfed letterpress printing operations, or has all three types of printing operations, the owner or operator may not make use of this alternative and must use the calculations in subsection (b)(1)(B).
 - i) The sum of all sheetfed and nonheatset web letterpress printing operations at the source: 242.3 liters (64 gallons) of cleaning solvent; or
 - ii) The sum of all heatset web letterpress printing operations at the source: 204.1 kg (450 lbs) of ink and cleaning solvent;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) For sources complying with subsection (b)(1)(B) of this Section, notify the Agency in writing if the combined emissions of VOM from all letterpress printing lines (including inks and solvents used for cleanup operations associated with the letterpress printing lines) at the source ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs;
- 3) For sources complying with subsection (b)(1)(D) of this Section, comply with the following:
 - A) Maintain material use records showing that the source uses less than the amount of material specified in subsections (b)(1)(D)(i) and (b)(1)(D)(ii) during each calendar month, or, if the source exceeds the material use limitations, records showing that the source exceeded the limitations but did not emit 6.8 kg/day (15 lbs/day) or more of VOM. On and after January 1, 2012, such records shall include the name, identification number, and VOM content of each cleaning solvent and ink used per calendar month, the volume of each cleaning solvent used per calendar month for each sheetfed and nonheatset web letterpress printing operation, and the weight of each cleaning solvent and ink used per calendar month for each heatset web letterpress printing operation;
 - B) Notify the Agency in writing if the source exceeds the material use limitations for six consecutive calendar months, or if the source changes its method of compliance from subsection (b)(1)(D) to subsection (b)(1)(B) of this Section, within 30 days after the event occurs.
- c) Unless complying with subsections (b)(1)(D) and (b)(3) of this Section, on and after August 1, 2010, an owner or operator of a letterpress printing line exempt from any of the limitations in Section 219.413 of this Subpart because of the criteria in Section 219.412(a)(1) or (a)(2)~~subject to the requirements in subsections (a) or (b) of this Section~~ shall collect and record either the information specified in subsection (c)(1) or (c)(2) of this Section for all letterpress printing lines at the source:
 - 1) Standard recordkeeping, including the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The name and identification of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;
 - B) A daily record that shows whether a letterpress printing line at the source was in operation on that day;
 - C) The VOM content and the volume of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;
 - D) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment) used at the source, calculated each month; and
 - E) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section;
- 2) Purchase and inventory recordkeeping, including the following:
- A) The name, identification, and VOM content of each letterpress ink and cleaning solvent used on any letterpress printing line, recorded each month;
 - B) Inventory records from the beginning and end of each month indicating the total volume of each letterpress ink, and cleaning solvent to be used on any letterpress printing line at the source;
 - C) Monthly purchase records for each letterpress ink and cleaning solvent used on any letterpress printing line at the source;
 - D) A daily record that shows whether a letterpress printing line at the source was in operation on that day;
 - E) The total VOM emissions at the source each month, determined as the sum of the product of usage and VOM content for each cleaning solvent and letterpress ink (with the applicable ink VOM emission adjustment factor) used at the source, calculated each

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

month based on the monthly inventory and purchase records required to be maintained pursuant to subsections (c)(2)(A), (c)(2)(B), and (c)(2)(C) of this Section; and

- F) The VOM emissions in lbs/day for the month, calculated in accordance with subsection (b)(1)(B) of this Section.
- d) An owner or operator of a heatset web letterpress printing lines subject to the control requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart shall comply with the following:
- 1) By August 1, 2010, or upon initial start-up of a new printing line, whichever is later, and upon initial start-up of a new control device for a heatset web printing line, submit a certification to the Agency that includes the following:
 - A) An identification of each heatset web letterpress printing line at the source;
 - B) A declaration that each heatset web letterpress printing line is in compliance with the requirements of Section 219.413(a)(1) or (b) of this Subpart, as appropriate;
 - C) The type of afterburner or other approved control device used to comply with the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, and the date that such device was first constructed at the subject source;
 - D) The control requirements in Section 219.413(a)(1)(B) or (b)(1) of this Subpart with which the letterpress printing line is complying;
 - E) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and
 - F) A declaration that the monitoring equipment required under Section 219.413(a)(1)(C) or (b) of this Subpart, as applicable, has been properly installed and calibrated according to manufacturer's specifications;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) If testing of the afterburner or other approved control device is conducted pursuant to Section 219.415(b) of this Subpart, the owner or operator shall, within 90 days after conducting such testing, submit a copy of all test results to the Agency and shall submit a certification to the Agency that includes the following:
 - A) A declaration that all tests and calculations necessary to demonstrate whether the letterpress printing lines is in compliance with Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable, have been properly performed;
 - B) A statement whether the heatset web letterpress printing lines are or are not in compliance with Section 219.413(a)(1)(B) or (b)(1) of this Subpart, as applicable; and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.416(a) or (b) of this Subpart, as applicable;
- 3) Except as provided in subsection (d)(3)(D) of this Section, collect and record daily the following information for each heatset web letterpress printing line subject to the requirements of Section 219.413(a)(1)(B) or (b)(1) of this Subpart:
 - A) Afterburner or other approved control device monitoring data in accordance with Section 219.416(a) or (b) of this Subpart, as applicable;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated printing line;
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) A log detailing checks on the air flow direction or air pressure of the dryer and press room to ensure compliance with the requirements of Section 219.413(a)(1)(A) of this Subpart at least once per calendar month while the line is operating;
- 4) Notify the Agency in writing of any violation of Section 219.413(a)(1)(B) or (b)(1) of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation;
- 5) If changing the method of compliance between Sections 219.413(a)(1)(B) and 219.413(b) of this Subpart, certify compliance for the new method of compliance in accordance with Section 219.413(b) at least 30 days before making such change, and perform all tests and calculations necessary to demonstrate that such printing lines will be in compliance with the requirements of Section 219.413(a)(1) of this Subpart, or Section 219.413(b) of this Subpart, as applicable.
- e) For letterpress printing line cleaning operations, an owner or operator of a letterpress printing line subject to the requirements of Section 219.413 of this Subpart shall:
- 1) By August 1, 2010, or upon initial start-up of a new letterpress printing line, whichever is later, certify to the Agency that all cleaning solutions, other than those excluded pursuant to Section 219.412(b), and the handling of all cleaning materials will be in compliance with the requirements of Section 219.413(a)(2)(A) or (a)(2)(B) and (a)(3) of this Subpart. Such certification shall include:
- A) A statement that the cleaning solution will comply with the limitations in Section 219.413(a)(2);
- B) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
- C) A sample of the records that will be kept pursuant to subsection (e)(2) of this Section; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) A description of the practices that ensure that VOM-containing cleaning materials are kept in closed containers;
- 2) Collect and record the following information for each cleaning solution used on each letterpress printing line:
- A) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.413(a)(2)(A) of this Subpart and that is prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;
 - ii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.415(c) of this Subpart;
 - iii) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - iv) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - v) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - vi) A calibration log for the automatic equipment, detailing periodic checks;
- B) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.413(a)(2)(A) of this Subpart, and that is not prepared at the source with automatic equipment:
- i) The name and identification of each cleaning solution;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.415(c) of this Subpart;
 - iv) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - v) The VOM content of the as-used cleaning solution, with supporting calculations. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM content may be used if such manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part;
- C) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.413(a)(2)(B) of this Subpart:
- i) The name and identification of each cleaning solution;
 - ii) Date and time of preparation, and each subsequent modification, of the batch;
 - iii) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iv) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - v) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.415(e) of this Subpart. For cleaning solutions that are used as purchased, the manufacturer's specifications for VOM composite partial vapor pressure may be used if such manufacturer's specifications are based on results of tests conducted in accordance with methods specified in Sections 219.105(a) and 219.110 of this Part;
- D) The date, time, and duration of scheduled inspections performed to confirm the proper use of closed containers to control VOM emissions, and any instances of improper use of closed containers, with descriptions of actual practice and corrective action taken, if any;
- E) The amount of cleaning materials used on letterpress printing lines at the source that do not comply with the cleaning material limitations set forth in Section 219.413(a)(2) of this Subpart;
- 3) Notify the Agency in writing of any violation of Section 219.413 of this Subpart within 30 days after the occurrence of such violation. Such notification shall include a copy of all records of such violation.
- f) The owner or operator shall maintain all records required by this Section at the source for a minimum period of three years and shall make all records available to the Agency upon request.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

Section 219.891 Emission Limitations and Control Requirements

- a) Except as provided in subsection (f) of this Section, no owner or operator of a source subject to the requirements of this Subpart shall use a subject resin or gel coat at the source unless the resin and gel coat comply with subsection (b)(1) or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(b)(2), (c), or (d) of this Section, as well as with subsections (e), (g), and (h) of this Section. For sources complying pursuant to subsection (b) or (c) of this Section, if the non-monomer VOM content of a resin or gel coat exceeds 5 percent, by weight, the excess non-monomer VOM shall be added to the monomer VOM content of the resin or gel coat. The excess non-monomer VOM shall be calculated in accordance with the following equation below:

$$\frac{\text{Excess Non-Monomer VOM}}{\text{Monomer VOM}} = \frac{\text{Non-monomer VOM Content} - 5 \text{ percent, by weight}}{\text{Monomer VOM}}$$

$$\text{Weighted Average Monomer VOM Content} = \frac{\sum_{i=1}^n M_i VOM_{nm} - \sum_{i=1}^n 0.05 * M_i}{\sum_{i=1}^n M_i}$$

where:

M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams.

VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.

i = Subscript denoting a specific open molding resin or gel coat applied.

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

VOM_{nm} = Non-monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.

b) VOM Content Limitations

- 1) Except as provided in subsection (e) of this Section, the monomer VOM content of a subject resin or gel coat shall not exceed the following limitations:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	Weighted average monomer VOM content (weight percent)
A) Production resin	
i) Atomized spray	28
ii) Non-atomized	35
B) Pigmented gel coat	33
C) Clear gel coat	48
D) Tooling resin	
i) Atomized	30
ii) Non-atomized	39
E) Tooling gel coat	40
2) Except as provided in subsection (e) of this Section, the weighted average monomer VOM content of a subject resin or gel coat shall not exceed the applicable limitation set forth in subsection (b)(1) of this Section on a 12-month rolling average basis. Equation 1 shall be used to determine the weighted average monomer VOM content for resin and gel coat materials.	

Equation 1:

$$\text{Weighted Average Monomer VOM Content} = \frac{\sum_{i=1}^n M_i \text{VOM}_i}{\sum_{i=1}^n M_i}$$

where:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams;

VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation;

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

- c) Emissions Averaging Alternative. The owner or operator of a source subject to the requirements of this Subpart may elect to include some or all of the subject resin and gel coat operations at the source in the emissions averaging alternative. Resin and gel coat operations utilizing the emissions averaging alternative shall comply with a source-specific monomer VOM mass emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. All subject resin and gel coat operations that do not utilize the emissions averaging alternative shall comply with the requirements in subsection (b) or (d) of this Section, as well as with all other applicable requirements in this Section.

- 1) The owner or operator of a source subject to this subsection (c) shall use Equation 2 to determine the source-specific monomer VOM mass emission limit for resin and gel coats included in the emissions average:

Equation 2:

$$\text{Monomer VOM Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOM Limit = Total allowable monomer VOM that can be emitted from the open molding operations included in the average, expressed in kilograms per 12-month period;

M_R = Mass of production resin used in the past 12 months, excluding any materials that are exempt, expressed in megagrams (Mg);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- M_{PG} = Mass of pigmented gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;
- M_{CG} = Mass of clear gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;
- M_{TR} = Mass of tooling resin used in the past 12 months, excluding any materials that are exempt, expressed in Mg;
- M_{TG} = Mass of tooling gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg.

The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer VOM emission rates for that particular material in units of kg VOM/Mg of material used.

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (c) shall use Equation 3 to calculate the monomer VOM emissions from the resin and gel coat operations included in the emissions average ~~to determine whether the emissions exceed the limitation calculated using Equation 2.~~ The monomer VOM emissions calculated using Equation 3 shall not exceed the monomer VOM limit calculated using Equation 2.

Equation 3:

$$\begin{array}{l} \text{Monomer} \\ \text{VOM} \\ \text{Emissions} \end{array} = \begin{array}{l} (PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + \\ (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG}) \end{array}$$

where:

Monomer VOM = Monomer VOM emissions calculated using the monomer VOM emission equations for each operation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Emissions included in the average, expressed in kg;
- PV_R = Weighted-average monomer VOM emission rate for production resin used in the past 12 months, expressed in kg/Mg, calculated in accordance with Equation 4 in subsection (c)(3);
- M_R = Mass of production resin used in the past 12 months, expressed in Mg;
- PV_{PG} = Weighted-average monomer VOM emission rate for pigmented gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;
- M_{PG} = Mass of pigmented gel coat used in the past 12 months, expressed in Mg;
- PV_{CG} = Weighted-average monomer VOM emission rate for clear gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;
- M_{CG} = Mass of clear gel coat used in the past 12 months, expressed in Mg;
- PV_{TR} = Weighted-average monomer VOM emission rate for tooling resin used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;
- M_{TR} = Mass of tooling resin used in the past 12 months, expressed in Mg;
- PV_{TG} = Weighted-average monomer VOM emission rate for tooling gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;
- M_{TG} = Mass of tooling gel coat used in the past 12 months, expressed in Mg.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) For purposes of Equation 3, the owner or operator of a source subject to this subsection (c) shall use Equation 4 below to calculate the weighted-average monomer VOM emission rate for the previous 12 months for each resin and gel coat operation included in the emissions average, except as provided in subsection (e) of this Section.

Equation 4:

$$PV_{OP} = \frac{\sum_{i=1}^n M_i PV_i}{\sum_{i=1}^n M_i}$$

where:

- PV_{OP} = Weighted-average monomer VOM emission rate for each open molding operation (PV_R , PV_{PG} , PV_{CG} , PV_{TR} , and PV_{TG}) included in the average, expressed in kg of monomer VOM per Mg of material applied;
- M_i = Mass of resin or gel coat (i) used within an operation in the past 12 months, expressed in Mg;
- n = Number of different open molding resins and gel coats used within an operation in the past 12 months;
- PV_i = The monomer VOM emission rate for resin or gel coat (i) used within an operation in the past 12 months, expressed in kg of monomer VOM per Mg of material applied. The monomer VOM emission rate formulas in subsection (c)(4) of this Section shall be used to compute PV_i . If a source includes filled resins in the emissions average, the source shall use the value of PV_F , calculated using Equation 5 in subsection (e)(3) of this Section, as the value of PV_i for those resins;
- i = Subscript denoting a specific open molding resin or gel coat applied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) For purposes of Equation 4 and subsection (e)(3) of this Section, the following monomer VOM emission rate formulas shall apply. Such formulas calculate monomer VOM emission rates in terms of kg of monomer VOM per Mg of resin or gel coat applied. "VOM%" means the monomer VOM content as supplied, expressed as a weight percent value between 0 and 100 percent:
- A) Production resin, tooling resin:
- i) Atomized: $0.014 \times (\text{Resin VOM}\%)^{2.425}$
 - ii) Atomized, plus vacuum bagging with roll-out: $0.01185 \times (\text{Resin VOM}\%)^{2.425}$
 - iii) Atomized, plus vacuum bagging without roll-out: $0.00945 \times (\text{Resin VOM}\%)^{2.425}$
 - iv) Nonatomized: $0.014 \times (\text{Resin VOM}\%)^{2.275}$
 - v) Nonatomized, plus vacuum bagging with roll-out: $0.0110 \times (\text{Resin VOM}\%)^{2.275}$
 - vi) Nonatomized, plus vacuum bagging without roll-out: $0.0076 \times (\text{Resin VOM}\%)^{2.275}$
- B) Pigmented gel coat, clear gel coat, tooling gel coat: $0.445 \times (\text{Gel Coat VOM}\%)^{1.675}$
- d) Capture System and Control Device Requirements. No owner or operator of a source subject to the requirements of this Subpart that is utilizing a capture system and control device for a subject resin or gel coat operation shall conduct that operation unless the following requirements are satisfied:
- 1) An afterburner or carbon adsorber is installed and operated that meets the limitations set forth in this subsection (d). The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if that device complies with all limitations in this subsection (d), the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

parameters for the control device, and the plan is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~;

- 2) The VOM emissions at the outlet of the control device meet an emissions limitation determined using Equation 2 in subsection (c)(1) of this Section. In Equation 2, however, instead of using the mass of each material used over the past 12 months to determine the emission limitation, the owner or operator shall use the mass of each material used during the applicable control device performance test;
 - 3) The owner or operator complies with all testing and monitoring requirements set forth in Section 219.892 of this Subpart.
- e) Filled Resins. For all filled production and tooling resins, the owner or operator of a source subject to this Subpart shall adjust the monomer VOM emission rates determined pursuant to subsections (b) and (c) of this Section using Equation 5 in subsection (e)(3). If complying pursuant to subsection (b), the emission rate determined using Equation 5 shall not exceed the limitations set forth in subsections (e)(1) and (e)(2) of this Section. If complying pursuant to subsection (c), the value of PV_F , calculated using Equation 5, shall be used as the value of PV_i in Equation 4, as set forth in subsection (c)(3) of this Section. If the non-monomer VOM content of a filled resin exceeds 5 percent, by weight, based on the unfilled resin, the excess non-monomer VOM shall be added to the monomer VOM content in accordance with the equation set forth in subsection (a).
- 1) Tooling Resin: 54 kg (119.1 lbs) monomer VOM/Mg filled resin applied;
 - 2) Production Resin: 46 kg (101.4 lbs) monomer VOM/Mg filled resin applied;
 - 3) Equation 5:

$$PV_F = PV_U \times \frac{(100 - \% \text{ Filler})}{100}$$

where:

PV_F = The as-applied monomer VOM emission rate for the filled

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

production resin or tooling resin, expressed in kg monomer VOM per Mg of filled material;

PV_U = The monomer VOM emission rate for the unfilled resin, before filler is added, expressed in kg monomer VOM per Mg, as calculated using the formulas in Section 219.891(c)(4) of this Subpart;

% Filler = The weight-percent of filler in the as-applied filled resin system.

- f) The limitations in subsections (a) through (e) of this Section shall not apply to the following materials. These materials shall instead comply with the applicable requirements set forth in subsections (f)(1) through (f)(3).
- 1) Production resins, including skin coat resins, that must meet specifications for use in military vessels or must be approved by the United States Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR Subchapter Q, incorporated by reference in Section 219.112 of this Part, or for use in the construction of small passenger vessels regulated by 40 CFR Subchapter T, incorporated by reference in Section 219.112 of this Part. The owner or operator of a source subject to this Subpart shall apply all such resins with nonatomizing resin application equipment;
 - 2) Production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch ups. These materials shall not exceed 1 percent, by weight, of all resins and gel coats used at a subject source on a 12-month rolling average basis;
 - 3) Pure, 100 percent vinylester resins used for skin coats. The owner or operator of a source subject to this Subpart shall apply these resins with non-atomizing resin application equipment, and the total amount of the resins shall not exceed 5 percent, by weight, of all resins used at the subject source on a 12-month rolling-average basis.
- g) No owner or operator of a source subject to this Subpart shall use VOM-containing cleaning solutions to remove cured resins and gel coats from fiberglass boat manufacturing application equipment. Additionally, no owner or operator

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall use VOM-containing cleaning solutions for routine cleaning of application equipment unless:

- 1) The VOM content of the cleaning solution is less than or equal to 5 percent, by weight; or
 - 2) The composite vapor pressure of the cleaning solution is less than or equal to 0.50 mmHg at 68°F.
- h) No owner or operator of a source subject to this Subpart shall use resin or gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for on-site mixing of putties and polyputties, unless such containers have covers with no visible gaps in place at all times, except when material is being manually added to or removed from a container or when mixing or pumping equipment is being placed in or removed from a container.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.892 Testing and Monitoring Requirements

- a) Testing to demonstrate compliance with the requirements of Section 219.891 of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise specified in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.
- b) Testing to demonstrate compliance with the monomer VOM content limitations for resin and gel coat materials in Section 219.891(b) of this Subpart shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, in accordance with SCAQMD 312-91, incorporated by reference in Section 219.112 of this Part.
- c) The owner or operator of a source complying with this Subpart pursuant to Section 219.891(d) shall comply with the following:
 - 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, conduct an initial performance test of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

control device in accordance with this subsection (c) that demonstrates compliance with the emission limitation determined pursuant to Section 219.891(d).

- 2) Subsequent to the initial performance test described in subsection (c)(1) of this Section, conduct at least one performance test per calendar year. Performance tests used to demonstrate compliance with Section 219.891(d) shall be conducted at least six months apart, unless the performance test is being conducted following an exceedance of operating parameters as described in subsection (c)(3) of this Section, or per a request by the Agency.
- 3) Monitor and record relevant operating parameters, including the control efficiency of the control device and the amount of materials used in the fiberglass boat manufacturing process, during each control device performance test used to demonstrate compliance with Section 219.891(d). The owner or operator shall continue to operate the fiberglass boat manufacturing process within the parameters until another performance test is conducted that demonstrates compliance with Section 219.891(d). The owner or operator shall monitor the parameters at all times when the control device is in operation. If the fiberglass boat manufacturing process exceeds any operating parameter by more than 10 percent, the owner or operator shall conduct additional performance testing in accordance with this Section within 10 operating days after the exceedance;
- 4) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.891(d) of this Subpart, as follows:
 - A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
 - B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
- i) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest again using Method 25.
- D) Notwithstanding the criteria or requirements in Method 25, which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F); and
- E) During testing, the fiberglass boat manufacturing operation shall be operated at representative operating conditions and flow rates.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator shall:
- A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.
- 6) If a carbon adsorber is used to demonstrate compliance, the owner or operator shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.
- 7)6) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.891(d).
- d) Testing to demonstrate compliance with the VOM content limitations for cleaning solutions in Section 219.891(g) of this Subpart, and with the non-monomer VOM content limitations for resin and gel coat materials in Section 219.891(a) of this Subpart, shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:
- 1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference at Section 219.112 of this Part, shall be used to demonstrate compliance; or

- 2) For cleaning solvents, the manufacturer's specifications for VOM content may be used if the manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance. In the event of any inconsistency between a Method 24 test and the manufacturer's specifications, the Method 24 test shall govern.
- e) The owner or operator of a source subject to this Subpart and relying on the VOM content of the cleaning solution to comply with Section 219.891(g)(1) of this Subpart shall:
 - 1) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):
 - A) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and
 - B) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 219.891(g)(1);
 - 2) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 219.894(g) of this Subpart.
- f) Testing to demonstrate compliance with the VOM composite partial vapor pressure limitation for cleaning solvents set forth in Section 219.891(g) of this Subpart shall be conducted in accordance with the applicable methods and procedures set forth in Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.894 Recordkeeping and Reporting Requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 219.890(a) of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the following:
 - A) A declaration that the source is exempt from the requirements in this Subpart because of the criteria in Section 219.890(a);
 - B) Calculations that demonstrate that combined emissions of VOM from all subject fiberglass boat manufacturing operations (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operation) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from fiberglass boat manufacturing operations at the source (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operations) and divide the amount by the number of days during that calendar month that the fiberglass boat manufacturing operations were in operation;
 - 2) Collect and record the following information and provide copies of the records to the Agency upon request:
 - A) The total pounds of all resins and gel coats used per calendar month;
 - B) The total gallons of all cleanup materials used per calendar month;
 - C) The VOM content of each resin, gel coat, and cleanup material used per calendar month;
 - D) The total VOM emissions, in pounds, for all resins, gel coats, and cleanup materials employed per calendar month, before the application of control systems and devices.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~3)2)~~ Notify the Agency of any record that shows that the combined emissions of VOM from subject fiberglass boat manufacturing operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of the record upon request by the Agency.

- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, and upon start-up of a new fiberglass boat manufacturing operation at the source, submit a certification to the Agency that includes:
 - A) Identification of each subject fiberglass boat manufacturing operation as of the date of certification;
 - B) A declaration that all subject fiberglass boat manufacturing operations, including related cleaning operations, are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject fiberglass boat manufacturing operation will comply (i.e., the VOM content limitation, the emissions averaging alternative, or the emissions control system alternative);
 - D) Initial documentation that each subject fiberglass boat manufacturing operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.891(h) of this Subpart;
 - G) A description of each fiberglass boat manufacturing operation exempt pursuant to Section 219.890(b) of this Subpart, if any;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- H) A description of materials subject to Section 219.891(f) of this Subpart, if any, used in each fiberglass boat manufacturing operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 219.891(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
- 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
- 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.
- c) The owner or operator of a fiberglass boat manufacturing operation subject to the limitations of Section 219.891 of this Subpart and complying by means of Section 219.891(b) shall comply with the following.
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each subject resin and gel coat as applied each day by each subject fiberglass boat manufacturing operation;
- 2) Collect and record the following information each day for each fiberglass boat manufacturing operation complying with Section 219.891(b):
- A) The name, identification number, and VOM content of each subject resin and gel coat as applied each day by each fiberglass boat manufacturing operation; and
- B) If complying with Section 219.891(b)(2), the mass of each open molding resin or gel coat as applied each month by each subject fiberglass boat manufacturing operation and the ~~daily~~ weighted average VOM content of all subject resins and gel coats as applied by each subject fiberglass boat manufacturing operation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 219.891 of this Subpart and complying by means of Section 219.891(c) shall:
- 1) On and after May 1, 2012, collect and record the following information each month:
 - A) The amount of production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - B) The VOM content of each production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - C) Total monthly VOM emissions for all subject fiberglass boat manufacturing operations;
 - 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:
 - A) The monomer VOM mass emission limit for all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period, with supporting calculations;
 - B) The total actual emissions of VOM from all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period.
- e) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 219.891 of this Subpart and complying by means of Section 219.891(d) shall:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of control device used to comply with the requirements of Section 219.891(d);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The results of all tests and calculations necessary to demonstrate compliance with the requirements of Section 219.891(d); and
 - C) A declaration that the monitoring equipment required under Section 219.892 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
- 2) Within 90 days after conducting testing pursuant to Section 219.892, submit to the Agency a copy of all test results, as well as a certification that includes the following:
- A) A declaration that all tests and calculations necessary to demonstrate whether the fiberglass boat manufacturing operation is in compliance with Section 219.891(d) have been properly performed;
 - B) A statement whether the fiberglass boat manufacturing operations are or are not in compliance with Section 219.891(d);
 - C) The emissions limitation applicable during the control device performance test, with supporting calculations;
 - D) The operating parameters of the fiberglass boat manufacturing process during testing, as monitored in accordance with Section 219.892;
- 3) Collect and record daily the following information for each fiberglass boat manufacturing operation subject to the requirements of Section 219.891(d), and submit that information to the Agency upon request:
- A) Afterburner or other approved control device monitoring data in accordance with Section 219.892 of this Subpart;
 - B) A log of operating time for the control device and monitoring equipment;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
 - D) Information to substantiate that the fiberglass boat manufacturing operation is operating in compliance with the parameters determined pursuant to Section 219.892.
- f) The owner or operator of a source subject to the requirements in Section 219.891(f) of this Subpart shall collect and record the following information for each fiberglass boat manufacturing operation:
- 1) The name and identification number of each material subject to Section 219.891(f) as applied each day by each subject fiberglass boat manufacturing operation;
 - 2) If subject to Section 219.891(f)(2), the amount of production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch-ups, used each month at the subject source, and the total amount of all resins and gel coats used each month at the subject source;
 - 3) If subject to Section 219.891(f)(3), the amount of pure, 100 percent vinylester resins used for skin coats each month at the subject source, and the total amount of all resins used each month at the subject source.
- g) The owner or operator of a source subject to the requirements of Section 219.891 of this Subpart shall collect and record the following information for each cleaning solution used in each fiberglass boat manufacturing operation:
- 1) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.891(g) of this Subpart and that is prepared at the source with automatic equipment:
 - A) The name and identification of each cleaning solution;
 - B) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.892(d) of this Subpart;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - D) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - E) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - F) A calibration log for the automatic equipment, detailing periodic checks;
- 2) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.891(g), and that is not prepared at the source with automatic equipment:
- A) The name and identification of each cleaning solution;
 - B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.892(d);
 - D) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - E) The VOM content of the as-used cleaning solution, with supporting calculations;
- 3) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.891(g):
- A) The name and identification of each cleaning solution;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Date and time of preparation, and each subsequent modification, of the batch;
- C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.892(f) of this Subpart;
- D) The total amount of each cleaning solvent, including water, used to prepare the as-used cleaning solution; and
- E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.110 of this Part.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 219.901 Emission Limitations and Control Requirements

- a) The owner or operator of a source subject to the requirements of this Subpart shall comply with the limitations in subsection (b), (c), or (d) of this Section, as well as with the limitations in subsections (e) and (f) of this Section. Notwithstanding this requirement, sources subject to Section 219.900(b)(2) shall comply with the limitations in subsection (f) of this Section only.
- b) The owner or operator of adhesive application operations listed in this subsection (b) shall comply with the following VOM emission limitations, minus water and any compounds that are specifically exempted from the definition of VOM, as applied. If an adhesive is used to bond dissimilar substrates together, the substrate category with the highest VOM emission limitation shall apply:

	kg VOM/l adhesive or adhesive primer applied	lb VOM/gal adhesive or adhesive primer applied
1) General adhesive application operations		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A)	Reinforced plastic composite	0.200	(1.7)
B)	Flexible vinyl	0.250	(2.1)
C)	Metal	0.030	(0.3)
D)	Porous material (except wood)	0.120	(1.0)
E)	Rubber	0.250	(2.1)
F)	Wood	0.030	(0.3)
G)	Other substrates	0.250	(2.1)
2)	Specialty adhesive application operations		
A)	Ceramic tile installation	0.130	(1.1)
B)	Contact adhesive	0.250	(2.1)
C)	Cove base installation	0.150	(1.3)
D)	Indoor floor covering installation	0.150	(1.3)
E)	Outdoor floor covering installation	0.250	(2.1)
F)	Installation of perimeter bonded sheet flooring	0.660	(5.5)
G)	Metal to urethane/rubber molding or casting	0.850	(7.1)
H)	Motor vehicle adhesive	0.250	(2.1)
I)	Motor vehicle weatherstrip adhesive	0.750	(6.3)
J)	Multipurpose construction	0.200	(1.7)
K)	Plastic solvent welding (acrylonitrile butadiene styrene (ABS) welding)	0.400	(3.3)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|----|--|-------|-------|
| L) | Plastic solvent welding (except ABS welding) | 0.500 | (4.2) |
| M) | Sheet rubber lining installation | 0.850 | (7.1) |
| N) | Single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane) | 0.250 | (2.1) |
| O) | Structural glazing | 0.100 | (0.8) |
| P) | Thin metal laminate | 0.780 | (6.5) |
| Q) | Tire repair | 0.100 | (0.8) |
| R) | Waterproof resorcinol glue | 0.170 | (1.4) |
| 3) | Adhesive primer application operations | | |
| A) | Motor vehicle glass bonding primer | 0.900 | (7.5) |
| B) | Plastic solvent welding adhesive primer | 0.650 | (5.4) |
| C) | Single-ply roof membrane adhesive primer | 0.250 | (2.1) |
| D) | Other adhesive primer | 0.250 | (2.1) |
- c) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation unless the daily-weighted average VOM content of subject adhesives as applied each day by the operation, calculated in accordance with subsection (c)(1) of this Section, is less than or equal to the emissions limitation calculated in accordance with subsection (c)(2) of this Section.
- 1) Weighted Average of VOM Content of Adhesives Applied Each Day

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$VOM_{WA} = \frac{\sum_{i=1}^n V_i VOM_i}{\sum_{i=1}^n V_i}$$

$$VOM_{WA} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i}$$

where:

VOM_{WA} = The weighted average VOM content in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

V_i = The ~~volumemass~~ ~~kg/l (lb/gal)~~ of each adhesive, as applied, in units of ~~kg/l (lb/gal)~~;

VOM_i = The VOM content in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied;

- 2) ~~AllowableMass~~ Weighted Average VOM Limit for an Averaging Operation

$$Limit_{WA} = \frac{\sum_{i=1}^n V_i Limit_i}{\sum_{i=1}^n V_i}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$\text{Limit}_{WA} = \frac{\sum_{i=1}^n M_i \text{Limit}_i}{\sum_{i=1}^n M_i}$$

where:

Limit_{WA} = The **allowable mass** weighted average VOM limit in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day in a single operation;

i = Subscript denoting a specific adhesive as applied;

n = The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

VM_i = The **volumemass** of each adhesive, as applied, in units of kg/l (~~lb~~/gal);

Limit_i = The VOM limit, taken from subsection (b) of this Section, in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied.

- d) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation employing a capture system and control device unless either:
- 1) An afterburner or carbon adsorption system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation;
 - 2) An alternative capture and control system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation and is approved by the Agency and **approved by USEPA as a SIP revision within federally enforceable permit conditions**. The owner or operator shall submit a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) The owner or operator complies with the applicable limitation set forth in subsection (b) of this Section by utilizing a combination of low-VOM adhesives and an afterburner or carbon adsorption system. The owner or operator may use an alternative capture and control system if the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the capture and control system and the system is approved by the Agency and approved by USEPA as a SIP revision~~within federally enforceable permit conditions~~.
- e) The owner or operator of a source subject to this Subpart shall apply all miscellaneous industrial adhesives using one or more of the following methods:
 - 1) Electrostatic spray;
 - 2) High volume low pressure (HVLP) spray;
 - 3) Flow coating. For the purposes of this Subpart, flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;
 - 4) Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
 - 5) Dip coating, including electrodeposition. For purposes of this Subpart, "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;
 - 6) Airless spray;
 - 7) Air-assisted airless spray; or
 - 8) Another adhesive application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- f) The owner or operator of a source subject to this Subpart shall comply with the following work practices for each subject miscellaneous adhesive application operation at the source:
- 1) Store all VOM-containing adhesives, adhesive primers, process-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials;
 - 3) Minimize spills of VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials;
 - 4) Convey VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes; and
 - 5) Minimize VOM emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.902 Testing Requirements

- a) Testing to demonstrate compliance with the requirements of this Subpart shall be conducted by the owner or operator by May 1, 2012. Thereafter, testing shall be conducted within 90 days after a request by the Agency, or as otherwise provided in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Testing to demonstrate compliance with the VOM content limitations in Section 219.901(b) of this Subpart shall be conducted as follows:
- 1) Method 24, incorporated by reference in Section 219.112 of this Part, shall be used for non-reactive adhesives. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant adhesive formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern;
 - 2) Appendix A of 40 CFR 63, Subpart PPPP, incorporated by reference in Section 219.112 of this Part, shall be used for reactive adhesives;
 - 3) The manufacturer's specifications for VOM content for adhesives may be used if the specifications are based on results of tests of the VOM content conducted in accordance with methods specified in subsections (b)(1) and (b)(2) of this Section, as applicable.
- c) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) of this Part shall be used for testing to demonstrate compliance with the requirements of Section 219.901(d) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - 3) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used, except under the following circumstances, in which case Method 25A must be used:
 - A) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon;
 - C) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;
 - D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates.
- d) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 219.901(d) as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.901(d)(3).

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.903 Monitoring Requirements

- a) If an afterburner ~~or carbon adsorber~~ is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall:
 - 1) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and

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

b) If a carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall use Agency and USEPA approved continuous monitoring equipment that is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use. The continuous monitoring equipment shall monitor the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

c)b) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.901(d)(3).

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

Section 219.904 Recordkeeping and Reporting Requirements

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 219.900(a) of this Subpart shall comply with the following:
 - 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 219.900(a);
 - B) Calculations that demonstrate that combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, never equal or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from miscellaneous industrial adhesive application operations at the source (including related cleaning activities) and divide this amount by the number of days during that calendar month that miscellaneous industrial adhesive application operations at the source were in operation;

- 2) Collect and record the following information each month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:
 - A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and
 - B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month by each miscellaneous industrial adhesive application operation;
 - 3) Notify the Agency of any record that shows that the combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of those records upon request by the Agency.
- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) Identification of each subject adhesive application operation as of the date of certification;
 - B) A declaration that all subject adhesive application operations are in compliance with the requirements of this Subpart;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) The limitation with which each subject adhesive application operation will comply (i.e., the VOM content limitation, the daily weighted averaging alternative, or the emissions control system alternative);
 - D) Initial documentation that each subject adhesive application operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.901(f) of this Subpart;
 - G) A description of each adhesive application operation exempt pursuant to Section 219.900(b)(2) of this Subpart, if any; and
 - H) The application methods used by each subject adhesive application operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 219.901(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
 - 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
 - 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.
- c) The owner or operator of an adhesive application operation subject to the limitations of Section 219.901 of this Subpart and complying by means of Section 219.901(b) shall comply with the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) By May 1, 2012, or upon the initial start-up date, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;
 - 2) Collect and record the name, identification number, and VOM content of each adhesive as applied each day by each adhesive application operation complying with Section 219.901(b).
- d) The owner or operator of an adhesive application operation subject to the limitations of Section 219.901 of this Subpart and complying by means of Section 219.901(c) shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;
 - 2) Collect and record the following information each day for each adhesive application operation complying by means of Section 219.901(c):
 - A) The name, identification number, ~~and~~ VOM content, and volume of each adhesive as applied each day by each subject adhesive application operation;
 - B) The daily weighted average VOM content of all adhesives as applied by each subject adhesive application operation.
- e) The owner or operator of an adhesive application operation subject to the requirements of Section 219.901 of this Subpart and complying by means of Section 219.901(d) shall:
- 1) By May 1, 2012, or upon the initial start-up date, whichever is later, and upon initial start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of afterburner or other approved control device used to comply with the requirements of Section 219.901(d);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.901(d); and
 - C) A declaration that the monitoring equipment required under Section 219.903 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
- 2) Within 90 days after conducting testing pursuant to Section 219.902 of this Subpart, submit to the Agency a copy of all test results, as well as a certification that includes the following:
- A) A declaration that all tests and calculations necessary to demonstrate whether the adhesive application operations are in compliance with Section 219.901(d) have been properly performed;
 - B) A statement whether the adhesive application operations are or are not in compliance with Section 219.901(d); and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.903 of this Subpart;
- 3) Collect and record daily the following information for each adhesive application operation subject to the requirements of Section 219.901(d):
- A) Afterburner or other approved control device monitoring data in accordance with Section 219.903 of this Subpart;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated application unit; and
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 13676, effective July 27, 2011)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
250.240	Amend
250.245	New
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rulemaking: August 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 6293; April 15, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various typographical, grammatical and form changes were made in response to the 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 an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Hospital Licensing Requirements establish minimum requirements for the care and treatment of hospital patients, including the requirements for admission and discharge.

In 2010, the General Assembly passed Public Act 96-1372, which consisted mainly of a comprehensive overhaul of the Nursing Home Care Act [210 ILCS 45]. PA 96-1372 also

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

amended the Hospital Licensing Act [210 ILCS 85] to add new requirements for hospital patients who are transferred to a long-term care facility regulated under the NHCA. Specifically, the amendments require hospitals to perform name-based criminal history background checks for patients prior to their transfer to a long-term care facility. The amendments also authorize the Department to fine hospitals for failure to comply with PA 96-1372.

This rulemaking implements the provisions of PA 96-1372 that pertain to hospitals.

- 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, Fifth Floor
Springfield, Illinois 62761

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

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 I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section	
250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
<u>250.245</u>	<u>Failure to Initiate Criminal Background Checks</u>
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

- Section
- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

- Section
- 250.510 Laboratory Services
- 250.520 Blood and Blood Components
- 250.525 Designated Blood Donor Program
- 250.530 Proficiency Survey Program (Repealed)
- 250.540 Laboratory Personnel (Repealed)
- 250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

- Section
- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

- 250.810 Applicability of Other Parts of These Requirements
- 250.820 General
- 250.830 Classifications of Restorative and Rehabilitation Services
- 250.840 General Requirements for all Classifications
- 250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
- 250.860 Medical Direction
- 250.870 Nursing Care
- 250.880 Additional Allied Health Services
- 250.890 Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

- 250.910 Nursing Services
- 250.920 Organizational Plan
- 250.930 Role in hospital planning
- 250.940 Job descriptions
- 250.950 Nursing committees
- 250.960 Specialized nursing services
- 250.970 Nursing Care Plans
- 250.980 Nursing Records and Reports
- 250.990 Unusual Incidents
- 250.1000 Meetings
- 250.1010 Education Programs
- 250.1020 Licensure
- 250.1030 Policies and Procedures
- 250.1035 Domestic Violence Standards
- 250.1040 Patient Care Units
- 250.1050 Equipment for Bedside Care
- 250.1060 Drug Services on Patient Unit
- 250.1070 Care of Patients
- 250.1075 Use of Restraints
- 250.1080 Admission Procedures Affecting Care
- 250.1090 Sterilization and Processing of Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 250.1100 Infection Control
- 250.1110 Mandatory Overtime Prohibition
- 250.1120 Staffing Levels
- 250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

- 250.1210 Surgery
- 250.1220 Surgery Staff
- 250.1230 Policies & Procedures
- 250.1240 Surgical Privileges
- 250.1250 Surgical Emergency Care
- 250.1260 Operating Room Register and Records
- 250.1270 Surgical Patients
- 250.1280 Equipment
- 250.1290 Safety
- 250.1300 Operating Room
- 250.1305 Visitors in Operating Room
- 250.1310 Cleaning of Operating Room
- 250.1320 Postanesthesia Care Units

SUBPART K: ANESTHESIA SERVICES

Section

- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

Section

- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section	
250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section	
250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
250.1870	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section	
250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

250.2010 Definition
250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

250.2110 Service Requirements
250.2120 Personnel Required
250.2130 Facilities for Services
250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

250.2210 Applicability of other Parts of these Regulations
250.2220 Establishment of a Psychiatric Service
250.2230 The Medical Staff
250.2240 Nursing Service
250.2250 Allied Health Personnel
250.2260 Staff and Personnel Development and Training
250.2270 Admission, Transfer and Discharge Procedures
250.2280 Care of Patients
250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

250.2410 Applicability of these Standards
250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430 Preparation of Drawings and Specifications – Submission Requirements
250.2440 General Hospital Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

250.2442	Fees
250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011.

SUBPART B: ADMINISTRATION AND PLANNING

Section 250.240 Admission and Discharge

- a) Principle
The hospital shall have written policies for the admission, discharge, and referral of all patients who present themselves for care. Procedures shall assure appropriate utilization of hospital resources, such as preadmission testing, ambulatory care programs, and short-term procedure units.
- b) Access
 - 1) All persons shall be admitted to the hospital, whether as inpatients or outpatients, by a member of the medical staff with admitting privileges, and shall be under the professional care of a member of the medical staff.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Insofar as possible, the hospital shall assign patients to accommodations with regard to gender, age, and medical requirement.
 - 3) The hospital shall provide basic and effective care to each patient. No person seeking necessary medical care from the hospital shall be denied such care for reasons not based on sound medical practice or the hospital's charter, and, particularly, no such person shall be denied such care on account of race, creed, color, religion, gender, or sexual preference.
 - 4) When the hospital does not provide the services required by a patient or a person seeking necessary medical care, an appropriate referral shall be made.
- c) Required Testing for All Admissions
- 1) The laboratory examinations required on all admissions shall be determined by the medical staff and shall be consistent with the scope and nature of the hospital. The required list or lists of tests shall be in written form and shall be available to all members of the medical staff. The required examinations shall be consistent with the requirements of this subsection (c) ~~of this Section~~.
 - 2) Uterine Cytologic Examination for Cancer
 - A) *Every hospital shall offer a uterine cytologic examination for cancer to every female inpatient 20 years of age or over, unless one of the following conditions exists:*
 - i) *The examination is considered contra-indicated by the attending physician ~~considers the test to be contraindicated~~; or*
 - ii) *The patient has had a uterine cytologic examination for cancer performed within the previous year prior to the admission to the hospital.*
 - B) *Every woman for whom the test is applicable shall have the right to refuse such test on the counsel of the attending physician or on her own judgment.*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- C) Patient records for all female inpatients 20 years of age or older shall indicate one of the following:
- i) *The results of the test;*
 - ii) The reasons that the test offer requirement was *not applicable* as provided under subsection (c)(2)(A) ~~of this Section~~; or
 - iii) A statement that *it was refused by the patient* ~~the patient refused the test~~. (Section 2310-540 of the Civil Administrative Code [20 ILCS 2310/2310-540]).
- 3) Testing for Infection with Human Immunodeficiency Virus (HIV)
- A) ~~The~~ *Upon the request of any patient, the* hospital shall offer testing for infection with human immunodeficiency virus *(HIV) to patients upon request* ~~(HIV) to that patient~~.
 - B) The hospital shall ensure that *pre-test and post-test counseling* is provided to the patient in accordance with the provisions of the AIDS Confidentiality Act [210 ILCS 115/20] and the ~~Department's rules titled~~ AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697).
 - C) Testing that is performed under *the Act and this Part* ~~this requirement~~ shall be subject to the provisions of the AIDS Confidentiality Act and the AIDS Confidentiality and Testing Code. (Section 6.10 of the Act)
- d) Discharge Notification
- 1) The hospital shall develop a discharge plan of care for all patients who present themselves to the hospital for care.
 - 2) The discharge plan shall be based on an assessment of the patient's needs by various disciplines responsible for the patient's care.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) When a patient is discharged to another level of care, the hospital shall ensure that the patient is being transferred to a facility that is capable of meeting the patient's assessed needs.
 - 4) *Whenever a patient who qualifies for the federal Medicare program is hospitalized, the patient shall be notified of discharge at least 24 hours prior to discharge from the hospital, each patient who qualifies for the federal Medicare program shall be notified of the discharge.* The notification shall be provided by, or at the direction of, *a physician with medical staff privileges at the hospital or any appropriate medical staff member a member of the hospital's medical staff.* The notification shall include:
 - A) The anticipated date and time of discharge.
 - B) *Written information concerning the patient's right to appeal the discharge pursuant to the federal Medicare program, including the steps to follow to appeal the discharge and the appropriate telephone number to call if the patient intends to appeal the discharge.* This written information does not need to be included in the notification, if it has already been provided to the patient. (Section 6.09 of the Act)
 - 5) *Every*The hospital shall ~~develop~~*develop* and implement policies and procedures to provide the ~~discharge notice~~*notification* required in subsection (d)(4)~~of this Section~~. The policies and procedures *may also include provide for* waiver of the notification requirement in either or both of the following cases:
 - A) ~~When~~*When* a discharge notice is not feasible due to a short length of stay in the hospital by the patient. The hospital policy shall specify the length of stay when discharge notification will not be considered feasible.
 - B) ~~When~~*When* the patient voluntarily desires to leave the hospital before the expiration of the 24 hour period. (Section 6.09 of the Act)
- e) Background Checks for Patients Transferring to a Long-Term Care Facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) *Before transfer of a patient to a long term care facility licensed under the Nursing Home Care Act [210 ILCS 45] where elderly persons reside, a hospital shall as soon as practicable initiate a name-based criminal history background check by electronic submission to the Department of State Police for all persons between the ages of 18 and 70 years; provided, however, that a hospital shall be required to initiate such a background check only with respect to patients who:*
 - A) *are transferring to a long term care facility for the first time;*
 - B) *have been in the hospital more than 5 days;*
 - C) *are reasonably expected to remain at the long term care facility for more than 30 days;*
 - D) *have a known history of serious mental illness or substance abuse; and*
 - E) *are independently ambulatory or mobile for more than a temporary period of time.*
- 2) *A hospital may also request a criminal history background check for a patient who does not meet any of the criteria set forth in subsections (e)(1)(A) through (E).*
- 3) *A hospital shall notify a long term care facility if the hospital has initiated a criminal history background check on a patient being discharged to that facility. In all circumstances in which the hospital is required by this subsection (e) to initiate the criminal history background check, the transfer to the long term care facility may proceed regardless of the availability of criminal history results.*
- 4) *Upon receipt of the results, the hospital shall promptly forward the results to the appropriate long term care facility. If the results of the background check are inconclusive, the hospital shall have no additional duty or obligation to seek additional information from, or about, the patient. (Section 6.09(d) of the Act)*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 13875, effective August 1, 2011)

Section 250.245 Failure to Initiate Criminal Background Checks

The Department may impose fines on hospitals, not to exceed \$500 per occurrence, for failing to initiate a criminal background check on a patient that meets the criteria for hospital-initiated background checks. In assessing whether to impose such a fine, the Department shall consider various factors including, but not limited to, whether the hospital has engaged in a pattern or practice of failing to initiate criminal background checks. Money from fines will be deposited into the Long Term Care Provider Fund. (Section 7(a) of the Act)

(Source: Added at 35 Ill. Reg. 13875, effective August 1, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pick (N) Pools
- 2) Code Citation: 11 Ill. Adm. Code 308
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
308.20	Amend
308.40	Amend
308.90	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: July 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 7567; May 13, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: Previously, Section 308.20 described six methods for organization licensees to follow when conducting their Pick (N) Pool wagers. This rulemaking adds a seventh method with a "unique winning ticket" provision. This wagering option was recently adopted by Gulfstream Park, calling it the "Rainbow 6". Gulfstream saw an increase in the interest of the fans because of this rule.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

This rulemaking also repeals subsections 308.40(b) and 308.90(e). These subsections required that once wagering has closed for the first race of a Pick (n) Pool, if a race was moved from the turf course to the dirt track, then all ticket holders were considered winners for that race for the Pick (n) Pool. If this occurred in any leg of a Pick (n) Pool, the carryover from previous performances would not be included in the distribution unless the pool had been designated as a mandatory distribution. The original rationale for implementing the surface change rule in Illinois was to protect the wagering public in the case of numerous scratches caused by a late surface change. With the introduction of a synthetic surface at Arlington Park, the number of horses scratched because of surface changes should be minimal, as the synthetic surface should handle the rain and remain "fast". There is no longer a need for this rule.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 308
PICK (N) POOLS

Section	
308.10	Pick (n)
308.20	Pool Calculations
308.30	Dead Heats
308.40	Scratches
308.50	Cancellation of Races
308.60	Carryover Cap
308.70	Mandatory Distribution
308.80	Disclosure
308.90	Pick 3 Pools

AUTHORITY: Implementing, and authorized by Section 9(b) of, the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7433, effective May 8, 1994; amended at 19 Ill. Reg. 5039, effective April 1, 1995; amended at 30 Ill. Reg. 6165, effective April 1, 2006; amended at 32 Ill. Reg. 10143, effective July 1, 2008; amended at 35 Ill. Reg. 13891, effective July 28, 2011.

Section 308.20 Pool Calculations

The organization licensee may select one of the following methods for conducting its Pick (n) pool. As used in this Part, "Major ~~pool~~Pool" is defined as ~~seventy-five~~75% of the daily net pool~~s~~; and "Minor ~~pool~~Pool" is defined as ~~twenty-five~~25% of the daily net pool. Any deviation from the ~~major/minor~~Major/Minor pool percentage division must be approved by the State Director of ~~Mutuels~~Mutuel.

- a) Method 1, Pick (n) with Carryover: The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

the greatest number of Pick (n) contests, and the remainder shall be added to the carryover.

- b) Method 2, Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, and the major share shall be added to the carryover.
- c) Method 3, Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.
- d) Method 4, Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
- e) Method 5, Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

- f) Method 6, Pick (n) with Minor Pool and Carryover: The net Pick (n) pool and carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, two-thirds of the net pool (major pool) or one-half of the total gross pool, whichever is greater, shall be distributed as a single price pool to those who present a valid pari-mutuel wager for that Pick (n) pool and the remaining one-third of the net pool shall be added to the carryover. The minimum pay-off provisions contained in 11 Ill. Adm. Code 405.130 shall not apply when distributing the major pool in this pool calculation.
- g) Method 7, Pick (n) with "Unique Winning Ticket" Provision: The net Pick (n) pool and carryover, if any, shall be distributed to the holder of a unique winning ticket that selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there is no unique winning ticket selecting the first-place finisher in each of the Pick (n) contests, or if there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, and the major share shall be added to the carryover. Unique winning ticket, as used in this subsection, shall be defined as having occurred when there is one and only one winning ticket that correctly selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish, to be verified by the unique serial number assigned by the tote company that issued the winning ticket. In the event that there is more than one winning ticket that correctly selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish, the unique winning ticket shall be deemed to not have occurred.

(Source: Amended at 35 Ill. Reg. 13891, effective July 28, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 308.40 Scratches

a) Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests ~~that~~^{which} became winners as a result of the substitution, in addition to the normal winning combination.

~~b) Once wagering has closed for the first race of a Pick (n) Pool, if a race is moved from the turf course to the dirt track, then all ticket holders are considered winners for that race of the Pick (n) Pool. The entire net pool shall be distributed as a single price pool to those whose selections finish first in the greatest number of Pick (n) contests. Any previous carryover shall not be included unless the pool has been designated as a mandatory distribution.~~

(Source: Amended at 35 Ill. Reg. 13891, effective July 28, 2011)

Section 308.90 Pick 3 Pools

- a) The Pick 3 requires selection of the first-place finisher in each of three specified contests.
- b) The net Pick 3 pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - 1) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
 - 2) As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
 - 3) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
 - 4) The entire pool shall be refunded on Pick 3 wagers for those contests.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) If there is a dead heat for first in any of the three contests involving:
- 1) contestants representing the same betting interest, the Pick 3 pool shall be distributed as if no dead heat occurred.
 - 2) contestants representing two or more betting interests, the Pick 3 pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- d) Should a betting interest in any of the Pick 3 contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests ~~that~~^{which} became winners as a result of the substitution, in addition to the normal winning combination.
- ~~e) Once wagering has closed for the first race of a Pick (n) Pool, if a race is moved from the turf course to the dirt track, then all ticket holders are considered winners for that race for the Pick (n) Pool. If this occurs in any leg of a Pick (n) Pool, the carryover from previous performances shall not be included in the distribution unless the pool has been designated as a mandatory distribution.~~
- ef) If two or three Pick 3 contests are cancelled or declared "no contest", the entire pool shall be refunded on Pick 3 wagers for those contests.
- fg) If one of the Pick 3 contests is cancelled or declared "no contest", the Pick 3 pool will remain valid and shall be distributed in accordance with subsection (b)(2).

(Source: Amended at 35 Ill. Reg. 13891, effective July 28, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pentafecta
- 2) Code Citation: 11 Ill. Adm. Code 324
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
324.20	Amend
324.50	Amend
324.60	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: July 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 7574; May 13, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: Previously, Section 324.20 had three options for the distribution of winnings. This rulemaking adds a fourth option, the "unique winning wager." The unique winning ticket shall be one and only one winning ticket whose combination finished in correct sequence as the first five betting interests. Because there could be very limited play if there is no consolation payout, a consolation payout is included when it is hit by more than one winning ticket. The Pentafecta, also known as

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

the High 5, has seen a decrease in popularity. Illinois will be the first state to adopt this "unique winning wager" provision.

Section 324.50 previously required a minimum of nine betting interests and in the event of a scratch, eight betting interests was permissible, provided there were no uncoupled entries. The Board rulemaking lowers the minimum to eight betting interests and a scratch down to seven regardless of uncoupled entries for thoroughbred racing only. This is still one more betting interest required than the normal progression of five in a trifecta and six in a superfecta. Because of the carry-over provision of the wager, the Stewards are permitted to authorize the wager on the closing day of a meet regardless of field size and couplings.

This rulemaking repeals Section 324.60. This section describes minimum field sizes when there are coupled and uncoupled entries. The rulemaking will help make the Pentafecta wager more successful.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 324
PENTAFACTA

Section

324.10	Pentafecta
324.20	Pool Distribution
324.30	Scratches
324.40	Dead Heats
324.50	Minimum Fields
324.60	Entries <u>(Repealed)</u>

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted by emergency rulemaking at 32 Ill. Reg. 7429, effective May 1, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. 10153, effective July 1, 2008; amended at 35 Ill. Reg. 13898, effective July 28, 2011.

Section 324.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with subsection (a), (b), ~~or (c)~~ or (d). The organization licensee must give the Board 30 days notice if it chooses to distribute pools under subsection (b), ~~or subsection (c)~~ or subsection (d), including the exact percentages it will use to determine the minor and major pools if subsection (b) is used. The racing program shall indicate when the method described in subsection (b), ~~or subsection (c)~~ or subsection (d) is being used for a meet.

- a) Distribution of Winnings – Option 1
The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) As a single price pool to those whose combination included, in correct sequence, the first four betting interests, but if there are no such wagers, then
 - 3) As a single price pool to those whose combination included, in correct sequence, the first three betting interests, but if there are no such wagers, then
 - 4) As a single price pool to those whose combination included, in correct sequence, the first two betting interests, but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the first place betting interest only, but if there are no such wagers, then
 - 6) The entire pool shall be refunded on Pentafecta wagers for that contest.
- b) Distribution of Winnings – Option 2
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - B) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first four betting interests, but if there are no such wagers, then
 - C) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first three interests, but if there are no such wagers, then

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first two interests, but if there are no such wagers, then
 - E) The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first betting interest, but if there are no such wagers, then
 - F) The entire net pool shall become a carryover pool into the next regularly scheduled Pentafecta race.
- 2) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- c) Distribution of Winnings – Option 3
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - B) The entire net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race.
 - 2) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- d) Distribution of Winnings – Option 4
- 1) The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to the holder of a unique winning ticket whose combination finished in correct sequence as the first five betting interests, but if there is no such unique winning ticket, then

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first five interests, but if there are no such wagers, then
- C) The entire net pool shall become a carryover pool into the next regularly scheduled Pentafecta race.
- 2) Unique winning ticket, as used in subsection (d)(1), shall be defined as having occurred when there is one and only one winning ticket whose combination finished in correct sequence as the first five betting interests, to be verified by the unique serial number assigned by the tote company that issued the winning ticket. In the event that there is more than one winning ticket whose combination finished in correct sequence as the first five betting interests, the unique winning ticket shall be deemed to not have occurred.
- 3) On the last Pentafecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- ed) If fewer than five betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under either subsection (b) or subsection (c), any previous Pentafecta contest's carryover will not be included in the payoff and will be retained for the next contest's carryover, and this contest's net Pentafecta pool will be distributed using the method described in subsection (a).

(Source: Amended at 35 Ill. Reg. 13898, effective July 28, 2011)

Section 324.50 Minimum Fields

- a) Pentafecta wagering shall not be scheduled on a harness race unless at least nine betting interests are carded. In the event of a scratch, Pentafecta wagering on a race in which eight betting interests remain is permissible, ~~provided there are no uncoupled entries.~~

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Pentafecta wagering shall not be scheduled on a thoroughbred race unless at least eight betting interests are carded. In the event of a scratch, Pentafecta wagering on a race in which seven betting interests remain is permissible.
- ~~cb)~~ This Section shall not be applicable to stakes races.
- d) Upon the approval of the Stewards, this Section shall not be applicable on the closing day of a meet to ensure the payout of the carryover.

(Source: Amended at 35 Ill. Reg. 13898, effective July 28, 2011)

Section 324.60 Entries (Repealed)

- a) ~~Entries, either coupled or uncoupled, shall be allowed in a Pentafecta race under the following conditions:~~
 - 1) ~~one entry requires at least nine betting interests at the start of the race, except, in the event of a scratch, Section 324.50(a) applies.~~
 - 2) ~~two entries requires at least ten betting interests at the start of the race.~~
 - 3) ~~more than two entries shall require approval from the Stewards.~~
- b) ~~For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.~~
- e) ~~For stakes races with a minimum purse of \$100,000, common owner entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.~~
- d) ~~This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.~~

(Source: Repealed at 35 Ill. Reg. 13898, effective July 28, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Quinella Double
- 2) Code Citation: 11 Ill. Adm. Code 326
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
326.10	New
326.20	New
326.30	New
326.40	New
326.50	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: July 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 7581; May 13, 2011.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rules pending in this Part? No
- 15) Summary and purpose of rulemaking: This wager is identical to the Racing Commissioners International model rule. The Quinella Double wager requires selection of the first two runners in a race, regardless of order, in two races. The Quinella Double and its predecessor the "Big-Q" were offered at Sportsman's Park in the late 1960's and

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

Maywood Park in the 1990's. This wager is likely to introduce the novice players to more challenging and rewarding wagers.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 326
QUINELLA DOUBLE

Section	
326.10	General
326.20	Pool Distribution
326.30	Dead Heats
326.40	Scratches
326.50	Race Cancelled

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 35 Ill. Reg. 13905, effective July 28, 2011.

Section 326.10 General

The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.

Section 326.20 Pool Distribution

The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- a) If a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise
- b) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- c) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then
- d) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
- e) The entire pool shall be refunded on Quinella Double wagers for those contests.

Section 326.30 Dead Heats

- a) If there is a dead heat for first in either of the two Quinella Double contests involving:
 - 1) contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.
 - 2) contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.
 - 3) contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.
- b) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.
- c) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as a profit split.

Section 326.40 Scratches

- a) Should a betting interest in the first half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- b) Should a betting interest in the second-half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
- c) Should a betting interest in the second half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payout. In calculating the consolation payout, the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payout. Breakage is not declared in this calculation. The consolation payout is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payout. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.

Section 326.50 Race Cancelled

- a) If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest", the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
- b) If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Number: 1413.140 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: July 28, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 6325; April 15, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: A clarification was made that the threshold is eight or more horses for late owner scratches.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: This rulemaking allows late owner scratches down to eight entries without a reason and permits scratches below eight entries if the stewards receive either a note from a licensed veterinarian establishing a medical excuse or if a request is received by the stewards from the Racing Secretary to fill a race. The thoroughbred stakeholders and the Board believe that this rulemaking will reduce the number of scratches and increase field size.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Coupled As Entry
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011.

Section 1413.140 Right to Declare Out

- a) In purse races and overnight handicaps with eight or more interests, owners shall have the right to declare out to that number; before the time stipulated by the

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

regulations of the operator on the day of the race. ~~When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot.~~ ~~owner~~ When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. ~~Declarations below eight interests~~ ~~declarations~~ may only be made by permission of the Stewards ~~for reasonable cause or~~ when a note from a licensed ~~the~~ veterinarian ~~licensed by the Board~~ establishes a medical reason to excuse the horse from the race or when there is a request from the Racing Secretary to fill a different race. The also eligibles shall have the preference to scratch over regularly carded horses.

- b) In purse races and overnight handicaps moved off the turf with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race. When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. Declarations below eight interests may only be made by permission of the Stewards.
- c) Horses may be scratched out of stake races not later than 45 minutes before post time of the race.

(Source: Amended at 35 Ill. Reg. 13910, effective July 28, 2011)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules and Regulations of the Board
- 2) Code Citation: 74 Ill. Adm. Code 800
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
800.120	Amendment
800.140	Amendment
800.210	Amendment
- 4) Statutory Authority: 40 ILCS 5/22A
- 5) Effective Date of Amendments: August 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2011; 35 Ill. Reg. 1566
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: The final version of "Section 800.210 Functions" added the compounded rate of return of 7.75%, describing the current rate of return as adopted by the State Retirement Systems of Illinois. Additionally, other non-substantive, editing changes were made to the final version at JCAR's suggestion.
- 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
- 15) Summary and Purpose of Amendments: These amendments update antiquated statutory references. The amendments remove obsolete language which allowed for the use of proxy Board Members; reflect the current definition of "emerging manager"; and reflect

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

the current compounded rate of return as adopted by the State Retirement Systems' of Illinois.

- 16) Information and questions regarding these adopted amendments shall be directly to:

Linsey Schoemehl
General Counsel/Chief Compliance Officer
Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago, IL 60610

312/793/1486
Linsey.Schoemehl@illinois.gov

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

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER VII: ILLINOIS STATE BOARD OF INVESTMENT

PART 800
RULES AND REGULATIONS OF THE BOARD

SUBPART A: AUTHORITY

Section
800.5 Authority

SUBPART B: BY-LAWS

Section
800.110 Offices of the Board
800.120 Meetings
800.130 Officers and Their Duties
800.140 Committees

SUBPART C: GENERAL POLICIES

Section
800.210 Functions
800.220 Fiduciary Aspects
800.230 Delegation of Authority
800.240 Budget

SUBPART D: ACCOUNTING

Section
800.310 Investment Account
800.320 Pension Fund Credits
800.330 Pension Fund Charges
800.340 Reserve Balances

SUBPART E: REPORTS

Section
800.410 Fiscal Reporting

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

800.420 Audits

SUBPART F: AMENDMENTS

Section

800.510 Amendments

AUTHORITY: Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Rules and Regulations of the Board, effective March 25, 1971; amended January 8, 1972; amended October 6, 1972; amended February 14, 1975; amended February 9, 1976; amended February 9, 1977; codified at 5 Ill. Reg. 10701; amended at 31 Ill. Reg. 1986, effective January 9, 2007; amended at 32 Ill. Reg. 360, effective December 26, 2007; amended at 35 Ill. Reg. 13915, effective August 1, 2011.

SUBPART B: BY-LAWS

Section 800.120 Meetings

- a) Regular meetings. Meetings of the Board shall be held at least once each calendar quarter, on a date and at a time specified by the Chair.
- b) Special meetings. Special meetings may be called at any time by the Chair or Vice Chair of the Board or by any three members of the Board. As required by law, written notice shall be given at the time and place of each special meeting at least three days previous to the date of the meeting. The notice need not contain information regarding the subject matter for consideration at the meeting. Any business of whatever nature may be taken up and disposed of at any special meeting. Notice of any special meeting may be waived by the members. The waiver shall be duly recorded in the minutes of the meeting.
- c) Place and hour of meetings. Meetings of the Board shall be held at the general office of the Board or at any other place selected by the Chair or agreed upon by the Board, at the hour fixed by the Chair or by the members calling a special meeting.
- d) Annual meeting. The annual meeting of the Board shall be held in the month of September.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- e) Quorum. A majority of all members of the Board shall constitute a quorum for the transaction of business at any regular or special meeting.
- f) Meetings open to the public. As required by law, all meetings of the Board shall be open to the public except as otherwise provided in the Open Meetings Act [5 ILCS 120].
- g) ~~Proxies. Ex-officio members who cannot attend meetings of the Board or its committees may respectively designate one appropriate proxy from within the Office of the State Treasurer, members of the Commission on Governmental Forecasting and Accountability, or Trustees of the pension or retirement system. The proxy shall have the same powers and authority as the ex-officio member being represented, but no member may designate a different proxy within one year after his last designation of a proxy unless the person last designated has become ineligible to serve in that capacity. The ex-officio Board member shall notify the designated proxy in writing, with a copy to the Board. The designated proxy shall accept the designation in writing, with a copy to the Board.~~
- gh) Order of business
 - 1) The following order shall govern the transaction of business of the Board at any regular or special meeting:
 - A) Roll Call
 - B) Minutes of Previous Meeting
 - C) Communications
 - D) Report of Standing and Special Committees
 - E) Report of the Chair
 - F) Report of the State Treasurer
 - G) Report of the Director
 - H) Report of Investment Counsel

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

I) Reports of any Member of the Board

J) Unfinished Business

K) New Business

L) Adjournment

2) Any motion or resolution may be presented and considered out of the regular order of business by consent of a majority of the members present at any regular or special meeting.

hi) Voting. Each member shall have one vote on any question coming before the Board at any regular or special meeting at which that member is in attendance. Concurring votes by a majority of the members present at the meeting shall be necessary for the adoption of any resolution or action by the Board.

ij) Roll calls. The Chair or any member may request a roll call on any motion or resolution involving an expenditure of moneys or the creation of a liability for the Board or on any other motions. The vote of each member present shall then be recorded in the minutes of the meeting.

jk) Reconsideration. A motion for the reconsideration of any vote shall be in order only if made at the meeting at which the vote sought to be reconsidered is taken, or at the next regular meeting.

kl) Deferral of reports. Upon request of any two members of the Board, the consideration of any report presented by any committee shall be deferred for one meeting, and a copy of the report of the committee shall be provided each member of the Board.

lm) Record of proceedings. The Board shall keep a full record of all its proceedings in which all of its transactions is recorded. All resolutions approved by the Board shall be signed by the Chair and Recording Secretary and shall be filed with the minutes of the meeting at which adopted. At least ~~five~~5 days before the date of the next scheduled meeting, the Recording Secretary shall supply each Board member with a copy of the minutes of the last meeting.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 13915, effective August 1, 2011)

Section 800.140 Committees

a) Executive Committee

- 1) There shall be an Executive Committee of the Board, consisting of the Chair, Vice Chair, and Recording Secretary and one other member of the Board, who shall serve for a two-year term and who shall be elected at an annual meeting following the election of officers. The Recording Secretary shall serve as Secretary of the Committee.
- 2) The Executive Committee has the authority to conduct all business of the Board during the interim between Board meetings and report that such business at the next Board meeting for ratification by the Board. The Executive Committee shall resolve any questions of procedure in the interim between meetings of the Board, propose to the Board changes in policy, and recommend to the Board changes in the statute governing the Board with the view of bringing about improved total return on investments consistent with the high standards of safety required in the investment of public funds. Recommendations may also be made by the Committee for possible extension of the scope of authority of the Board to include other pension or trust funds.

b) Audit and Compliance Committee

- 1) There shall be an Audit and Compliance Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include formally communicating with the Illinois Auditor General, creating the Board's internal ethics code, and ensuring compliance with Illinois ethics laws.)
- 2) The Committee will elect a Committee Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- 3) Additional responsibilities of the Audit and Compliance Committee shall be to maintain supervision over all accounting related activities of the Board, including but not limited to regular liaison with the Office of the Auditor General, independent auditors and accounting consultants to the Board. In addition, the Committee will participate in the review of the Board's activities by the Legislative Audit Commission and the Auditor General.
 - 4) The Audit and Compliance Committee shall have oversight responsibility for all matters relating to the Illinois Ethics Act. The Chair of the Committee shall be the designated Ethics Officer for Board members and staff. The Committee shall develop and make recommendations to the Board regarding policies and procedures for internal ~~codes~~Codes of ~~ethics~~Ethics for both the Board and Staff members, consistent with the State Officials and Employees Ethics Act [5 ILCS 430].
 - 5) The Committee will recommend changes in accounting policy for Board consideration.
 - 6) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act ~~[5 ILCS 120]~~. All Board members shall be encouraged to attend and participate.
- c) Investment Policy Committee
- 1) There shall be an Investment Policy Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include interviewing investment management firms that are finalists in the Board's competitive bidding process and recommending policies pertaining to the Board's investments, such as the Board's asset allocation study.)
 - 2) It shall be the responsibility of the Committee:
 - A) to recommend investment policy to the Board, both at its regularly

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- scheduled meetings and whenever ~~such~~ recommendations appear, in the judgment of the Committee, to be necessary or desirable;
- B) for the ongoing and specific supervision of the internal investment process, including but not limited to advance approval of all long-term investment transactions not falling within certain delegatory guidelines established by Board action; and
- C) for ongoing liaison with external investment advisors, together with recommendations concerning the tenure, compensation, fund direction, and retention of the advisors.
- 3) The Investment Policy Committee shall elect a Chair and a Vice Chair, to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
- 4) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act. All Board members shall be encouraged to attend and participate.
- 5) The Committee shall advise the Board when the Committee believes it is appropriate that non-Board members with investment and economic expertise ~~should~~ participate in Committee affairs.
- 6) The Board Chair will be an ex-officio, voting member of the Committee.
- d) Emerging Manager Committee
- 1) There shall be an Emerging Manager Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the next annual meeting of the Board following the election of officers. The Board shall determine the Committee's responsibilities. (Examples of such delegation include interviewing emerging managers; and recommending policies pertaining to the Board's investments, such as the Board's Minority Brokerage Policy or Targeted Investment Policy.)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- 2) An "emerging manager" is a qualified investment ~~adviser that~~ ~~adviser who~~ manages an investment portfolio of at least \$10,000,000, but less than ~~\$10,000,000,000~~ ~~2,000,000,000~~, and is a "~~minority owned~~ ~~minority-owned~~ business", ~~or~~ "~~female owned~~ ~~female-owned~~ business" ~~or business owned by a person with a disability~~, as those terms are defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act ~~[30 ILCS 575/2(A)(3), (4) and (4.1)]~~ ~~[40 ILCS 5/1-109(4)]~~.
- 3) It shall be the policy of the Committee:
 - A) to increase access to and business with emerging managers;
 - B) to allocate at least 5% of fund assets to emerging managers, consistent with statutes;
 - C) to encourage emerging managers to grow assets under their management, outperform the applicable benchmark index, and eventually move into the core portfolio.
- 4) It shall be the responsibility of the Committee:
 - A) to interview emerging manager applicants for specific asset classes;
 - B) to function as ongoing liaison with emerging managers, together with recommendations concerning the tenure, compensation, fund direction, and retention of emerging managers;
 - C) to recommend emerging manager policy to the Board, both at its regularly scheduled meetings and whenever ~~those~~ ~~such~~ recommendations appear, in the judgment of the Committee, to be necessary or desirable;
 - D) to conduct other duties as assigned by the Board.
- 5) The Committee will elect a Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- 6) The Committee shall meet as often as necessary, in the discretion of the Board or the Chair of the Committee, so long as the meetings are in compliance with the Open Meeting Act. All Board members shall be encouraged to attend and participate.

(Source: Amended at 35 Ill. Reg. 13915, effective August 1, 2011)

SUBPART C: GENERAL POLICIES

Section 800.210 Functions

- a) The functions of the Board are limited exclusively to investment management and such other duties and responsibilities as are directed or permitted by statute. With respect to investment management more specifically:

To invest, reinvest, exchange and perform all investment functions with regard to reserves, funds, assets, securities and moneys which the Board is authorized to invest, and to preserve and protect such reserves, funds, assets, securities and moneys, including, but not limited to, authority to vote any stocks, bonds or other securities and to give general or special proxies or powers of attorney with or without power of substitution [40 ILCS 5/22A-106].

- 1) The Board shall manage investments by executing procedures that include, but are not limited to:
- A) Performing due diligence on the investment portfolio. (Examples of due diligence include monitoring the performance of current investment portfolios, selecting new investment portfolios, determining the asset allocation per portfolio and selecting investment managers to invest portfolio assets.)
 - B) Adopting an asset allocation policy to achieve efficiently the Board's long-term investment objective of ~~a 7.75% an 8.5%~~ compounded rate of return. (Examples of policy considerations include examining all asset classes and their appropriate benchmarks and allocating specific percentages of assets to specific asset classes.)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- C) Managing Board expenses. (Examples of such management include negotiating competitive asset management fees with investment managers and monitoring the Board's operating budget.)
 - D) Complying with the Illinois Pension Code [40 ILCS 5]. (Examples of compliance include adhering to statutory directives such as the prudent utilization of emerging investment managers in managing assets (see 40 ILCS 5/1-109.1(4)) and refraining from prohibited transactions.)
- 2) The Board's general policy governing investments shall require that, as fiduciaries, the Board discharge its duties, with respect to pension fund assets it manages, solely in the interest of the participants and beneficiaries. (Examples of general investment policy include maintaining an 8.5% compounded rate of return on investments; investing with the care, skill, prudence and diligence that a prudent person would use in the conduct of an enterprise of like character with like aims; and diversifying investments to reduce risk, enhance returns and commit meaningful investment positions.)
- b) State Employees Deferred Compensation Plan (Plan)
- 1) The Board shall be responsible for developing and establishing the Plan (see 40 ILCS 5/24-104).
 - 2) With respect to developing and establishing the Plan, the Board shall:
 - A) Review investment offerings and offer acceptable investment offerings as investment options for the Plan; and
 - B) Supervise the Department of Central Management Services' administration of the Plan.
 - 3) Further explanation regarding the Board's responsibilities with respect to the development and establishment of the Plan are found in the following Board regulations: 80 Ill. Adm. Code 2700: Subpart A (Introduction and Purpose of Plan); Subpart B (Definitions); Subpart C (the Board's general supervision of the administration of the Plan); Subpart G (distributions in

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

the event of an unforeseeable emergency); Subpart I (ability to amend or terminate Plan).

- c) These functions shall not encompass any duties or responsibilities related to the operation and administration of the pension funds in any other area than that of investments.

(Source: Amended at 35 Ill. Reg. 13915, effective August 1, 2011)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan
- 2) Code Citation: 80 Ill. Adm. Code 2700
- 3) Section Number: 2700.740 Adopted Action:
Amendment
- 4) Statutory Authority: 40 ILCS 5/22A.
- 5) Effective Date of Amendment: August 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file at the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2011; 35 Ill. Reg. 1579
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Difference between proposal and final version: There are no differences between the proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment clarifies the deadline for participants to submit hardship appeals.
- 16) Information and questions regarding this adopted amendment shall be directly to:

Linsey Schoemehl
General Counsel/Chief Compliance Officer

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago, IL 60610

312/793/1486
Linsey.Schoemehl@illinois.gov

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

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE H: DEFERRED COMPENSATION
CHAPTER I: ILLINOIS STATE BOARD OF INVESTMENT

PART 2700

STATE (OF ILLINOIS) EMPLOYEES' DEFERRED COMPENSATION PLAN

SUBPART A: INTRODUCTION AND PURPOSE OF PLAN

Section	
2700.100	Establishment of Plan
2700.110	Purpose of Plan
2700.120	Economic Growth and Tax Relief Reconciliation Act of 2001 Good Faith Amendment (Repealed)
2700.125	Forms

SUBPART B: DEFINITIONS

Section	
2700.200	Definitions

SUBPART C: ADMINISTRATION

Section	
2700.300	Responsibilities of the Department
2700.310	Responsibilities of the Board
2700.311	Standards Governing the Selection of Investment Options
2700.315	Responsibilities of the Recordkeeper
2700.320	Deferred Compensation Hardship Committee
2700.330	Applicable Law

SUBPART D: PARTICIPATION IN THE PLAN

Section	
2700.400	Eligibility
2700.410	Enrollment
2700.415	Designation of Beneficiary
2700.420	Minimum Deferral
2700.430	Basic Annual Limitation

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

- 2700.435 Age 50 Catch-up Annual Deferral Contribution
- 2700.440 Special Section 457 Catch-up Limitation
- 2700.450 Revocation of Deferral

SUBPART E: ESTABLISHMENT OF RETIREMENT AGE

Section

- 2700.500 Normal Retirement Age
- 2700.510 Alternative Normal Retirement Age

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section

- 2700.600 Deferred Compensation Accounts
- 2700.610 Allocation of Investment Earnings or Losses
- 2700.620 Investment Option Valuation
- 2700.630 Administrative Costs
- 2700.640 Method of Making Investment Requests
- 2700.650 Participant Statements
- 2700.660 Custodial Account
- 2700.670 Investment Options
- 2700.680 Rollovers to the Plan
- 2700.690 Plan-to-Plan Transfers to the Plan

SUBPART G: DISTRIBUTIONS

Section

- 2700.700 Distribution Events
- 2700.710 Beneficiary Election of Method of Distribution
- 2700.720 Election of Delayed Distribution Date (Repealed)
- 2700.730 Election of Method of Distribution
- 2700.735 Distribution for Certain Balances of \$5,000 or Less
- 2700.740 Unforeseeable Emergency
- 2700.745 Plan-to-Plan Transfers from the Plan
- 2700.750 Permissive Service Credit Transfers
- 2700.760 Leave of Absence

SUBPART H: MISCELLANEOUS

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

Section	
2700.800	Nonassignability
2700.810	Payments to Minors and Incompetents
2700.820	Missing Persons
2700.830	Severability
2700.840	Days and Dates
2700.850	Domestic Relations Orders
2700.860	IRS Levy
2700.870	Mistaken Contributions

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

Section	
2700.900	Amendment of Plan
2700.910	Termination of Plan
2700.920	Merger with Prior Plans

2700.APPENDIX A	Administrative Rules (Repealed)
2700.EXHIBIT A	Administrative Rule I (Repealed)
2700.EXHIBIT B	Administrative Rule II (Repealed)
2700.EXHIBIT C	Administrative Rule III (Repealed)
2700.EXHIBIT D	Administrative Rule IV (Repealed)
2700.EXHIBIT E	Administrative Rule V (Repealed)
2700.EXHIBIT F	Administrative Rule VI (Repealed)

AUTHORITY: Implementing section 457 of the Internal Revenue Code (26 USCA 457, et seq., as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 161, effective March 6, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 13, p. 7, effective March 19, 1979; amended at 3 Ill. Reg. 36, p. 436, effective August 29, 1979; amended at 4 Ill. Reg. 1, p. 45, effective December 26, 1979; amended at 6 Ill. Reg. 9655, effective July 23, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 10845, effective August 31, 1983; emergency amendments at 13 Ill. Reg. 629, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9308, effective May 31, 1989; emergency amendment at 17 Ill. Reg. 19976, effective November 2, 1993, for a maximum of 150 days; emergency expired April 2, 1994; amended at 18 Ill. Reg. 7224, effective May 2, 1994; amended at 21 Ill. Reg. 10050, effective July 15, 1997; emergency amendment at 23 Ill. Reg. 566, effective January 1, 1999, for a maximum of 150 days;

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

amendment at 23 Ill. Reg. 6039, effective May 5, 1999; emergency amendment at 26 Ill. Reg. 478, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7442, effective May 6, 2002; emergency amendment at 29 Ill. Reg. 20050, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8408, effective April 21, 2006; amended at 33 Ill. Reg. 13451, effective September 14, 2009; amended at 35 Ill. Reg. 13928, effective August 1, 2011.

SUBPART G: DISTRIBUTIONS

Section 2700.740 Unforeseeable Emergency

- a) A distribution of all or a portion of a Participant's Deferred Compensation Account or a change in method of distribution to a Participant shall be permitted in the event the Participant experiences an Unforeseeable Emergency.
- b) Distributions shall not be made to the extent that the hardship is or may be relieved:
 - 1) through reimbursement or compensation by insurance or otherwise;
 - 2) by liquidation of the Participant's assets to the extent the liquidation of assets would not itself cause severe financial hardship; or
 - 3) by cessation of deferrals under the Plan.
- c) A Participant's deferrals shall automatically be revoked upon application for a hardship distribution.
- d) If the application is approved, the Participant cannot re-enroll for 6 months following receipt of the hardship application, unless the application is to request cessation of distribution payments.
- e) For the purposes of this Plan, a Beneficiary whose interest has "vested" in accordance with Section 2700.415 shall have all rights of a Participant to request a distribution in the event of an Unforeseeable Emergency.
- f) A Participant desiring a distribution by reason of a serious Unforeseeable Emergency must apply to the Recordkeeper and demonstrate that:

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

- 1) the circumstances being experienced were not under the Participant's control;
 - 2) the circumstances constitute a real emergency that is likely to cause the Participant great financial hardship;
 - 3) the Unforeseeable Emergency that is the subject of the request occurred no more than 24 months prior to the date of the request;
 - 4) the amount of the need cannot be reasonably relieved:
 - A) through reimbursement or compensation by insurance or otherwise;
 - B) by liquidation of assets (including those of the Participant's spouse and minor children), to the extent the liquidation would not itself cause an immediate and heavy financial need;
 - C) by stopping elective contributions to the Plan; or
 - D) by taking withdrawals from the plans maintained by the employer and any other company, or by borrowing from commercial resources on reasonable commercial terms; and
 - 5) an Unforeseeable Emergency request form and 457 direct emergency withdrawal worksheet have been completed and submitted to the Recordkeeper, along with all documentation possessed by the Participant that supports the basis of the request.
- g) The Recordkeeper shall have the authority to require medical or other evidence it may need to determine the necessity for Participant's withdrawal request. In the event this information is not provided, the case shall be considered closed 60 days after the date of the request for additional information.
- h) The Recordkeeper shall reach its decision to process or reject the financial hardship withdrawal request, in accordance with Section 2700.315(f), within 30 days following receipt of the completed application and necessary information required by the application.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT

- i) In the event the basis for the hardship does not fall into the guidelines established by Section 2700.315(f), the Recordkeeper shall forward all relevant information to the Hardship Committee for consideration and a final decision.
- j) The Hardship Committee may request additional information from the Participant in order to make its decision on applications processed through either subsection (h) or (i). The Hardship Committee shall reach its decision within 30 days after receipt of the application and information necessary to reach a final determination.
- k) If a Participant is not satisfied with the decision of the Hardship Committee on an application for an Unforeseeable Emergency distribution or change in distribution, the Participant may appeal in writing to the Board within ~~20~~5 days after the mailing date~~after receipt~~ of the Hardship Committee's decision.
- l) The Board shall, within 30 days after receipt of the appeal, conduct a hearing and review evidence presented by the Participant.
- m) The Board shall then render a final decision within 15 days after the hearing that shall be binding on all parties.
- n) If an application for an Unforeseeable Emergency distribution is approved, the distribution shall be limited to an amount sufficient only to meet the emergency and shall in no event exceed the amount of his or her Deferred Compensation Account as of the Valuation Date next preceding or coincident with the withdrawal.
- o) The allowed distribution shall be payable in a method determined by the Recordkeeper and shall commence as soon as possible, but not later than 30 days after notice to the Participant and the Department of approval of the request.

(Source: Amended at 35 Ill. Reg. 13928, effective August 1, 2011)

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
240.130	Amendment
240.760	Amendment
240.865	Amendment
- 4) Statutory Authority: Authorized by 20 ILCS 105/4.01(11) and 4.02
- 5) Effective Date of Emergency Amendments: July 28, 2011
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking is not set to expire before the end of the 150-day period.
- 7) Date filed with the Index Department: July 28, 2011
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed in order to maximize the number of individuals eligible for Medicaid under the Community Care Program and to improve the data-matching ability of the State in claiming reimbursement for services provided under the Medicaid waiver. The Department needs to ensure that participants are not claimed under multiple waivers and that the 24-month Medicaid application constraint is rescinded. Given continuing financial pressures in the State and the demand for services under this Program with an aging population, it is imperative that the Department exercise both fiscal and programmatic oversight to maximize alternative funding sources so benefits will reach the largest possible number of eligible individuals.
- 10) A Complete Description of the Subjects and Issues Involved: Sections 240.130: Adds language to clarify that participants under the Community Care Program are not permitted to be enrolled in another Home and Community-Based Service Waiver.

Section 240.760: Makes furnishing a Social Security Number an eligibility requirement for the Community Care Program. Indicates that services will not be denied, delayed or discontinued under this Program while an individual is waiting for a Social Security

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

Number to be issued or verified. Also updates terminology referencing "Care Coordination Units".

Section 240.865: Eliminates the following exceptions to the requirement that individuals make a good faith effort to apply for and, if financially eligible, enroll in medical assistance under Article V as a condition of eligibility for the Community Care Program: (1) an individual has been issued a denial on a medical assistance application within the prior 24-month period when there is no action that can be taken to become eligible for such assistance; (2) an individual is not prohibited from enrolling in medical assistance based on his or her immigration status; (3) an individual has private, creditable health insurance or U.S. Department of Veterans Affairs benefits and/or coverage for a spouse for the next 12-month period of time; and (4) the existence of compelling circumstances making the effort to apply and enroll in medical assistance an undue hardship on applicants. Updates terminology by changing reference from "case manager" to "Care Coordinator". Also adds language to clarify that a good faith effort is not limited to the examples in the rule.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This emergency rulemaking does not create or enlarge any State mandate.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

217/785-3346

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

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

240.100 Community Care Program

240.110 Department Prerogative

240.120 Services Provided

240.130 Maintenance of Effort

EMERGENCY

240.140 Program Limitations

240.150 Completed Applications Prior to August 1, 1982 (Repealed)

240.160 Definitions

SUBPART B: SERVICE DEFINITIONS

Section

240.210 In-home Service

240.220 Chore-Housekeeping Service (Repealed)

240.230 Adult Day Service

240.235 Emergency Home Response Service

240.240 Information and Referral

240.250 Demonstration/Research Projects

240.260 Case Management Service

240.270 Alternative Provider

240.280 Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section

240.300 Applicant/Client Rights and Responsibilities

240.310 Right to Apply

240.320 Nondiscrimination

240.330 Freedom of Choice

240.340 Confidentiality/Safeguarding of Case Information

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 240.350 Applicant/Client/Authorized Representative Cooperation
- 240.360 Reporting Changes
- 240.370 Voluntary Repayment

SUBPART D: APPEALS

- Section
- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
- 240.451 Conduct of Hearing
- 240.455 Continuance of the Hearing
- 240.460 Postponement
- 240.465 Dismissal Due to Non-Appearance
- 240.470 Rescheduling the Appeal Hearing
- 240.475 Recommendations of Hearing Officer
- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

- Section
- 240.510 Application for Community Care Program
- 240.520 Who May Make Application
- 240.530 Date of Application
- 240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Plans of Care Including In-home Service
240.729	Maximum Payment Levels for Plans of Care Including Adult Day Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

EMERGENCY

SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
<u>EMERGENCY</u>	
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section	
240.1010	Nursing Facility Screening
240.1020	Interim Services
240.1040	Intense Service Provision
240.1050	Temporary Service Increase

SUBPART K: TRANSFERS

Section	
240.1110	Individual Transfer Request – Vendor to Vendor – No Change in Service
240.1120	Individual Transfer Request – Vendor to Vendor – With Change in Service
240.1130	Individual Transfers – Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 240.1150 Interagency Transfers
- 240.1160 Temporary Transfers – Case Coordination Unit to Case Coordination Unit
- 240.1170 Caseload Transfer – Vendor to Vendor
- 240.1180 Caseload Transfer – Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section

- 240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND PROVIDERS

Section

- 240.1310 Standard Contractual Requirements for Case Coordination Units and Providers
- 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
- 240.1330 General Vendor and CCU Responsibilities (Repealed)
- 240.1396 Payment for Services (Repealed)
- 240.1397 Purchases and Contracts (Repealed)
- 240.1398 Safeguarding Case Information (Repealed)
- 240.1399 Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section

- 240.1400 Community Care Program Case Management
- 240.1410 Case Coordination Unit Administrative Minimum Standards
- 240.1420 Case Coordination Unit Responsibilities
- 240.1430 Case Management Staff Positions, Qualifications and Responsibilities
- 240.1440 Training Requirements For Case Management Supervisors and Case Managers

SUBPART O: PROVIDERS

Section

- 240.1505 Administrative Requirements for Certification
- 240.1510 Provider Administrative Minimum Standards
- 240.1520 Provider Responsibilities
- 240.1525 Standard Requirements for In-home Service Providers
- 240.1530 General In-home Service Staffing Requirements
- 240.1535 In-home Service Staff Positions, Qualifications, Training and Responsibilities

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

240.1540	General Chore-Housekeeping Staffing Requirements (Repealed)
240.1541	Minimum Equipment Specifications for Emergency Home Response Service
240.1542	Administrative Requirements for Emergency Home Response Service Providers
240.1545	Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
240.1550	Standard Requirements for Adult Day Service Providers
240.1555	General Adult Day Service Staffing Requirements
240.1560	Adult Day Service Staff
240.1565	Adult Day Service Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Care Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section

240.1600	Provider Agency Certification
240.1605	Emergency Certification
240.1607	Standard CCP Provider Agreement
240.1610	Procurement Cycle for Provider Services (Repealed)
250.1615	Provider Initiated Service Area Modifications
240.1620	Issuance of Provider Proposal and Guidelines (Repealed)
240.1625	Content of Provider Proposal and Guidelines (Repealed)
240.1630	Criteria for Number of Provider Contracts Awarded (Repealed)
240.1635	Evaluation of Provider Proposals (Repealed)
240.1640	Determination and Notification of Provider Awards (Repealed)
240.1645	Objection to Certification Decision
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1655	Method of Identification of Provider Service Violations (Repealed)
240.1660	Provider Performance Reviews
240.1661	Provider and Case Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

240.1710	Procurement Cycle For Case Management Services
----------	--

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

240.1720 Case Coordination Unit Performance Review

SUBPART R: ADVISORY COMMITTEE

Section

240.1800 Community Care Program Advisory Committee
240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: PROVIDER RATES

Section

240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950 Adult Day Care Fixed Unit Reimbursement Rates
240.1955 Fixed Unit Rates of Reimbursement for Emergency Home Response Service
240.1960 Case Management Fixed Unit Reimbursement Rates
240.1970 Enhanced Rate for Health Insurance Costs

SUBPART T: FINANCIAL REPORTING

Section

240.2020 Financial Reporting of In-home Service
240.2030 Unallowable Costs for In-home Service
240.2040 Minimum Direct Service Worker Costs for In-home Service
240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 34 Ill. Reg. 3448, effective March 8, 2010; emergency amendment at 34 Ill. Reg. 10854, effective July 15, 2010, for a maximum of 150 days; emergency expired December 11, 2010; emergency amendment at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of 150 days; emergency expired December 31, 2010; amended at 35 Ill. Reg. 8919, effective June 2, 2011; emergency amendment at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 240.130 Maintenance of Effort**EMERGENCY**

Services made available through the Community Care Program shall not supplant the same type of services which are available through other funded sources but shall be utilized for purposes of complementation and coordination of all services available to eligible individuals. Therefore, participants are not permitted to be enrolled in another Home and Community-Based Service (HCBS) Waiver.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days)

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.760 ~~Furnishing of Social Security Number~~**EMERGENCY**

- a) To be eligible for the Community Care Program, each individual must furnish a Social Security Number (SSN). If more than one SSN has been assigned to an individual, then all SSNs are to be furnished. ~~The furnishing of a Social Security number by an applicant/client is desirable although not an eligibility requirement.~~
- b) If any Community Care Program applicant or client does not have a Social

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

Security number but wishes to obtain one, the Department or CareCase Coordination Unit (CCU) shall assist him/her in making such application.

- c) Community Care Program services will not be denied, delayed or discontinued pending the issuance or validation of a SSN if the individual has applied for the SSN.
- d) Individuals who refuse to furnish a SSN, and/or apply for a SSN when requested, are ineligible for the Community Care Program.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days)

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.865 Application For Medical Assistance (Medicaid)**EMERGENCY**

Effective June 1, 2008, applicants will be required to make a good faith effort to apply for and, if financially eligible, enroll in medical assistance under Article V of the Illinois Public Aid Code as a condition of eligibility for the Community Care Program (CCP).

- a) Exceptions to this enrollment requirement will be allowed only if the Care Coordinator ~~ease manager~~ can verify that: ~~1) a denial was issued in response to a medical assistance application within the prior 24-month period and there is no action that can be taken by the applicant to become eligible for the program; 2) the value of non-exempt assets that are owned by the applicant exceeds twice the level of the asset disregard limit for medical assistance; 3) the applicant is prohibited from enrolling in medical assistance due to immigration status; 4) the applicant has proof of private, creditable health insurance or U.S. Department of Veterans Affairs benefits and/or coverage for a spouse for the next 12-month period of time; or 5) compelling circumstances exist making such effort an undue hardship on the applicants (e.g., the unavailability of documentation, a disability or chronic physical impairment of the applicant renders him or her unable to participate in the eligibility determination process, refusal to enroll in medical assistance would result in denial or termination of service that places the applicant/client at imminent risk of nursing facility placement within 3 work days, etc.).~~

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- b) The Care Coordinator~~ease manager~~ shall, when needed:
- 1) provide the applicant with a copy of the mail-in medical assistance application;
 - 2) assist the applicant with completing the application; and
 - 3) submit the application to the applicant's local Family Community Resource Center (FCRC).
- c) A good faith effort includes, but is not limited to, obtaining, completing and submitting a medical assistance application, together with any required supporting documentation.
- d) Services shall be provided to applicants by the Department during the period in which a medical assistance application is pending.
- e) Although applicants must agree to apply for and, if financially eligible, enroll in medical assistance, they~~applicants~~ are not required to meet the eligibility criteria for medical assistance under Article V of the Illinois Public Aid Code to receive benefits under the Community Care Program.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1800.110	Amendment
1800.430	Amendment
1800.555	New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) Effective date of Rules: July 29, 2011
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: July 29, 2011
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The Illinois Gaming Board is mandated by Section 78 (b) of the Video Gaming Act [230 ILCS 40/78 (b)] to "adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act". The emergency rules contained herein are necessary to effectively implement the license application process under the Act.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendments add a new Section 1800.555 to the Video Gaming Rules, entitled Withdrawal of Applications. Under this new Section, an applicant for any category of licensure under the Act may request leave to withdraw the application. Generally, applications for licenses may be withdrawn under the new rule without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure. If, however, the Administrator objects to withdrawal, leave of the Board will be required. Once an application for a license is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board. There will be no refund of the application fee in the event of a withdrawal, as the Board

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

will have already incurred investigatory expenses. The Illinois Gaming Board has received a number of requests for withdrawal of applications. The withdrawals, if allowed, will permit the Board to allocate scarce investigatory resources toward applicants that wish to pursue their license applications.

The emergency amendments also amend the definition of "persons with significant influence and control" contained in Section 1800.110, Definitions, by changing "and" to "or" and providing that the definition does not refer to persons with a "substantial interest." In keeping with the revised definition, the rulemaking also amends Section 1800.430, Persons with Significant Influence or Control, by deleting subsection (c)(2) of that Section. Subsection (c)(2) provides that persons who hold, directly or indirectly, a "substantial interest" in an applicant or licensee (except for institutional investors holding less than 10% of the shares of a publicly traded company) shall be deemed persons with significant influence or control and shall file disclosures as provided by the Illinois Gaming Board.

The term "substantial interest" is used in the Video Gaming Act solely with reference to residency requirements of licensees [230 ILCS 40/26)]. Under the definitions of "substantial interest" contained in Section 25 (g) of the Act and Section 1800.110 of the Video Gaming Rules, a "substantial interest" is attained when there is a minimum level of ownership. In contrast, as defined in Sections 1800.110 and 1800.430 of the Video Gaming Rules, "person with significant influence or control" (PSIC), incorporates the requirements of influence or control. Generally, a higher standard must be met to establish a person as a PSIC than as a person holding a substantial interest. This is particularly so in the case of partnerships, as a partner is deemed to have a "'substantial interest' whenever the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities" [.]

For partnerships with multiple layers of ownership, the numbers of persons with "substantial interests" can be very large, imposing onerous investigatory duties on Board agents, who are forced to treat each of these persons as PSICs. It is the Illinois Gaming Board's view that, unless a person exercises actual influence or control, a detailed personal background investigation is not necessary. Should there be any question about the necessity of an investigation, the Administrator will retain unencumbered authority to make a PSIC designation.

- 11) Are there any other amendments pending to this Part? Simultaneously with the filing of these emergency amendments, the Illinois Gaming Board has filed on First Notice a regular rulemaking containing identical amendatory changes.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this rulemaking shall be directed to:

William Bogot
Acting General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601
Fax No. (312) 814-7253
william.bogot@igb.illinois.gov

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section

- 1800.110 Definitions
- | EMERGENCY
- 1800.115 Gender
- 1800.120 Inspection

SUBPART B: DUTIES OF LICENSEES

Section

- 1800.210 General Duties of All Video Gaming Licensees
- 1800.220 Continuing Duty to Report Violations
- 1800.230 Duties of Licensed Manufacturers
- 1800.240 Duties of Licensed Distributors
- 1800.250 Duties of Licensed Video Terminal Operators
- 1800.260 Duties of Licensed Technicians
- 1800.270 Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section

- 1800.310 Grounds for Disciplinary Actions
- 1800.320 Minimum Standards for Use Agreements

SUBPART D: LICENSING QUALIFICATIONS

Section

- 1800.410 Coverage of Subpart
- 1800.420 Qualifications for Licensure
- 1800.430 Persons with Significant Influence or Control
- | EMERGENCY

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

SUBPART E: LICENSING PROCEDURES

Section

- 1800.510 Coverage of Subpart
- 1800.520 Applications
- 1800.530 Submission of Application
- 1800.540 Application Fees
- 1800.550 Consideration of Applications by the Board
- 1800.555 Withdrawal of Applications
- EMERGENCY
- 1800.560 Issuance of License
- 1800.570 Renewal of License
- 1800.580 Renewal Fees and Dates

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

- 1800.610 Coverage of Subpart
- 1800.615 Requests for Hearing
- 1800.620 Appearances
- 1800.625 Appointment of Administrative Law Judge
- 1800.630 Discovery
- 1800.635 Subpoenas
- 1800.640 Motions for Summary Judgment
- 1800.650 Proceedings
- 1800.660 Evidence
- 1800.670 Prohibition on Ex Parte Communication
- 1800.680 Sanctions and Penalties
- 1800.690 Transmittal of Record and Recommendation to the Board
- 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

- 1800.710 Coverage of Subpart
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
- 1800.720 Hearings in Disciplinary Actions
- 1800.725 Appearances

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810	Location and Placement of Video Gaming Terminals
----------	--

SUBPART I: SECURITY INTERESTS

Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION AND DISTRIBUTION
OF VIDEO GAMING TERMINALS

Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

Section

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

1800.1110 State-Local Relations

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions**EMERGENCY**

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

"Act": The Video Gaming Act [230 ILCS 40].

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

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

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Video Gaming Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations, and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

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

"Board": The Illinois Gaming Board.

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

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

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

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code.

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

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

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under Section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Video Gaming Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act and this Part.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Person": Includes both individuals and business entities.

"Person with significant interest ~~or~~ control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

~~Each person who holds, directly or indirectly, a substantial interest in an applicant or licensee;~~

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the ~~corporate~~ applicant or licensee, or elect a majority of ~~its~~the board of directors ~~of that corporation~~, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

~~For any applicant or licensee that is not a corporation, persons who, in the opinion of the Administrator, have the ability to control the applicant or licensee;~~

Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days)

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.430 Persons with Significant Influence or Control**EMERGENCY**

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 2) Comply with the Act and this Part; and
 - 3) Submit initial and annual disclosure information on forms provided by the Board.
- c) Persons with significant influence or control include, but are not limited, to the following:
- 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - ~~2) Each person who holds, directly or indirectly, a "substantial interest" in an applicant or licensee, except that an institutional investor holding less than 10% of the shares of a publicly traded company shall file disclosures as provided by the Board;~~
 - ~~2)3) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the ~~corporate~~ applicant or licensee or elect a majority of ~~its~~the board of directors ~~of that corporation~~, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business, ~~or any other source of funds approved by the Administrator;~~~~
 - ~~4) For any non-corporate applicant, persons who, in the opinion of the Administrator, have the ability to control the applicant; and~~
 - ~~3)5) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.~~

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days)

SUBPART E: LICENSING PROCEDURES

Section 1800.555 Withdrawal of Applications
EMERGENCY

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- a) An application for licensure under the Act may be withdrawn without leave of the Board if written notification of withdrawal is received prior to Board action on licensure under Section 1800.560 and unless the intended withdrawal is objected to by the Administrator.
- b) If the Administrator objects to withdrawal of an application for licensure, leave of the Board is required for withdrawal.
- c) If an application for licensure is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE X Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table X to reflect a Memorandum of Understanding (MOU) between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed June 30, 2011. The MOU assigns the RC-063-26 pay grade Pay Plan Code B to the Senior Public Service Administrator (SPSA) title Option 8E, which is Engineer (Professional), positions effective December 2, 2010. That same date, the Illinois Labor Relations Board (ILRB) issued a Certification of Representative (Case Nos. S-RC-09-038 and S-RC-09-060) assigning the SPSA title Option 8E positions to the AFSCME RC-063 bargaining unit with position number 40070-12-60-000-00-01 excluded.

Previously on July 13, 2010, the ILBR issued a Revocation of Certification of the SPSA title Option 8E positions. The ILRB revoked the Certification of Representative of the SPSA title Option 8E positions to AFSCME RC-063 bargaining unit with position number 40070-12-60-000-00-01 excluded in the corrected certification (issued September 8, 2009) effective June 1, 2009. Effective June 1, 2009 through July 12, 2010, the SPSA title Option 8E positions were assigned to the RC-063-26 pay grade by a MOU signed June 22, 2009 and the employees received pay treatment based on the MOU and subsequent RC-063 bargaining unit agreements. The SPSA title Option 8E positions were not assigned to the RC-063-26 pay grade effective July 13, 2010 through December 1, 2010 and were subject to the jurisdiction of Merit Compensation System, assigned to the SPSA broadband salary range and received the immediate corresponding pay treatment (Section 310.480(e)).

The SPSA title Option 8E positions were originally added to 310.Appendix A Table X through peremptory amendment at 33 Ill. Reg. 11082. The SPSA title Option 8E positions were removed from 310.Appendix A Table X through emergency amendments at 34 Ill. Reg. 12240 for 150 days and permanently through the adoption of proposed amendments at 35 Ill. Reg. 765.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 6) Effective Date: July 29, 2011
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Apendix A Table X, the Senior Public Service Administrator title Option 8E, its title code 40070, bargaining unit RC-063 with pay grade 26 are added to the title table. The Option 8E is added to the Note reference where to locate the definition of option.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: July 29, 2011
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes.
- 12) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.Appendix A Table AA	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.47	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705; April 8, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.47	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.50	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.130	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.410	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.490	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.500	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.600	New Section	35 Ill. Reg. 11032; July 15, 2011
310.610	New Section	35 Ill. Reg. 11032; July 15, 2011
310.620	New Section	35 Ill. Reg. 11032; July 15, 2011
310.630	New Section	35 Ill. Reg. 11032; July 15, 2011
310.640	New Section	35 Ill. Reg. 11032; July 15, 2011
310.650	New Section	35 Ill. Reg. 11032; July 15, 2011
310.660	New Section	35 Ill. Reg. 11032; July 15, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.670	New Section	35 Ill. Reg. 11032; July 15, 2011
310.680	New Section	35 Ill. Reg. 11032; July 15, 2011
310.690	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AA	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE A	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE C	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE H	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE I	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE J	New Section	35 Ill. Reg. 11032; July 15, 2011
310.APPENDIX B TABLE K	New Section	35 Ill. Reg. 11032; July 15, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX B TABLE M	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE N	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE O	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE P	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE R	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE S	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE T	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE V	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE W	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE X	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE Y	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE Z	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE AB	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE AD	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX B TABLE AE	New Section	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 11032;July 15, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 11032;July 15, 2011

13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory amendment shall be directed to:

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

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)

310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 310.APPENDIX C Medical Administrator Rates (Repealed)
- 310.APPENDIX D Merit Compensation System Salary Schedule
- 310.APPENDIX E Teaching Salary Schedule (Repealed)
- 310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
- 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19
Geographic Information Specialist II	17272	RC-063	23

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15
Public Health Educator	36430	RC-063	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8I			
Department of Natural Resources	37015	RC-063	22
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Public Service Administrator, Options 1, 3, 4, 6E, 7 (Criminal Justice Information Authority), 8A (Department of Public Health), 8E, 8N, and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
<u>Senior Public Service Administrator,</u>			
<u>Option 8E</u>	<u>40070</u>	<u>RC-063</u>	<u>26</u>
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	18
Social Worker III	41413	RC-063	19
Social Worker IV	41414	RC-063	21
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; 8T; 8U and 9G. The positions allocated to the Senior Public Service Administrator title that are assigned to ~~athe~~ negotiated pay grade have the options 8E and option 8P. See the definition of option in Section 310.50.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Effective July 1, 2010
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3457	3549	3684	3828	3996	4141	4298	4549	4731
14	Q	3601	3700	3841	3998	4170	4328	4492	4754	4943
14	S	3669	3768	3917	4069	4246	4403	4570	4829	5021
15	B	3593	3690	3853	4012	4168	4339	4500	4771	4960
15	Q	3745	3850	4019	4186	4355	4536	4703	4983	5184
15	S	3816	3922	4094	4260	4433	4613	4778	5062	5264
16	B	3755	3862	4035	4215	4388	4573	4755	5036	5237
16	Q	3920	4031	4215	4405	4588	4777	4969	5265	5476
16	S	3995	4108	4290	4482	4668	4854	5048	5338	5551
17	B	3932	4048	4233	4429	4617	4804	4998	5295	5508
17	Q	4106	4223	4426	4629	4822	5018	5223	5533	5756
17	S	4180	4299	4503	4707	4902	5095	5298	5615	5838
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
18	S	4399	4524	4743	4960	5183	5392	5606	5932	6170
19	B	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	Q	4555	4690	4931	5159	5406	5630	5866	6220	6469
19	S	4634	4770	5009	5239	5481	5709	5945	6296	6549
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
20	S	4890	5035	5283	5526	5785	6032	6280	6656	6922

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

21	B	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	Q	5080	5234	5505	5767	6039	6314	6578	6986	7265
21	S	5157	5312	5578	5844	6117	6390	6653	7063	7347
22	B	5143	5294	5570	5842	6119	6402	6667	7083	7366
22	Q	5372	5531	5822	6108	6393	6689	6970	7401	7696
22	S	5450	5612	5896	6184	6469	6767	7050	7480	7779
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208
23	S	5777	5948	6257	6575	6882	7196	7504	7971	8288
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	Q	6066	6248	6581	6923	7256	7588	7933	8431	8768
24	S	6141	6326	6655	6998	7332	7667	8011	8506	8847
25	B	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	Q	6461	6656	7022	7389	7763	8133	8500	9046	9408
25	S	6544	6735	7099	7466	7838	8206	8574	9122	9488
26	B	6540	6798	7170	7551	7934	8303	8676	9236	9605
26	Q	6849	7126	7512	7910	8310	8699	9087	9676	10063
26	S	6913	7193	7584	7987	8390	8781	9175	9772	10162
27	B	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	Q	7224	7586	7998	8420	8850	9263	9679	10305	10717

Effective January 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3492	3584	3721	3866	4036	4182	4341	4594	4778
14	Q	3637	3737	3879	4038	4212	4371	4537	4802	4992

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

14	S	3706	3806	3956	4110	4288	4447	4616	4877	5071
15	B	3629	3727	3892	4052	4210	4382	4545	4819	5010
15	Q	3782	3889	4059	4228	4399	4581	4750	5033	5236
15	S	3854	3961	4135	4303	4477	4659	4826	5113	5317
16	B	3793	3901	4075	4257	4432	4619	4803	5086	5289
16	Q	3959	4071	4257	4449	4634	4825	5019	5318	5531
16	S	4035	4149	4333	4527	4715	4903	5098	5391	5607
17	B	3971	4088	4275	4473	4663	4852	5048	5348	5563
17	Q	4147	4265	4470	4675	4870	5068	5275	5588	5814
17	S	4222	4342	4548	4754	4951	5146	5351	5671	5896
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
18	S	4443	4569	4790	5010	5235	5446	5662	5991	6232
19	B	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	Q	4601	4737	4980	5211	5460	5686	5925	6282	6534
19	S	4680	4818	5059	5291	5536	5766	6004	6359	6614
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
20	S	4939	5085	5336	5581	5843	6092	6343	6723	6991
21	B	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	Q	5131	5286	5560	5825	6099	6377	6644	7056	7338
21	S	5209	5365	5634	5902	6178	6454	6720	7134	7420
22	B	5194	5347	5626	5900	6180	6466	6734	7154	7440
22	Q	5426	5586	5880	6169	6457	6756	7040	7475	7773
22	S	5505	5668	5955	6246	6534	6835	7121	7555	7857
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23	S	5835	6007	6320	6641	6951	7268	7579	8051	8371
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	Q	6127	6310	6647	6992	7329	7664	8012	8515	8856
24	S	6202	6389	6722	7068	7405	7744	8091	8591	8935
25	B	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	Q	6526	6723	7092	7463	7841	8214	8585	9136	9502
25	S	6609	6802	7170	7541	7916	8288	8660	9213	9583
26	B	6605	6866	7242	7627	8013	8386	8763	9328	9701
26	Q	6917	7197	7587	7989	8393	8786	9178	9773	10164
26	S	6982	7265	7660	8067	8474	8869	9267	9870	10264
27	B	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	Q	7296	7662	8078	8504	8939	9356	9776	10408	10824

Effective June 1, 2011
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
14	B	3562	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3710	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3780	3882	4035	4192	4374	4536	4708	4975	5172
15	B	3702	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3858	3967	4140	4313	4487	4673	4845	5134	5341
15	S	3931	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3869	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4038	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4116	4232	4420	4618	4809	5001	5200	5499	5719

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

17	B	4050	4170	4361	4562	4756	4949	5149	5455	5674
17	Q	4230	4350	4559	4769	4967	5169	5381	5700	5930
17	S	4306	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4532	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4693	4832	5080	5315	5569	5800	6044	6408	6665
19	S	4774	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5038	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5234	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5313	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5298	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5535	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5615	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23	S	5952	6127	6446	6774	7090	7413	7731	8212	8538
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6250	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6326	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6372	6564	6922	7287	7651	8014	8379	8917	9274
25	Q	6657	6857	7234	7612	7998	8378	8757	9319	9692

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

25	S	6741	6938	7313	7692	8074	8454	8833	9397	9775
26	B	6737	7003	7387	7780	8173	8554	8938	9515	9895
26	Q	7055	7341	7739	8149	8561	8962	9362	9968	10367
26	S	7122	7410	7813	8228	8643	9046	9452	10067	10469
27	B	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	Q	7442	7815	8240	8674	9118	9543	9972	10616	11040

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 13966, effective July 29, 2011)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION AND FILING PROHIBITION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.10	Refuse to Modify
120.20	Refuse to Modify
120.40	Repeal
120.60	Refuse to Modify
120.61	Refuse to Modify
120.62	Repeal
120.63	Repeal
120.65	Repeal
120.308	Refuse to Modify
120.347	Modify
120.379	Modify
120.380	Modify
120.381	Refuse to Modify
120.382	Refuse to Modify
120.384	Refuse to Modify
120.385	Modify
120.387	Refuse to Modify
120.388	Modify
120. TABLE B	Repeal
- 4) Date Notice of Proposed Rules Published in the Illinois Register: August 13, 2010; 34 Ill. Reg. 11664
- 5) JCAR Statement of Objection Published in the Illinois Register: May 27, 2011; 35 Ill. Reg. 8251
- 6) Summary of Action Taken by the Agency: Over the past year, HFS has attempted to promulgate rules to bring Illinois into compliance with the provisions of the federal law pertaining to eligibility for Medicaid-covered long term care services under the federal Deficit Reduction Act (DRA) adopted on February 8, 2006.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION AND FILING PROHIBITION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Accordingly, at its meeting of May 10, 2011, JCAR voted an Objection and Filing Prohibition on the rulemaking. If the prohibition is not lifted by November 5, 2011, it will become permanent.

Since the JCAR vote on May 10, 2011, HFS has undertaken the following actions:

- We immediately sought federal guidance to confirm the limits of state discretion allowed under federal law in this area. On May 13, 2011, HFS submitted a state Medicaid plan amendment (SPA) to the federal Centers for Medicare and Medicaid Services (CMS) seeking approval to implement a policy that would apply DRA provisions only to transfers occurring after the effective date of any rulemaking, i.e., only prospectively. In a letter dated June 10, 2011, CMS rejected this SPA, stating that our proposed "look-back" period and our proposal for calculating the penalty period do not comport with federal Medicaid transfer-of-asset rules. CMS will not approve a SPA as JCAR has proposed and has asked whether Illinois intends to come into compliance with the federal law.

Failure to come into compliance puts the state in continued violation of federal law governing Medicaid reimbursement of nursing home costs going forward. It also could result in federal compliance action to disallow some amount of federal reimbursement for Illinois' Medicaid program, for nursing home admissions approved in the past, possibly as far back as 2006 when the federal law became effective

- We asked representatives of the elder law bar to document their claim that the federal government has been more flexible with other states including approving prospective implementation of DRA provisions. They cited 18 states, and over the past several weeks, HFS has investigated each of those states. Of those 18 states, only one, Indiana, received CMS approval for a limited (five month) late implementation; 16 other states all have state plan amendments that comport with the DRA implementation date of February 8, 2006. The remaining state, California has not yet submitted an amendment to its state Medicaid plan but has passed implementing legislation and is working on rules.

Based on CMS' rejection of our SPA and informal attempts with CMS to develop a compromise solution, coupled with a close look at other states' approaches, HFS has no reason to believe that CMS will ever approve the prospective implementation JCAR desires. Accordingly, HFS requires JCAR's cooperation to consider and act on the following options:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION AND FILING PROHIBITION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Option #1: JCAR does not lift the Filing Prohibition. Illinois takes no action to implement DRA. There could be a serious financial risk to the state, with disallowance for federal match for nursing home liability. Although we don't know specifically how much federal match may be at risk, it could be quite substantial, given Illinois' \$1.7 billion annual nursing home budget (plus the risk associated with losing federal match on all other Medicaid expenses related to these individuals, such as hospital care).

Option #2: The state files an SPA for implementation of DRA requirements effective February 8, 2006, but the HFS rule complies with JCAR's request for prospective implementation of the changes to the asset transfer "look-back" period and the changes to the penalty period. During the phase-in to full implementation (five years from implementation of the rule), the state would determine eligibility for long term care services under current rules for transfers made before the implementation date of the rule and according to DRA requirements for transfers after implementation of the rule. However, for transfers made prior to the rule for which the old rules would be applied for eligibility purposes, HFS would also calculate the penalty period as federal law requires. HFS would not claim federal match and would pay 100 percent of all Medicaid costs, including the nursing home rate for each individual affected with state general revenue funds during the federal penalty period.

Option #3: Same as Option #2, except that HFS would not claim federal match for any nursing home services paid during the federal penalty period, and the nursing home rate would be reduced by 50 percent to recognize that the person is not actually eligible for Medicaid and federal match is not available. This process would continue for five years until the five-year look-back takes full effect for all transfers made after the implementation date of the rule. The impact of this policy on nursing homes could be offset by resident payments if the General Assembly changed state law to allow them to charge residents for the other half of the daily Medicaid rate.

Option #4: JCAR lifts the Filing Prohibition and the federal government approves the SPA. A risk of financial exposure continues to exist for nursing home admissions that have been approved in contravention to the DRA. The two additional reasons for the Objection and Filing Prohibition would be met by operational changes within HFS and the Department of Human Services. These reasons were cited as: (a) the rules contained unclear standards that caseworkers are to use in determining whether certain transfers are allowable or will be penalized, and (b) the definition of "undue hardship" is unclear. The

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION AND FILING PROHIBITION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

operational changes within HFS and DHS would create a centralized unit to assure that complex decisions are applied fairly statewide.

HFS is seeking immediate consideration of these issues by JCAR due to the urgency of this matter.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
AUGUST 16, 2011
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Financial and Professional Regulation

1. High Risk Home Loans (38 Ill. Adm. Code 345)
 - First Notice Published: 35 Ill. Reg. 6242 – 4/15/11
 - Expiration of Second: 8/18/11
2. Licensing and Regulation of Pawnbrokers (38 Ill. Adm. Code 360)
 - First Notice Published: 34 Ill. Reg. 19808 – 12/27/10
 - Expiration of Second: 9/3/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

3. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)
 - First Notice Published: 35 Ill. Reg. 6626 – 4/22/11
 - Expiration of Second: 9/7/11
4. Real Estate Timeshare Act of 1999 (68 Ill. Adm. Code 1451)
 - First Notice Published: 35 Ill. Reg. 6716 – 4/22/11
 - Expiration of Second: 8/21/11

Natural Resources

5. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
 - First Notice Published: 35 Ill. Reg. 7048 – 4/29/11
 - Expiration of Second: 8/18/11
6. Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)
 - First Notice Published: 35 Ill. Reg. 7890 – 5/20/11
 - Expiration of Second: 8/28/11
7. Squirrel Hunting (17 Ill. Adm. Code 690)
 - First Notice Published: 35 Ill. Reg. 7895 – 5/20/11
 - Expiration of Second: 8/28/11
8. The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)
 - First Notice Published: 35 Ill. Reg. 7907 – 5/20/11
 - Expiration of Second: 8/28/11
9. The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)
 - First Notice Published: 35 Ill. Reg. 7916 – 5/20/11
 - Expiration of Second: 8/28/11

Pollution Control Board

10. Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)
 - First Notice Published: 35 Ill. Reg. 6770 – 4/22/10
 - Expiration of Second Notice: 9/7/11
11. Introduction (35 Ill. Adm. Code 301)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

- First Notice Published: 34 Ill. Reg. 12521 – 8/27/10
- Expiration of Second Notice: 8/27/11

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

- First Notice Published: 34 Ill. Reg. 12533 – 8/27/10
- Expiration of Second Notice: 8/27/11

Public Health

13. Illinois Vital Records Code (77 Ill. Adm. Code 500)

- First Notice Published: 35 Ill. Reg. 750 – 1/14/11
- Expiration of Second: 8/18/11

14. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

- First Notice Published: 35 Ill. Reg. 6309 – 4/15/11
- Expiration of Second: 8/20/11

15. Private Sewage Disposal Code (77 Ill. Adm. Code 905)

- First Notice Published: 34 Ill. Reg. 12394 – 8/27/10
- Expiration of Second Notice: 8/27/11

Racing Board

16. Ownership, Partnership, and Stable Name (11 Ill. Adm. Code 1409)

- First Notice Published: 35 Ill. Reg. 8378 – 6/3/11
- Expiration of Second: 9/4/11

Revenue

17. Income Tax (86 Ill. Adm. Code 100)

- First Notice Published: 35 Ill. Reg. 8098 – 5/27/11
- Expiration of Second: 8/26/11

18. Income Tax (86 Ill. Adm. Code 100)

- First Notice Published: 35 Ill. Reg. 8382 – 6/3/11
- Expiration of Second: 9/9/11

19. Income Tax (86 Ill. Adm. Code 100)

- First Notice Published: 35 Ill. Reg. 8777 – 6/10/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

-Expiration of Second: 9/10/11

State Police

20. Forensic Training (20 Ill. Adm. Code 1299)
-First Notice Published: 35 Ill. Reg. 8409 – 6/3/11
-Expiration of Second: 9/2/11

Torture Inquiry and Relief Commission

21. Organization, Public Information, Procedures and Rulemaking (2 Ill. Adm. Code 3500)
-First Notice Published: 35 Ill. Reg. 8113 – 5/27/11
-Expiration of Second: 8/28/11
22. Policy, Hearings and Forms (20 Ill. Adm. Code 2000)
-First Notice Published: 35 Ill. Reg. 8130 – 5/27/11
-Expiration of Second: 8/28/11

Transportation

23. Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)
-First Notice Published: 35 Ill. Reg. 8151 – 5/27/11
-Expiration of Second: 8/27/11

Treasurer

24. Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois
(74 Ill. Adm. Code 740)
-First Notice Published: 35 Ill. Reg. 8795 – 6/10/11
-Expiration of Second: 9/8/11

EMERGENCY RULEMAKINGS

Central Management Services

25. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 35 Ill. Reg. 11657 – 7/15/11

Human Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

26. Program Description (89 Ill. Adm. Code 676)
-Notice Published: 35 Ill. Reg. 12105 – 7/15/11
27. Service Planning and Provision (89 Ill. Adm. Code 684)
-Notice Published: 35 Ill. Reg. 12113 – 7/15/11

Natural Resources

28. Illinois Youth Recreation Corps Grant Program (17 Ill. Adm. Code 3075)
-Notice Published: 35 Ill. Reg. 10967 – 7/8/11

Public Health

29. Hospital Capital Investments (77 Ill. Adm. Code 976)
-Notice Published: 35 Ill. Reg. 10974 – 7/8/11

PEREMPTORY RULEMAKING

Central Management Services

30. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 35 Ill. Reg. 12119 – 7/15/11

ADOPTED RULEMAKING

Secretary of State

31. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 550)
-Notice Published: 35 Ill. Reg. 12367 – 7/22/11

AGENCY RESPONSES

Healthcare and Family Services

32. Medical Assistance Programs (89 Ill. Adm. Code 120; 34 Ill. Reg. 11664)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
AUGUST AGENDA

Treasurer

33. Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois
(74 Ill. Adm. Code 740; 35 Ill. Reg. 8893)

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 July 26, 2011 through August 1, 2011 and have been scheduled for review by the Committee at its August 16, 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>
9/8/11	<u>State Treasurer</u> , Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 Ill. Adm. Code 740)	6/10/11 35 Ill. Reg. 8795	8/16/11
9/9/11	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	6/3/11 35 Ill. Reg. 8382	8/16/11
9/10/11	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	6/10/11 35 Ill. Reg. 8777	8/16/11

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 33 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 240	.....	12993
83 - 412	.....	12996
83 - 453	.....	13017
11 - 1800	.....	13021
89 - 50	.....	13024
17 - 675	.....	13049
92 - 1030	.....	13054
26 - 207	.....	13098

ADOPTED RULES

89 - 271	7/28/2011	.....	13103
74 - 900	7/29/2011	.....	13109
14 - 520	8/1/2011	.....	13125
38 - 220	7/28/2011	.....	13134
17 - 550	7/26/2011	.....	13137
17 - 570	7/26/2011	.....	13149
17 - 590	7/26/2011	.....	13161
17 - 685	7/26/2011	.....	13228
17 - 730	7/26/2011	.....	13234
17 - 740	7/26/2011	.....	13254
17 - 2530	7/26/2011	.....	13268
62 - 240	7/26/2011	.....	13281
74 - 330	7/29/2011	.....	13448
35 - 211	7/27/2011	.....	13451
35 - 218	7/27/2011	.....	13473
35 - 219	7/27/2011	.....	13676
77 - 250	8/1/2011	.....	13875
11 - 308	7/28/2011	.....	13891
11 - 324	7/28/2011	.....	13898
11 - 326	7/28/2011	.....	13905
11 - 1413	7/28/2011	.....	13910
74 - 800	8/1/2011	.....	13915
80 - 2700	8/1/2011	.....	13928

EMERGENCY RULES

89 - 240	7/28/2011	.....	13936
11 - 1800	7/29/2011	.....	13949

PEREMPTORY RULES

80 - 310	7/29/2011	13966
----------	-----------	-------	-------

**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE**

ILLINOIS REGISTER

89 - 120

..... 13991

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

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

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

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

Fax Order To: (217) 557-8919

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

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com