

TABLE OF CONTENTS

August 11, 2017 Volume 41, Issue 32

PROPOSED RULES

POLLUTION CONTROL BOARD

Definitions and General Provisions

35 Ill. Adm. Code 211.....10397

Air Quality Standards

35 Ill. Adm. Code 243.....10422

ADOPTED RULES

BOARD OF HIGHER EDUCATION, ILLINOIS

Illinois Consortium for Educational Opportunity Program (Repealer)

23 Ill. Adm. Code 2400.....10449

COMMERCE COMMISSION, ILLINOIS

Minimum Safety Standards for Transportation of Gas and for Gas Pipeline
Facilities

83 Ill. Adm. Code 590.....10451

COMMUNITY COLLEGE BOARD, ILLINOIS

Americans With Disabilities Act Grievance Procedure

4 Ill. Adm. Code 1050.....10455

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

Public Water Supply Capacity

35 Ill. Adm. Code 652.....10462

NATURAL RESOURCES, DEPARTMENT OF

Surface Mined Land Conservation and Reclamation Act

62 Ill. Adm. Code 300.....10490

OFFICE OF THE STATE FIRE MARSHAL

Small Equipment Grant Program

41 Ill. Adm. Code 291.....10500

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

REVENUE, DEPARTMENT OF

Retailers' Occupation Tax (Withdrawal)

86 Ill. Adm. Code 130.....10513

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....10514

JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

August Agenda.....10516

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

POLLUTION CONTROL BOARD

Notice of Public Information (Notice Pursuant to 415 ILCS 5/7.2(b)

(Docket R17-10).....10521

Notice of Public Information (Notice of Public Hearing and Comment
Period Pursuant to 415 ILCS 5/10(H) and 1 ILCS 100/5-70(b).....10523
Notice of Public Information (Notice Pursuant to 415 ILCS 5/7.2(b)
(Docket R17-11).....10527
Notice of Public Information (Notice of Public Hearing and Comment
Period Pursuant to 415 ILCS 5/9.1(e) and 1 ILCS 100/5-70(b).....10529

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150 Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of July 26, 2017, proposing amendment in docket R17-11 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The R17-11 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill Adm Code 211.7150 of the Illinois air pollution control rules. This amendment would update the definition of to correspond with an amendment to the corresponding definition of VOC at 40 CFR 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2016 through December 31, 2016:

August 1, 2016
(81 Fed. Reg. 50330)

USEPA added one hydrofluoroether compound to the list of chemical species excluded from the federal definition of VOC.

The Board deviated from the literal text of the USEPA amendment by adding the alternative designation "HFE-347pcf2" and the CAS registry number 406-78-0 to the listing. The Board further amended segments of text to correct errors in Definition of VOM Update, USEPA Amendments (January 1, 2016 through June 30, 2016), R17-2 (Jan. 19, 2017).

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R17-11 which list numerous corrections and revisions that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendment underlying this amendment, as well as corrections and clarifications that the Board made in the base text

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R17-11.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this rulemaking:
The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

The Board will conduct one public hearing on the proposed amendments because they will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the State Implementation Plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 USC 7410(a)(2) (2016)) requires reasonable notice and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

1:40 p.m., September 21, 2017
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield IL 62702

Comments should reference docket R17-11 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R17-11:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
email: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that use or emit the affected chemicals that are proposed for deletion from the definition of VOM. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 16857; December 30, 2016

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 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 PROPOSED AMENDMENT

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
211.493	Antifouling Sealer/Tie Coat
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 PROPOSED AMENDMENT

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 PROPOSED AMENDMENT

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 PROPOSED AMENDMENT

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 PROPOSED AMENDMENT

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 PROPOSED AMENDMENT

211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
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 PROPOSED AMENDMENT

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 PROPOSED AMENDMENT

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 PROPOSED AMENDMENT

211.3985	Natural Finish Hardwood Plywood Panel
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
211.4460	Panel
211.4470	Paper Coating

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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
211.4720	Pipeline Natural Gas
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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
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
211.5140	Printed Interior Panel
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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

211.5510	Reid Vapor Pressure
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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

211.6010	Side-Seam Spray Coat
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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

211.6450	Styrene Recovery Unit
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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	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 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

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,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in 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; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R15-5 at 39 Ill. Reg. 5410, effective March 24, 2015;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

amended in R17-2 at 41 Ill. Reg. 1096, effective January 23, 2017; amended in R17-9 at 41 Ill. Reg. 4173, effective March 24, 2017; amended in R17-11 at 41 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity. ~~USEPA has excluded the listed negligibly reactive compounds from the definition of VOM for purposes of VOM limitations or VOM content requirements. However, USEPA has required that certain of these compounds be considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in subsection (c) of this Section.~~

2-Amino-2-methylpropan-1-ol (CAS No. 124-68-5)

Bis(difluoromethoxy)difluoromethane (HFE-236cal2, CAS No. 78522-47-1)

1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane
(HFE-338pcc13, CAS No. 188690-78-0)

tertiary-Butyl acetate (1,1-dimethylethyl acetic acid ester, CAS No. 540-88-5)

1-Chloro-1,1-difluoroethane (HCFC-142b, CAS No. 75-68-3)

Chlorodifluoromethane (CFC-22, CAS No. 75-45-6)

1-Chloro-1-fluoroethane (HCFC-151a, CAS No. 1615-75-4)

Chlorofluoromethane (HCFC-31, CAS No. 593-70-4)

Chloropentafluoroethane (CFC-115, CAS No. 76-15-3)

2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124, CAS No. 2837-89-0)

1-Chloro-4-(trifluoromethyl)-benzene (parachlorobenzotrifluoride
(PCBTF), CAS No. 98-56-6)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- (1E)-1-Chloro-3,3,3-trifluoroprop-1-ene (trans-1-chloro-3,3,3-trifluoroprop-1-ene, CAS No. [102687-65-029118-24-9](#))
- 1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300, CAS No. 132182-92-4)
- 1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee, CAS No. 138495-42-8)
- Dichlorodifluoromethane (CFC-12, CAS No. 75-71-8)
- 1,1-Dichloro-1-fluoroethane (HCFC-141b, CAS No. 1717-00-6)
- Dichloromethane (methylene chloride, CAS No. 75-09-2)
- 3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca, CAS No. 422-56-0)
- 1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb, CAS No. 507-55-1)
- 1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114, CAS No. 76-14-2)
- 1,1-Dichloro-2,2,2-trifluoroethane (HCFC-123, CAS No. 306-83-2)
- 1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a, CAS No. 354-23-4)
- 1,1-Difluoroethane (HFC-152a, CAS No. 75-37-6)
- Difluoromethane (HFC-32, CAS No. 75-10-5)
- (Difluoromethoxy)difluoromethane (HFE-134, CAS No. 1691-17-4)
- 1-(Difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane (HFE-43-10pccc124, CAS No. 188690-77-9)
- 2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-08-7)
- Dimethyl carbonate (CAS No. 616-38-6)
- Ethane (CAS No. 74-84-0)
- 2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-06-5)
- 3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500, CAS No. 297730-93-9)
- 1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (HFE-7200, CAS No. 163702-05-4)
- Ethylfluoride (HFC-161, CAS No. 353-36-6)
- 1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (HFE-7000, CAS No. 375-03-1)
- 1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea, CAS No. 431-89-0)
- 1,1,1,2,3,3-Hexafluoropropane (HFC-236ea, CAS No. 431-63-0)
- 1,1,1,3,3,3-Hexafluoropropane (HFC-236fa, CAS No. 690-39-1)
- Methane (CAS No. 74-82-8)
- Methyl acetate (methyl ethanoate, CAS No. 79-20-9)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

4-Methyl-1,3-dioxolan-2-one (propylene carbonate, CAS No. 108-32-7)
Methyl formate (methyl methanoate, CAS No. 107-31-3)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (HFE-7100, CAS No. 163702-07-6)
1,1,1,3,3-Pentafluorobutane (HFC-365mfc, CAS No. 406-58-6)
Pentafluoroethane (HFC-125, CAS No. 354-33-6)
1,1,2,2,3-Pentafluoropropane (HFC-245ca, CAS No. 679-86-7)
1,1,2,3,3-Pentafluoropropane (HFC-245ea, CAS No. 24270-66-4)
1,1,1,2,3-Pentafluoropropane (HFC-245eb, CAS No. 431-31-2)
1,1,1,3,3-Pentafluoropropane (HFC-245fa, CAS No. 460-73-1)
Perfluorocarbon compounds that fall into the following classes:
 Cyclic, branched, or linear, completely fluorinated alkanes
 Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations
 Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations
 Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
Propan-2-one (acetone or dimethylketone, CAS No. 67-64-1)
Siloxanes: cyclic, branched, or linear completely-methylated
Tetrachloroethene (perchloroethylene, CAS No. 127-18-4)
1,1,2,2-Tetrafluoroethane (HFC-134, CAS No. 359-35-3)
1,1,1,2-Tetrafluoroethane (HFC-134a, CAS No. 811-97-2)
(1E)-1,3,3,3-Tetrafluoropropene (trans-1,3,3,3-tetrafluoropropene, HFO-1234ze, CAS No. 29118-24-9)
2,3,3,3-Tetrafluoroprop-1-ene (HFO-1234yf, CAS No. 754-12-1)
1,1,1-Trichloroethane (methyl chloroform, CAS No. 71-55-6)
[1,1,2,2-tetrafluoro-1-\(2,2,2-trifluoroethoxy\)ethane \(HFE-347pcf2, CAS No. 406-78-0\)](#)
Trichlorofluoromethane (CFC-11, CAS No. 75-69-4)
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113, CAS No. 76-13-1)
1,1,1-Trifluoroethane (HFC-143a, CAS No. 420-46-2)
Trifluoromethane (HFC-23, CAS No. 75-46-7)

- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, subpart I or appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.

- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
243.101	Amendment
243.105	Amendment
243.108	Amendment
243.120	Amendment
243.Table A	Repealed
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of July 26, 2017, proposing amendment in docket R17-10 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The R17-10 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2016 through December 31, 2017. The Board added three USEPA actions that occurred on March 20, 2017; May 11, 2017; and June 16, 2017 for the sake of administrative economy and to conserve State resources. Board action now will obviate action in a subsequent rulemaking.

The Federal NAAQS are codified at 40 CFR 50. During this period, USEPA amended implementation of its NAAQSs as follows:

July 13, 2016
(81 Fed. Reg. 45284)

USEPA designated one federal reference method (FRM) for sulfur dioxide (SO₂) and four new federal equivalent methods (FEMs) for particulate matter (PM) in ambient air (two for fine PM (PM_{2.5}), one for total PM (PM₁₀), and one for coarse PM (PM_{10-2.5})).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2.5)). The Board included this USEPA action in the prior update docket, National Ambient Air Quality Standards, USEPA Amendments (January 1, 2016 through June 30, 2016 and July 13, 2016), R17-1 (Jan. 19, 2017). No further Board action will be required based on this USEPA action.

August 11, 2016
(81 Fed. Reg. 53006)

USEPA adopted a technical correction to an equation used for calculating compliance with the NAAQS for PM_{2.5} in ambient air. (USEPA later withdrew this direct final rule on September 29, 2016. See below.) No Board action will be required based on this USEPA action.

August 24, 2016
(81 Fed. Reg. 58010)

USEPA adopted implementation rules for the 2012 primary annual NAAQS for PM_{2.5}. Although the implementation rules do not ordinarily affect the NAAQS, one aspect of the implementation rule provides for revocation of the older 1997 annual NAAQS for PM_{2.5}. The 1997 primary annual NAAQS for PM_{2.5} will no longer apply in areas designated as attainment for that standard. For areas that USEPA designated nonattainment for the 1997 standard, the 1997 primary annual NAAQS for PM_{2.5} will continue to apply until the effective date of a USEPA designation of attainment for the area. USEPA's revocation does not affect the 1997 24-hour NAAQS for PM_{2.5} or the 1997 secondary annual NAAQS for PM_{2.5}. Board action will be required based on this USEPA action.

All areas of Illinois are designated attainment or "attainment/unclassifiable," except for limited areas in the Metro East St. Louis statistical area. These areas are Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. See 40 CFR 81.314 (2016).

September 29, 2016

USEPA withdrew the direct final rule of August 11,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- (81 Fed. Reg. 68823) 2016. (USEPA later adopted the correction by a final rule on March 20, 2017. See below.) No Board action will be required based on this USEPA action.
- October 3, 2016
(81 Fed. Reg. 68216) USEPA revised the requirements for handling monitoring data influenced by exceptional events. USEPA recognizes that basing regulatory determinations on data influenced by exceptional events may not be appropriate in some instances. The rules provide a procedure for exclusion of data influenced by exceptional events from regulatory decision-making. An exceptional event (1) has a clear causal relationship with violation or exceedance of a NAAQS; is not reasonably controllable or preventable; (3) is caused by natural causes or human activity that is unlikely to recur at a particular location; and (4) has been declared such by USEPA. The revisions require written mitigation plans for areas that have "historically documented" or "known seasonal" exceptional events. Several revisions relate to wildfires and controlled burns as exceptional events.
- October 18, 2016
(81 Fed. Reg. 71906) USEPA determined to retain the 2008 primary and secondary three-month average NAAQS for lead without revision. This was the result of the periodic review of the NAAQS that USEPA conducted from 2008 through 2014, as required by section 109(d)(2) of the Clean Air Act. See 42 USC 7409(d)(2) (2015). The Board notes the USEPA action, but no Board action will be required based on this action.
- March 20, 2017
(82 Fed. Reg. 14325) USEPA adopted a technical correction to an equation used for calculating compliance with the NAAQS for PM_{2.5} in ambient air. Board action will be required based on this USEPA action.
- May 11, 2017 USEPA designated one new federal equivalent

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- | | |
|----------------------|---|
| (82 Fed. Reg. 21995) | method (FEM) for nitrogen dioxide (NO ₂) in ambient air. No Board action will be directly required based on this USEPA action because USEPA added this FEM to the <i>List of Designated Reference and Equivalent Methods</i> on June 16, 2017. (See below.) |
| June 16, 2017 | USEPA updated the <i>List of Designated Reference and Equivalent Methods</i> . This update obviates action on the USEPA designation of May 11, 2017, since the <i>List</i> now includes that FEM (as well as the FRM and FEMs designated on July 13, 2016). Board action will be required based on this USEPA action. |

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board further updated incorporations by reference to *Code of Federal Regulations* provisions to the latest version available.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R17-10 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal amendments underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R17-10.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this rulemaking:
The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-10 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

The Board will conduct one public hearing on the proposed amendment because it will ultimately result in submission to the United States Environmental Protection Agency of an amendment to the State Implementation Plan (SIP). Section 110(a)(2) of the Federal Clean Air Act (42 USC 7410(a)(2) (2014)) requires reasonable notice and hearing before a state undertakes an amendment to the SIP. The public hearing will occur by videoconference at the following time and between the following locations:

1:30 p.m., September 21, 2017
Room 11-512
James R. Thompson Center
100 W. Randolph St.
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702

Comments should reference docket R17-10 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R17-10:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
email: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that emit pollutants that could potentially affect ambient air quality in any area of Illinois. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including emissions monitoring, annual reports, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 16857; December 30, 2016

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243
AIR QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section

243.120	PM ₁₀ and PM _{2.5}
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead

243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-01 at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 243.101 Definitions

For the purposes of this Part, terms listed below will have the meanings attributed to them in this Section. As used in this Part, all terms not defined in this Section will have the meaning given them by the Act; the CAA, incorporated by reference in Section 243.108; or 35 Ill. Adm. Code 201.102.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

"Clean Air Act" or "CAA" means the federal Clean Air Act (42 USC 7401 et seq., as amended), incorporated by reference in Section 243.108.

"Exceedance of ~~ana~~ NAAQS" means one occurrence of a measured or modeled concentration that exceeds the specified concentration level of ~~thatsueh~~ NAAQS for the averaging period specified by the standard.

"Exceptional event" means an event and its resulting emissions that fulfills all of the following criteria:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The event affects air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation;

The event is not reasonably controllable or preventable;

The event is caused by human activity that is unlikely to recur at a particular location or a natural event; and

The event is determined by USEPA in accordance with 40 CFR 50.14 to be an exceptional event.

An "exceptional event" does not include any of the following:

Air pollution relating to source noncompliance;

Stagnation of air masses ~~and/or~~ meteorological inversions;

A meteorological event involving high temperatures or lack of precipitation (i.e., severe, extreme or exceptional drought); ~~or~~

~~Air pollution relating to source noncompliance.~~

BOARD NOTE: Stagnation of air masses, meteorological inversions, and meteorological events involving high temperatures or lack of precipitation do not directly cause pollutant emissions and are not exceptional events. However, conditions involving high temperatures or lack of precipitation may promote occurrences of particular types of exceptional events, such as wildfires or high wind events, which do directly cause emissions.

"Federal equivalent method" or "FEM" means a method for measuring the concentration of an air pollutant in the ambient air that USEPA has designated as an equivalent method pursuant to 40 CFR 53 and which is included in the List of Designated Methods, including later updates, as incorporated by reference in Section 243.108; the term "federal equivalent method" does not include a method for which USEPA has cancelled or superseded an equivalent method designation in accordance with 40 CFR 53.11 or 53.16, as reflected in the incorporation by reference in Section 243.108.

BOARD NOTE: Derived from 40 CFR 50.1(f) (definition of "equivalent method"), 50.11(d)(2) (parenthetical definition of "FEM"), and 53.1 (definition of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"federal equivalent method"). The clause "including later updates" in this definition is intended to exclude methods canceled by USEPA pursuant to 40 CFR 53.11 or 53.16 for which the cancellation is included in the updates to List of Designated Methods incorporated by reference in Section 243.108. A federal designation of an FEM becomes effective upon publication of a notice in the Federal Register. A federal cancellation of an FEM becomes effective upon deletion from the listing of FEMs.

"Federal land manager" means the Secretary of the department with authority over the federal Class I area (or the Secretary's designee).

BOARD NOTE: See 40 CFR 50.1(r) and 51.301 (2016) (definitions of "federal land manager"). There are no federal Class I areas in or immediately abutting Illinois. See subpart D of 40 CFR 81 (2016).

"Federal reference method" or "FRM" means a method of sampling and analyzing the ambient air for an air pollutant that USEPA has specified as a reference method in an appendix to 40 CFR 50, incorporated by reference in Section 243.108, or a method that USEPA has designated as a reference method pursuant to 40 CFR 53 and which is included in List of Designated Methods, including later updates, incorporated by reference in Section 243.108; the term "federal reference method" does not include a method for which USEPA has cancelled or superseded a reference method designation in accordance with 40 CFR 53.11 or 53.16, as reflected in the incorporation by reference in Section 243.108.

BOARD NOTE: Derived from 40 CFR 50.1(f) (definition of "reference method") and 53.1 (definition of "federal reference method"). The clause "including later updates" in this definition is intended to include methods canceled by USEPA pursuant to 40 CFR 53.11 or 53.16 for which the cancellation is included in the updates to List of Designated Methods incorporated by reference in Section 243.108. A federal designation of an FRM becomes effective upon publication of a notice in the Federal Register. A federal cancellation of an FRM becomes effective upon deletion from the listing of FRMs or from an appendix to 40 CFR 50.

"High wind dust event" is an event that includes the high-speed wind and the dust that the wind entrains and transports to a monitoring site.

"High wind threshold" is the minimum wind speed capable of causing particulate matter emissions from natural undisturbed lands in the area affected by a high wind dust event.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Micrograms per cubic meter" or " $\mu\text{g}/\text{m}^3$ " means one millionth (10^{-6}) of a gram of a contaminant per cubic meter of ambient air, as measured and determined by the methods prescribed for that contaminant.

BOARD NOTE: The Board added this definition and that for "milligrams per liter" ~~(immediately below)~~.

"Milligrams per cubic meter" or " mg/m^3 " means one thousandth (10^{-3}) of a gram of a contaminant per cubic meter of ambient air, as measured and determined by the methods prescribed for that contaminant.

"National Ambient Air Quality Standard" or "NAAQS" means a standard established by USEPA that applies for outdoor air throughout the United States. BOARD NOTE: The Board added this definition, derived from the definition in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), EPA 175-B-97-001, at p. 30. USEPA has codified the NAAQS at 40 CFR 50.

BOARD NOTE: The Board added this definition based on the definition in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), document number EPA 175-B-97-001, USEPA, Office of Communications, Education, and Public Affairs, at p. 30.

"Natural event" means an event and its resulting emissions, which may recur at the same location, in which human activity plays little or no direct causal role. For purposes of this definition, anthropogenic sources that are reasonably controlled are not human activity that plays a direct causal role in causing emissions.

"Parts per billion" or "ppb" means the ratio of the parts of a specified contaminant to a billion parts of air by weight ($1:10^{-9}$), as measured and determined by the methods prescribed for that contaminant.

BOARD NOTE: The Board added this definition and that for "parts per million," derived from the parentheticals in 40 CFR 50.4(a) and (b) and 50.17(a) and the definition of "parts per billion (ppb)/parts per million (ppm)" in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), EPA 175-B-97-001, at p. 34.

"Parts per million" or "ppm" means the ratio of the parts of a specified contaminant to a million parts of air by weight ($1:10^{-6}$), as measured and determined by the methods prescribed for that contaminant.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: The Board added this definition, derived from the parentheticals in 40 CFR 50.4(a) and (b) and 50.17(a) and the definition of "parts per billion (ppb)/parts per million (ppm)" in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), EPA 175-B-97-001, at p. 34.

"PM₁₀" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 10 micrometers (µm).

BOARD NOTE: The Board added this definition, derived from the parenthetical definition in 40 CFR 50.6(c).

"PM_{2.5}" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (µm).

BOARD NOTE: The Board added this definition, derived from the parenthetical definition in 40 CFR 50.7(a).

"Prescribed fire" is any fire intentionally ignited by management actions in accordance with applicable laws, policies, and regulations to meet specific land or resource management objectives.

"Traceable" means that a local standard has been compared and certified either directly or via not more than one intermediate standard, to a primary standard, such as a National Bureau of Standards Standard Reference Material (NBS SRM), or a USEPA/NBS-approved Certified Reference Material (CRM).

"USEPA" means the United States Environmental Protection Agency.

BOARD NOTE: Derived from 40 CFR 50.1(c). The Board has used "USEPA" in text where USEPA has used "Administrator," where action by USEPA is clearly contemplated. Otherwise, the Board has retained the term "Agency" as defined in this Section.

"Wildfire" is any fire started by an unplanned ignition caused by lightning; volcanoes; other acts of nature; unauthorized activity; or accidental, human-caused actions, or a prescribed fire that has developed into a wildfire. A wildfire that predominantly occurs on wildland is a natural event.

"Wildland" means an area in which human activity and development are essentially non-existent, except for roads, railroads, power lines, and similar transportation facilities. Structures, if any, are widely scattered.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 50.1 ~~(2016)~~(2012), except as otherwise more specifically indicated.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 243.105 Air Quality Monitoring Data Influenced by Exceptional Events

- a) The federal regulations at 40 CFR 50.14 provide that a state, federal land manager, or federal agency can seek USEPA determination that exceedances or violations of an NAAQS are directly due to an exceptional event, so that the State can exclude affected ambient air quality monitoring data from a compliance determination. An exceptional event is a natural event or the result of human activity that is unlikely to recur and which is not reasonably controllable or preventable that meets specified criteria. The federal rule provides that a fireworks display, a prescribed fire, a wildfire, a high wind dust event, a stratospheric intrusion, or an aggregate of events on the same day can be an exceptional event.~~Requirements.~~
- 1) ~~The Agency may request USEPA to exclude from use in determinations data showing an exceedance of an NAAQS that is directly due to an exceptional event. The Agency must demonstrate to USEPA that the event caused a specific air pollution concentration at a particular air quality monitoring location.~~
 - 2) ~~A demonstration to justify data exclusion may include any reliable and accurate data, but must demonstrate a clear causal relationship between the measured exceedance of an NAAQS and the event in accordance with subsection (c)(3)(D).~~
- b) The Agency must use the applicable procedures of 40 CFR 50.14 to obtain a USEPA determination of an exceptional event and exclusion of affected ambient air quality monitoring data if the Agency determines that the data are influenced by an exceptional event and should be excluded from a compliance determinaton.~~Determinations by USEPA. USEPA has stated the criteria for making a determination to exclude data as follow:~~
- 1) ~~Exceptional Events. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when the Agency has demonstrated that an exceptional event caused a specific air pollution~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14.~~

- 2) ~~Fireworks Displays. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when the Agency has demonstrated that emissions from fireworks displays caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the State otherwise satisfies the requirements of 40 CFR 50.14. USEPA has stated that these data will be treated in the same manner as exceptional events under this Section, provided the Agency has demonstrated that the use of fireworks is significantly integral to traditional national, ethnic, or other cultural events, including, but not limited to July Fourth celebrations, which satisfy the requirements of 40 CFR 50.14.~~
- 3) ~~Prescribed Fires. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when the Agency has demonstrated that emissions from prescribed fires caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14, provided that the emissions are from prescribed fires that USEPA determines meets the definition of "exceptional event" in Section 243.101, and provided that the Agency has certified to USEPA that the State has adopted and is implementing a Smoke Management Program (SMP) or the State has ensured that the burner employed basic smoke management practices. If an exceptional event occurs using the basic smoke management practices approach, the Agency must undertake a review of the State's approach to ensure public health is being protected and must include consideration of development of an SMP.~~

~~BOARD NOTE: In each of corresponding 40 CFR 50.14(b)(1), (b)(2), and (b)(3), USEPA stated "EPA shall exclude data from use in determinations of exceedances and NAAQS violations." In the first person, "shall" is used more to express present intent or to commit to future action. The Board has changed "EPA shall" to "USEPA has stated that it will." Further, the Board has relied on the defined term "exceedance of an NAAQS."~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- c) Ambient air quality monitoring data excluded by a USEPA determination pursuant to 40 CFR 50.14 is excluded from use for compliance determination under this Part, Schedules and Procedures.
- 1) ~~Public Notification. The Agency or, where the Agency has delegated authority pursuant to Section 4(g) or (r) of the Act, the Agency's delegatee, must notify the public promptly whenever an event occurs or is reasonably anticipated to occur that may result in the exceedance of an NAAQS.~~
 - 2) ~~Flagging of Data.~~
 - A) ~~The Agency must notify USEPA of the State's intent to exclude one or more measured exceedances of an NAAQS as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern that has been submitted to the federal air quality system (AQS) database.~~
 - B) ~~Flags placed on data in accordance with this Section must be deemed informational only, and the data must not be excluded from determinations with respect to an exceedance of an NAAQS unless and until USEPA notifies the Agency of USEPA concurrence following the Agency's submittal of a demonstration pursuant to subsection (c)(3) by placing a concurrence flag in the appropriate field for the data record in the AQS database.~~
 - C) ~~Flags placed on data as being due to an exceptional event, together with an initial description of the event, must be submitted to USEPA not later than July 1 of the calendar year following the year in which the flagged measurement occurred, except as allowed under subsection (c)(2)(F).~~
 - D) ~~This subsection (c)(2)(D) corresponds with 40 CFR 50.14(c)(2)(iv), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.~~
 - E) ~~This subsection (c)(2)(E) corresponds with 40 CFR 50.14(c)(2)(v), which USEPA has removed and marked "reserved." This~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~statement maintains structural consistency with the federal regulations.~~

- F) ~~Table A of this Part identifies the data submission process for a new or revised NAAQS. USEPA will apply this process to those data that will or may influence the initial designation of areas for any new or revised NAAQS.~~
- 3) ~~Submission of demonstrations.~~
- A) ~~Except as allowed under subsection (e)(2)(F), when the Agency has flagged data as being due to an exceptional event and is requesting exclusion of the affected measurement data, the Agency must, after notice and opportunity for public comment, submit a demonstration to USEPA to justify data exclusion not later than the sooner of three years following the end of the calendar quarter in which the flagged concentration was recorded or 12 months prior to the date that a regulatory decision must be made by USEPA. The Agency must submit to USEPA the public comments it received, along with its demonstration.~~
- B) ~~This subsection (e)(3)(B) corresponds with 40 CFR 50.14(b)(3)(ii), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.~~
- C) ~~This subsection (e)(3)(C) corresponds with 40 CFR 50.14(b)(3)(iii), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.~~
- D) ~~The demonstration to justify data exclusion must provide the following evidence:~~
- i) ~~That the event satisfies the definition of "exceptional event" set forth in Section 243.101;~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ii) ~~That there is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area;~~
 - iii) ~~That the event is associated with a measured concentration in excess of normal historical fluctuations, including background; and~~
 - iv) ~~That there would have been no exceedance or violation but for the event.~~
- E) ~~With the submission of the demonstration, the Agency must document that the public comment process was followed.~~

BOARD NOTE: Derived from 40 CFR 50.14 ~~(2016)(2015)~~.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 243.108 Incorporations by Reference

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

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: www.gpo.gov).
The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2016) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix B to 40 CFR 50 (2016) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2016) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2016) (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2016) (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2016) (Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix L to 40 CFR 50 (2016) (Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2016), [as amended at 82 Fed. Reg. 14325 \(Mar. 20, 2017\)](#) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2016) (Reference Method for the Determination of Coarse Particulate Matter as PM_{10-2.5} in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2016) (Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2016) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2016) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2016) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2016) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2013) (for definitions of terms only), referenced in Section 243.102.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" ([June 16, 2017](#))(~~June 17, 2016~~) (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

~~This incorporation by reference includes the following USEPA methods designations that occurred after June 17, 2016:~~

~~81 Fed. Reg. 45284 (July 13, 2016).~~

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART B: STANDARDS AND MEASUREMENT METHODS

Section 243.120 PM₁₀ and PM_{2.5}

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM₁₀.
 - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM₁₀ is 150 µg/m³, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM₁₀ is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³, as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) This subsection (a)(2) corresponds with 40 CFR 50.6(b), a provision marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulation.
- 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM₁₀, particulate matter must be measured in the ambient air as PM₁₀ by a method that fulfills either of the following requirements:
 - A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
 - B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6 ~~(2015)~~(2016). USEPA adopted 1997 primary NAAQS for PM₁₀ at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM₁₀ are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM_{2.5}.
 - 1) The 1997 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM_{2.5} is 65 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} by a method that fulfills either of the following requirements:
 - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 1997 primary and secondary annual average NAAQS for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m³.
- 3) The 1997 primary and secondary 24-hour NAAQS for PM_{2.5} is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 µg/m³.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7 ~~(2016)~~(2015). The 2006 primary and secondary annual average and 24-hour NAAQS for PM_{2.5} differs from the 1997 standards in that the 24-hour average concentration required by the 2006 standard is substantially lower (more stringent) than that for the 1997 standard. The Board has retained the 1997 standard in this subsection (b) because USEPA has retained the 1997 standard in 40 CFR 50.6.

- c) 2006 Primary and Secondary Annual Average and 24-Hour NAAQS for PM_{2.5}.
- 1) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is 15.0 µg/m³, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM_{2.5} is 35 µg/m³, 24-hour average concentration, measured in the ambient air as PM_{2.5} by a method that fulfills either of the following requirements:
- A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
- B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2006 primary and secondary annual average NAAQS for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 $\mu\text{g}/\text{m}^3$.

- 3) The 2006 primary and secondary 24-hour NAAQS for $\text{PM}_{2.5}$ is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 $\mu\text{g}/\text{m}^3$.
- 4) The 1997 annual $\text{PM}_{2.5}$ NAAQS set forth in this Section will continue in effect, notwithstanding the promulgation of the 2012 primary annual $\text{PM}_{2.5}$ NAAQS in subsection (d). The 1997 primary annual $\text{PM}_{2.5}$ NAAQS in this subsection (c) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The 1997 primary NAAQS for $\text{PM}_{2.5}$ in subsection (c) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The 1997 secondary annual NAAQS for $\text{PM}_{2.5}$ and the 1997 24-hour NAAQS for $\text{PM}_{2.5}$ remain applicable.

BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.

BOARD NOTE: This subsection (c) is derived from 40 CFR 50.13 (2016), as amended at 82 Fed. Reg. 14325 (Mar. 20, 2017)(~~2015~~).

- d) 2012 Primary Annual Average and 24-Hour NAAQS for $\text{PM}_{2.5}$
 - 1) The 2012 primary annual average NAAQS for $\text{PM}_{2.5}$ is 12.0 $\mu\text{g}/\text{m}^3$ annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for $\text{PM}_{2.5}$ is 35 $\mu\text{g}/\text{m}^3$ 24-hour average concentration, measured in the ambient air as $\text{PM}_{2.5}$ by a method that fulfills either of the following requirements:
 - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2012 primary annual NAAQS for PM_{2.5} is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m³.
- 3) The 2012 primary 24-hour NAAQS for PM_{2.5} is met when the 98th percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m³.

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18 ~~(2016)~~(2015).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 243. TABLE A Schedule for ~~Flagging and Documentation~~ Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)

Exceptional events/regulatory action	Exceptional events deadline schedule^d
Flagging and initial event description deadline for data years one, two, and three.^a	If State initial designation recommendations for a new or revised NAAQS are due August through January, then the flagging and initial event description deadline will be the July 1 prior to the recommendation deadline. If State recommendations for a new or revised NAAQS are due February through July, then the flagging and initial event description deadline will be the January 1 prior to the recommendation deadline.
Exceptional events demonstration submittal deadline for data years one, two, and three.^a	No later than the date that State recommendations are due to USEPA.
Flagging, initial event description and exceptional events demonstration submittal deadline for data year four^b and, where applicable, data year five.^c	By the last day of the month that is one year and seven months after promulgation of a new or revised NAAQS, unless either option a or b applies.
	a. If USEPA follows a three-year designation schedule, the deadline is two years and seven months after promulgation of a new or revised NAAQS.
	b. If USEPA notifies the State that it intends to complete the initial area designations process according to a schedule between two and three years, the deadline is five months prior to the date specified for final designations decisions in such USEPA notification.
a:	Where data years one, two, and three are those years expected to be considered in State recommendations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b. ~~Where data year four is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under the standard designations schedule.~~
- e. ~~Where data year five is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under an extended designations schedule.~~
- d. ~~The date by which air agencies must certify their ambient air quality monitoring data in AQS is annually on May 1 of the year following the year of data collection, as specified in 40 CFR 58.15(a)(2). In some cases, however, the State may choose to certify a prior year's data in advance of May 1 of the following year, particularly if USEPA has indicated its intent to promulgate final designations in the first eight months of the calendar year. Data flagging, initial event description and exceptional events demonstration deadlines for "early certified" data will follow the deadlines for "year four" and "year five" data.~~

~~BOARD NOTE: Derived from table 1 to 40 CFR 50.14(c).~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Consortium for Educational Opportunity Program
- 2) Code Citation: 23 Ill. Adm. Code 2400
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2400.10	Repealed
2400.20	Repealed
2400.30	Repealed
2400.40	Repealed
2400.50	Repealed
2400.60	Repealed
- 4) Statutory Authority: Implementing and authorized by the Illinois Consortium for Educational Opportunity Act [110 ILCS 930 as amended by P.A. 93-0862 effective July 1, 2004].
- 5) Effective Date of Repealer: July 25, 2017
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? The rulemaking does not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted repealer is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 4394, April 21, 2017
- 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? None were made.
- 13) Will this repealer replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: The original implementing and authorizing legislation, the Illinois Consortium for Educational Opportunity Act, has been substantially amended and a new program created, the Diversifying Higher Education Faculty in Illinois Program (23 Ill. Adm. Code 1080). There are no recipients of awards from this program who would continue to be governed by this rule.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
email: helland@ibhe.org
fax: 217/782-8548

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
590.10	Amendment
590.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].
- 5) Effective Date of Rule: July 26, 2017
- 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 rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14978; November 4, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The date for incorporation of the federal standards cited in Section 590.10 has been changed from October 1, 2016, as originally proposed in the first notice of the rulemaking, to April 14, 2017.
- 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 have been suggested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In Section 590.10, the rulemaking advances—from October 1, 2014, to April 14, 2017—the date of the version of the federal standards

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

that Part 590 incorporates by reference. In Section 590.20, the rulemaking adds a reporting requirement, mirroring the federal standards.

- 16) Questions or requests for information about these adopted rules shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section

590.10	Standards
590.20	Submission of Federal Reports to the Commission
590.30	Submission of Plans, Procedures and Programs
590.40	External User Accounts

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. 11808, effective August 1, 2005; amended at 31 Ill. Reg. 11562, effective August 1, 2007; amended at 33 Ill. Reg. 12224, effective August 15, 2009; amended at 35 Ill. Reg. 14414, effective August 15, 2011; amended at 37 Ill. Reg. 15336, effective September 10, 2013; amended at 39 Ill. Reg. 10381, effective July 14, 2015; amended at 41 Ill. Reg. 10451, effective July 26, 2017.

Section 590.10 Standards

- a) The Illinois Commerce Commission (Commission) adopts the standards contained in 49 CFR 191.1, 191.3, 191.5, 191.7, 191.9, 191.11, 191.12, 191.13,

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

191.15, 191.17, 191.22, 191.23, 191.25, [191.29](#), 192, 193 and 199 as of [April 14, 2017](#)~~October 1, 2014~~, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 41 Ill. Reg. 10451, effective July 26, 2017)

Section 590.20 Submission of Federal Reports to the Commission

Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall file with the Commission any report filed with the federal Pipeline and Hazardous Materials Safety Administration pursuant to 49 CFR 191.11, 191.12, 191.13, ~~and~~ 191.25 [and 191.29](#).

(Source: Amended at 41 Ill. Reg. 10451, effective July 26, 2017)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1050.10	Amendment
1050.20	Amendment
1050.30	Amendment
1050.40	Amendment
1050.50	Amendment
1050.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 102.4 of the Illinois Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 102-4) [110 ILCS 805/2-4].
- 5) Effective Date of Rules: July 31, 2017
- 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 is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 41 Ill. Reg. 4585; May 5, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Board made nonsubstantive changes to the rules including those requested by JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This Part is being amended to make changes to the ICCB Administrative Rules on the Americans with Disabilities Act Grievance Procedures in order to codify ICCB's current practices and provide clarification of language and process.
- 16) Information and questions regarding these adopted rules shall be directed to:

Matt Berry
Legislative and External Affairs Liaison
Illinois Community College Board
401 East Capitol Ave.
Springfield IL 62701-1711

217/785-7411
matt.berry@illinois.gov

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XXXIX: ILLINOIS COMMUNITY COLLEGE BOARDPART 1050
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1050.10	Purpose
1050.20	Definitions
1050.30	Procedure
1050.40	ADA Designated Coordinator Level
1050.50	Final Level
1050.60	Accessibility
1050.70	Case- By -Case Resolution

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 102.4 of the Illinois Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 102-4) [110 ILCS 805/2-4].

SOURCE: Adopted at 17 Ill. Reg. 4185, effective March 22, 1993; amended at 41 Ill. Reg. 10455, effective July 31, 2017.

Section 1050.10 Purpose

- a) This Americans With Disabilities Act Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990; (42 ~~U.S.C.~~ 12101 ~~et seq.~~) ("ADA"), and specifically Section 35.107 of the Title II regulations; (28 CFR 35), requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges, and remedies afforded by it, please contact the ~~ADA~~Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Board, when viewed in its entirety, be readily accessible to and usable by a qualified individual with disabilities.
- c) It is the intention of the Board to foster open communications with all individuals

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

requesting readily accessible programs, services, and activities. The Board encourages supervisors of programs, services, and activities to respond to requests for modifications before they become grievances.

(Source: Amended at 41 Ill. Reg. 10455, effective July 31, 2017)

Section 1050.20 Definitions

"Board" is the Illinois Community College Board.

"Complainant" is an individual with a disability who files a Grievance Form provided by the Board under this procedure.

"~~ADA~~"~~Designated~~ Coordinator" is the chief human resource officer of the Board~~person appointed by the Executive Director~~ who is responsible for the coordination of efforts of the Board to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. ~~See 28 CFR 35.107.~~ The ~~ADA~~~~Designated~~ Coordinator for the Board may be contacted at 401 E. Capitol Ave.~~509 S. Sixth Street, Room 400,~~ Springfield IL 62701. (See 28 CFR 35.107.) or by telephone at 217-785-0123~~217-785-0085.~~

"Disabilities" has the meaning ascribed in the Americans With Disabilities Act.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity, or service offered by the Board, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Board or has been subject to discrimination by the Board.

"Grievance Form" is the form prescribed for use in filing a grievance pursuant to this Part. It includes information such as the complainant's name, address and telephone number; the nature of the grievance, including the date, time and place of the incident; and any witnesses.

(Source: Amended at 41 Ill. Reg. 10455, effective July 31, 2017)

Section 1050.30 Procedure

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Grievances must be submitted in accordance with procedures established in 1050.40 and 1050.50, through the channels defined below in the form and manner described and within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the ADA Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the Board's last response given in the grievance procedure, ~~as the Board's final response.~~
- c) The Board shall, upon being informed of the individual's desire to make file a formal grievance, instruct the individual on the process of filing ~~how to receive a copy of the~~ Grievance Form.

(Source: Amended at 41 Ill. Reg. 10455, effective July 31, 2017)

Section 1050.40 ADA Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the ADA Designated Coordinator in writing on the Grievance Form ~~prescribed for that purpose~~. The Grievance Form must be completed in full ~~in order~~ to receive proper consideration by the ADA Designated Coordinator.
- b) Upon request, assistance shall be provided by the Board to complete the Grievance Form.
- c) The ADA Designated Coordinator, or his or her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The ADA Designated Coordinator shall provide a written response to the complainant and the Executive Director within 15+0 business days after receipt of the Grievance Form.

(Source: Amended at 41 Ill. Reg. 10455, effective July 31, 2017)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1050.50 Final Level

- a) If the grievance has not been resolved at the ~~ADA Designated~~ Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director of the Board for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within five business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within 15 business days, the~~The~~ Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be the designated chairperson. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) The complainant shall be afforded an opportunity to appear before the panel and shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the ~~ADA Designated~~ Coordinator's written response and may conduct interviews and seek advice as it ~~considers~~deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b),~~Upon reaching concurrence,~~ the panel shall make a recommendation in writing to the Executive Director as to the proper resolution of the grievance. All such recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a signed recommendation to the Executive Director.
- e) Within 15 business days after~~Upon~~ receipt of recommendations from the panel, the Executive Director shall approve, disapprove, or modify the panel recommendations; ~~shall~~ render a decision on that recommendation~~thereon~~ in writing; ~~shall~~ state the basis for his or her action~~therefor~~; and ~~shall~~ cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel recommendations, ~~he or she shall include~~ written reasons for ~~the~~such disapproval or modification shall be included in the Executive Director's written decision.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- f) The Grievance Form, the ~~ADA Designated~~ Coordinator's response, the statement of the reasons for dissatisfaction, the recommendation of the panel, and the decision of the Executive Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.~~for a period of three years.~~

(Source: Amended at 41 Ill. Reg. 10455, effective July 31, 2017)

Section 1050.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity, or cause undue hardship for the Board.~~Each grievance involves a unique set of factors.~~

Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

(Source: Amended at 41 Ill. Reg. 10455, effective July 31, 2017)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Public Water Supply Capacity
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
652.101	Repealed
652.102	Repealed
652.103	Repealed
652.104	Repealed
652.105	Repealed
652.106	Repealed
652.107	Repealed
652.108	Repealed
652.109	Repealed
652.110	Repealed
652.111	Repealed
652.112	Repealed
652.113	Repealed
652.114	Repealed
652.201	Repealed
652.202	Repealed
652.203	Repealed
652.204	Repealed
652.205	Repealed
652.301	Repealed
652.401	Repealed
652.402	Repealed
652.501	Repealed
652.502	Repealed
652.503	Repealed
652.601	Repealed
652.602	Repealed
652.603	Repealed
652.604	Repealed
652.605	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 19].

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 5) Effective Date of Rules: July 28, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 12868; September 9, 2016
- 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? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois EPA filed a proposed rulemaking, R15-22, to amend Parts 601, 602, and 603 of the Illinois Pollution Control Board's ("Board") public drinking water rules. Part of the rulemaking consolidated the community water supply permitting rules in Parts 652 and 602. When the Board's Part 602 amendments were adopted, the Illinois EPA planned to repeal Part 652. During the Second Notice of the Board's Part 602 amendments JCAR issued a formal recommendation dated March 8, 2016 to Illinois EPA to repeal Part 652. This amendment of Part 652 is now in response to JCAR's recommendation. Part 652, Subpart G, Public Water Supply Capacity, was retained because it was not incorporated into Part 602.
- 16) Information and questions regarding the adopted rules shall be directed to:

Stephanie Flowers, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1021 N. Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 652

PUBLIC WATER SUPPLY CAPACITY PERMITS

SUBPART A: CONSTRUCTION PERMITS

Section

652.101	Construction Permit Requirements (Repealed)
652.102	Submission of Plans and Specifications (Repealed)
652.103	Preliminary Plans (Repealed)
652.104	Supporting Data for Construction Permit Applications (Repealed)
652.105	Plans – General Layout (Repealed)
652.106	Specifications (Repealed)
652.107	Revisions to Plan Documents (Repealed)
652.108	Alterations (Repealed)
652.109	Filing of Applications and Final Action by Agency (Repealed)
652.110	Permit Application Review (Repealed)
652.111	Standards for Issuance (Repealed)
652.112	Duration of Permits (Repealed)
652.113	Permit Limitations (Repealed)
652.114	Right of Inspection (Repealed)

SUBPART B: OPERATING PERMITS

Section

652.201	Operating Permit Requirements (Repealed)
652.202	Certified Operator or Registered Person (Repealed)
652.203	Projects Requiring Disinfection (Repealed)
652.204	Projects Not Requiring Disinfection (Repealed)
652.205	Partial Operating Permits (Repealed)

SUBPART C: EMERGENCY PERMITS

Section

652.301	Permits Under Emergency Conditions (Repealed)
---------	---

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: RESTRICTED STATUS AND CRITICAL REVIEW

Section

- 652.401 Basis of Restricted Status and Critical Review ([Repealed](#))
652.402 Notification of Restricted Status or Critical Review Status ([Repealed](#))

SUBPART E: ALGICIDE PERMITS

Section

- 652.501 Algicide Permit Requirements ([Repealed](#))
652.502 Permit Applications ([Repealed](#))
652.503 Sampling ([Repealed](#))

SUBPART F: AQUATIC PESTICIDE PERMITS

Section

- 652.601 Aquatic Pesticide Permit Requirements ([Repealed](#))
652.602 Permit Application Contents ([Repealed](#))
652.603 Permits Under Public Health Related Emergencies ([Repealed](#))
652.604 State Agency Programs ([Repealed](#))
652.605 Extension of Permit Duration ([Repealed](#))

SUBPART G: PUBLIC WATER SUPPLY CAPACITY

Section

- 652.701 System Capacity
652.702 Supporting Data for Public Water Supply Capacity Demonstration

AUTHORITY: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/Title IV].

SOURCE: Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8455, effective June 5, 1984; amended at 23 Ill. Reg. 8989, effective July 29, 1999; amended at 38 Ill. Reg. 13876, effective June 30, 2014; amended at 41 Ill. Reg. 10462, effective July 28, 2017.

SUBPART A: CONSTRUCTION PERMITS

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 652.101 Construction Permit Requirements (Repealed)

- a) ~~Construction permits shall be obtained by the official custodian of a community water supply prior to beginning construction of any proposed community water supply and prior to all alterations, changes or additions to an existing community water supply which may affect the sanitary quality, mineral quality or adequacy of the supply including changes pursuant to 35 Ill. Adm. Code 653.115.~~
- b) ~~A construction permit is not needed for normal work items such as:~~
 - 1) ~~installation of customer service connections to distribution system water mains;~~
 - 2) ~~installation or replacement of hydrants and valves in the distribution system;~~
 - 3) ~~replacement of water mains with mains of equivalent size and material in the same location;~~
 - 4) ~~routine maintenance of equipment such as painting, reconditioning, servicing; or~~
 - 5) ~~replacement of waterworks equipment such as chemical feeders, pumps or controls with equivalent equipment.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.102 Submission of Plans and Specifications (Repealed)

- a) ~~Plans and specifications shall be prepared by an engineer or architect registered to practice in the State of Illinois.~~
- b) ~~Two copies of the completed application, plans, specifications and supplemental schedules shall be submitted to the Division of Public Water Supplies for review and approval. Construction permit application forms are available upon request from the Division of Public Water Supplies Permit Section.~~
 - 1) ~~The Application for Construction Permit form shall be completed and submitted for each proposed project.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~Schedule A—Engineer's Cost Estimate form may be submitted for each project.~~
 - 3) ~~Schedule B—Water Main Construction form shall be completed and submitted for water main extension projects.~~
 - 4) ~~Schedule CI—Well Construction form shall be submitted for construction of a water well and Schedule CII—Well Completion form shall be submitted for completion of a water well. Both schedules may be submitted at the same time if technical data sufficient to complete Schedule CII is available.~~
- e) ~~The Agency shall acknowledge in writing receipt of submitted documents.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.103 Preliminary Plans (Repealed)

- a) ~~Preliminary plans may be submitted prior to application to expedite review of subsequent construction permit application plan documents. No approval for construction shall be issued until the completed application, plans and specifications have been submitted.~~
- b) ~~If preliminary plans are submitted, the plans shall include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.104 Supporting Data for Construction Permit Applications (Repealed)

- a) ~~General Information: Describe the existing waterworks, sewerage facilities and the municipality or area to be served. Submit the name and mailing address of the owner or official custodian.~~
- b) ~~Extent of Community Water Supply System: Describe the nature and extent of the area to be served with water and any provisions for extending the community water supply system. Include additional areas to be served and an appraisal of the~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~future requirements for service. Describe present and prospective industrial and commercial water supply needs which are to be met by the water supply system or which are likely to be required in the near future.~~

- e) ~~Sites for Proposed Community Water Supply Structures: Indicate the maximum level of flood waters where pertinent, the proximity of residences and industrial or commercial establishments. Identify all existing and potential sources of pollution and other factors which may influence the quality of the supply or may interfere with the effective operation of the system (See 35 Ill. Adm. Code 653.118—Table A for some types of sources).~~
- d) ~~Soil, Ground Water Conditions and Foundation Problems: Briefly describe the character of the soil through which water mains are to be laid and foundation conditions prevailing at sites of proposed structures. Describe the approximate elevation of ground water in relation to sub-surface structures.~~
- e) ~~Water Consumption: Describe population trends as indicated by available records and estimated number of consumers who will be served by the proposed or expanded water supply system 25 years in the future. Give present and future water consumption values used as the basis of design. Include present and estimated future yield of the sources of supply.~~
- f) ~~Fire Flow Requirements: Describe and outline design parameters if Illinois Insurance Services Office recommendations for improving system fire flows are to be met.~~
- g) ~~Sources of Raw Water: Briefly describe the proposed source or sources of raw water to be developed, estimated safe yield and reasons for selection.~~
- h) ~~Quality of Raw Water: Provide a summary of analytical data which describes the character and quality of the proposed raw water supply with special reference to known or anticipated fluctuations in quality, impact of point and non-point sources of pollutant discharges, effects of changing meteorological conditions and any violations of the quality standards of 35 Ill. Adm. Code 604.501. Indicate which parameters will need adjustment to conform to the finished water standards in 35 Ill. Adm. Code 604.~~
- i) ~~Proposed Treatment Processes: Briefly describe all proposed treatment for providing the quality desired from the specific raw water under consideration and~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~any available data proving the capability of providing the treatment.~~

- ~~j) Power: Describe the main source of power, auxiliary power equipment to be provided and outside emergency power sources which are available. Include provisions for standby power in facilities where power outages may result in pressure loss in the distribution system.~~
- ~~k) Water Plant Wastes: Estimate the amount and type of waste which will be generated and its proposed disposition. Include data regarding waste residues and disposition in a preliminary engineering report and/or the basis of design summary. When water plant waste treatment facilities are necessary, those facilities shall be included as part of the engineering plans and specifications. Data shall include character and volume of waste (including contaminant concentration in milligrams per liter), waste treatment, discharge location and frequency of discharge.~~
 - ~~1) Approval for operation of waste treatment facilities will be the National Pollutant Discharge Elimination System (NPDES) permit. Application for an NPDES permit shall be filed at least 180 days prior to the proposed construction of the waste treatment facility.~~
 - ~~2) An NPDES permit is not required when water plant wastes are discharged to a sewage treatment plant or a recycling (closed loop) waste treatment system. A construction permit for connection of water plant waste piping to a sewer system or construction of a recycling system shall be obtained from the Division of Public Water Supplies.~~
- ~~l) Sewerage System Available:~~
 - ~~1) Describe the existing sewer system and the sewage treatment facilities. Include the relationship to existing or proposed community water supply structures.~~
 - ~~2) If water plant wastes are to be discharged to a sanitary sewerage system, a copy of the approval letter from the owners of the sewer system and/or sewage treatment works shall be submitted with the plan documents. Data pertaining to the waste discharge shall include:
 - ~~A) data requested in (k) above;~~~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- ~~B) sewer system plant map showing location, size and slope of sewer lines from the point of connection at the water plant to the sewage treatment works;~~
- ~~C) location of manholes, lift stations and overflows along the route; and~~
- ~~D) capacity of lift stations.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.105 Plans – General Layout (Repealed)

- ~~a) No original plan drawings or tracings shall be submitted.~~
- ~~b) The final plans for the layout shall show:
 - ~~1) title of plans and name of the municipality, water company, water district, organization, institution or area served;~~
 - ~~2) scale;~~
 - ~~3) north point; and~~
 - ~~4) engineer's or architect's professional seal.~~~~
- ~~c) Scale for general plans shall not be less than 100 feet or greater than 300 feet to the inch. The size of the plan sheets shall not exceed 24 inches by 36 inches.~~
- ~~d) Lettering, figures and symbols shall be legible and uniform throughout the plan drawings.~~
- ~~e) Borderline of the municipality, water district or area to be served shall be shown.~~
- ~~f) Existing Structures: Location, size and length of existing water mains and location and nature of existing water system structures in the area affected by the proposed construction shall be noted on one sheet.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- g) ~~Proposed Structures: Size, length and identity of proposed water mains and water system structures shall be shown.~~
- h) ~~Topography and Elevations: The datum used shall be shown. The location of existing or proposed streets; sub-surface water courses, ponds, lakes, and drains; storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools shall be clearly shown (See 35 Ill. Adm. Code 653.118—Table A). Elevation of water mains and other water system structures shall be indicated. Contour lines shall be included on final plans for sites such as treatment plants, storage reservoirs, pumping stations and wells.~~
- i) ~~Stream Crossings: Stream crossings with elevations of the stream bed shall be shown. Indicate the normal, extreme high and extreme low water levels. Profiles shall have a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than ten feet to the inch; both scales shall be clearly shown.~~
- j) ~~Appurtenances: All appurtenances, specific structures or equipment having any connection with planned water mains and water system structures shall be shown. Detailed plans shall be drawn to a scale which will describe the proposed structures and equipment. Dimensions, elevations and explanatory notes shall be shown.~~
- k) ~~Hydraulic Profiles: Detailed hydraulic profiles of water flowing through treatment systems shall be shown.~~
- l) ~~Schematic Designs: Schematic plumbing and electrical designs for all structures and equipment shall be shown.~~
- m) ~~Water Well Design: The methods of construction to be used, geological formations to be penetrated and type of well to be constructed shall be described.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.106 Specifications (Repealed)

- a) ~~Complete detailed specifications shall be supplied for all community water supply construction.~~
- b) ~~Water main standard specifications which have been adopted by a community~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~water supply or a consulting engineer may be submitted for review by the Agency. Approved standards will be kept on file and need not be resubmitted unless changes occur. These standard specifications shall equal or exceed the requirements of Section 652.111.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.107 Revisions to Plan Documents (Repealed)

~~Revisions, changes or additions to plan documents shall be made on the master work by re-preparing the master work. Changes or additions on prints or reproductions are not acceptable.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.108 Alterations (Repealed)

- a) ~~Any proposed deviations from plans and specifications previously approved by the Agency shall receive a supplemental permit from the Agency before such changes are made. Approval by the Agency shall be in accordance with Section 652.110. Examples of changes which require a supplemental permit are those which affect the location, sanitary and/or mineral quality, capacity, hydraulic conditions, operating units or functioning of water purification units.~~
- b) ~~Revised plans or specifications shall be submitted to and approved by the Division of Public Water Supplies Permit Section before any construction which will be affected by such changes has been started.~~
- c) ~~Structural revisions for minor changes which will not affect the location, capacity, hydraulic conditions, water purification processes or the sanitary or mineral quality of the water to be delivered will be allowed without prior approval. As-built plans clearly showing such alterations shall be filed with the Agency prior to filing an application for an operating permit.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.109 Filing of Applications and Final Action by Agency (Repealed)

- a) ~~Applications for construction permits shall be submitted at least 90 days before the expected start of construction.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- b) ~~The filing date is the date when the Division of Public Water Supplies Permit Section receives the application. Notification of receipt will be by mail.~~
- e) ~~Section 39(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111½, par. 1039(a)) requires the Agency to take final action by granting or denying permits within 90 days of the filing of the application. Applicants may waive the 90 day limitation by advising the Agency in writing.~~
- d) ~~The Agency maintains a progress record of all permit applications including interim and final action dates. This information is available to the applicant upon request.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.110 Permit Application Review (Repealed)

~~The Agency shall complete a preliminary review of the permit application for compliance with Section 652.102 upon receipt. Permit Section engineers will complete detailed review of the plans for compliance with Section 652.111. If information required by this subpart is not provided, the Agency will request it. If the requested information is not received, the permit will be denied.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.111 Standards for Issuance (Repealed)

- a) ~~The Agency shall issue a construction permit if documents show that:~~
 - 1) ~~the community water supply will be constructed, modified or operated so that it will not cause a violation of the Illinois Environmental Protection Act [415 ILCS 5] or 35 Ill. Adm. Code: Subtitle F, Chapter I;~~
 - 2) ~~construction will be in accordance with the Agency Rules for Public Water Supplies (35 Ill. Adm. Code 651 through 654), the American Water Works Association (AWWA) Standards and the "Standards" (as defined in 35 Ill. Adm. Code 651.102); and~~
 - 3) ~~notification of ownership pursuant to 35 Ill. Adm. Code 603.101 is on file.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- b) ~~In case of conflict among the documents in subsection (a)(2), the Agency Rules for Public Water Supplies shall be complied with.~~
- e) ~~The existence of a violation of the Act or a regulation will not prevent the issuance of a construction permit if:~~
- 1) ~~the applicant has been granted a variance or an adjusted standard from a regulation of the Board;~~
 - 2) ~~the permit application is for construction or installation of equipment to alleviate or correct a violation;~~
 - 3) ~~the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the finished water standards of 35 Ill. Adm. Code 611; or~~
 - 4) ~~the Agency determines the permit application is for construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.112 Duration of Permits (Repealed)

- a) ~~Construction permits expire one year from the date of issuance unless construction has started. If the construction permit expires before construction is started, the official custodian or authorized agent shall request an Extension of Construction Permit.~~
- b) ~~If the construction period is expected to exceed four years, a request for extension shall be filed at least 90 days prior to the permit expiration date.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.113 Permit Limitations (Repealed)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- a) ~~Permits required from other State Agencies, other Divisions of this Agency or local governing bodies are included as special conditions of permits issued under 35 Ill. Adm. Code 602.101.~~
- b) ~~A construction permit shall not be valid until applications for all other required permits have been made.~~
- c) ~~Omission of such a condition to a permit does not exempt the applicant from the requirement for obtaining all necessary permits.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.114 Right of Inspection (Repealed)

~~The permittee shall allow any agent duly authorized by the Agency upon presentation of credentials, and in accordance with constitutional limitations, to:~~

- a) ~~enter at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted pursuant to a permit;~~
- b) ~~have access to and copy at reasonable times any records required to be kept under the terms and conditions of a permit;~~
- c) ~~inspect at reasonable times including during any hours of operation:~~
 - 1) ~~equipment constructed or operated under the permit;~~
 - 2) ~~equipment or monitoring methodology; or~~
 - 3) ~~equipment required to be kept, used, operated, calibrated and maintained under the permit;~~
- d) ~~obtain and remove at reasonable times samples of any raw or finished water, discharge or emission of pollutants;~~
- e) ~~enter at reasonable times to use any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any raw or finished water, activity, discharge or emission authorized by a permit.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

SUBPART B: OPERATING PERMITS

Section 652.201 Operating Permit Requirements (Repealed)

~~The operating permit application shall be filed with the Division of Public Water Supplies Permit Section when construction is complete. An operating permit is required for all projects which require a construction permit. The operating permit shall be obtained before the project is placed in service.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.202 Certified Operator or Registered Person (Repealed)

~~Before an operating permit can be issued, the community water supply shall employ on its operational staff a properly qualified, certified water supply operator, or, if exempt from the operator certification requirement, a registered person in responsible charge. The official custodian must have on file with the Agency a Notification of Certified Operator in Responsible Charge form, or, if exempt from the operator certification requirement, a Registration of Person in Responsible Charge form as required by 35 Ill. Adm. Code 603.103 and 603.104.~~

- a) ~~Unless the supply is exempt from having a certified operator, the official custodian shall report the name and certificate number of the certified operator in responsible charge of the treatment and distribution facilities of the supply. This information shall be indicated on the operating permit application to verify the continued employment of the certified operator in responsible charge.~~
- b) ~~A certified operator, designated as in responsible charge of the treatment facilities only, shall not be listed as in charge on operating permit applications pertaining to distribution facility operations. A certified operator, designated as in charge of distribution facilities only, shall not be listed as in charge on operating permit applications pertaining to treatment facility operations.~~
- e) ~~A certified operator in responsible charge of both treatment and distribution facilities of the supply may be listed on all operating permit applications pertaining to the supply.~~
- d) ~~The official custodian of each supply which is exempt from having a certified~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~operator must report the name and registration number of the registered person in responsible charge of that supply. This information must be indicated on the operating permit application to verify the continued employment of the registered person in responsible charge.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.203 Projects Requiring Disinfection (Repealed)

- a) ~~Disinfection is required for projects where facilities produce, contain, treat or carry water which must be bacteriologically safe. This includes but is not limited to water mains, filters, finished water storage tanks and wells.~~
- b) ~~Satisfactory disinfection is demonstrated when two consecutive water samples collected from the completed project at least 24 hours apart indicate no bacterial growths as measured by the membrane filter technique or no tubes positive as measured by the presumptive test, fermentation tube method.~~
- e) ~~All new water mains shall be satisfactorily disinfected prior to use. All new community water supplies shall collect representative samples at least 24 hours apart and receive satisfactory results from the analyses before an operating permit will be issued.~~
- d) ~~The requirement for collecting two consecutive samples given in (b) above, may be modified for water main construction projects at existing community water supplies practicing chlorination in accordance with 35 Ill. Adm. Code 604.401. Water supplies practicing adequate chlorination are required to collect only one satisfactory sample set before issuance of the operating permit provided adequate chlorine residual is present at the point of connection.~~
 - 1) ~~Adequate chlorine residuals exist in a distribution system when there is a minimum of 0.2 mg/l free chlorine residual for water supplies practicing free chlorination or 0.5 mg/l combined chlorine residual for water supplies practicing combined chlorination.~~
 - 2) ~~Projects in these supplies shall be considered satisfactorily disinfected if one water sample set indicates no bacteria.~~
 - 3) ~~If the analyses indicate the presence of contamination, resampling at the~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~sampling point indicating contamination is required and results pursuant to (b) above shall be obtained.~~

- e) ~~Analyses of these samples shall be performed by an Agency laboratory or another certified laboratory.~~
 - 1) ~~The operating permit application shall be sent to the Division of Public Water Supplies Permit Section at the same time as the water samples are sent to the Agency laboratory.~~
 - 2) ~~The laboratory report sheets shall be submitted with the completed operating permit application if another certified laboratory is used.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.204 Projects Not Requiring Disinfection (Repealed)

- a) ~~Disinfection is not required for projects involving installation of equipment not in contact with finished water, which includes but is not limited to chemical feeders, coagulation basins and raw surface water transmission lines.~~
- b) ~~The operating permit application form for projects not requiring disinfection shall be completed, signed by the responsible community water supply official, and sent to the Division of Public Water Supplies Permit Section when the project has been completed.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.205 Partial Operating Permits (Repealed)

- a) ~~If all phases of a water main extension project will not be completed at one time, a partial operating permit shall be issued pursuant to 35 Ill. Adm. Code 602.105 upon receipt of:~~
 - 1) ~~a cover letter describing which sections of the project are completed;~~
 - 2) ~~a general layout plan sheet of the project indicating the location of all water mains to be operated;~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- ~~3) a completed and signed operating permit application; and~~
- ~~4) bacteriological analyses results from water samples collected from the completed section of the project. The analyses shall verify satisfactory disinfection in accordance with Section 652.203.~~
- b) ~~Additional operating permits shall be obtained as other sections of the project are completed.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

SUBPART C: EMERGENCY PERMITS

Section 652.301 Permits Under Emergency Conditions (Repealed)

~~The Agency may issue construction and operating permits by telephone in accordance with 35 Ill. Adm. Code 602.104, if emergency conditions exist which threaten the safety or adequacy of the water.~~

- a) ~~Emergency conditions include hazards or threats to public health caused by:~~
 - ~~1) accidents;~~
 - ~~2) equipment failures;~~
 - ~~3) human error; or~~
 - ~~4) natural disasters.~~
- b) ~~The owner, operator or person in responsible charge shall contact the Agency if an emergency permit is needed. The caller shall give the following information: name; telephone number; name of the community water supply; and nature of the emergency. The Agency can be contacted by calling:~~
 - ~~1) Division of Public Water Supplies Permit Section; or if no answer,~~
 - ~~2) the State emergency number, 217/782-3637 (STA-EMER).~~
- e) ~~Corrective action shall be taken by the official custodian of the supply if~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~modifications are required by the Agency.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

SUBPART D: RESTRICTED STATUS
AND CRITICAL REVIEW**Section 652.401 Basis of Restricted Status and Critical Review (Repealed)**

~~Pursuant to Section 39(a) of the Act and 35 Ill. Adm. Code 652.111, the Agency shall not issue permits for water main extension construction where the water mains would extend an existing violation of the Environmental Protection Act, 35 Ill. Adm. Code: Subtitle F, Chapter I, or the Agency Rules for Public Water Supplies.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.402 Notification of Restricted Status or Critical Review Status (Repealed)

- a) ~~The Agency shall publish in the Environmental Register at intervals of not more than three months, a list of those community water supplies which the Agency's records indicate are subject at that time to the restriction on new water main extensions in Section 652.401. This list will be entitled the "Restricted Status List".~~
- b) ~~The Agency shall also publish at the same frequency as the Restricted Status List, a list of those community water supplies which Agency records indicate are approaching the point of violating any of the standards listed in Section 652.401. This list will be entitled the "Critical Review List".~~
- e) ~~Both lists shall include a statement of the potential or existing violation(s) in each community water supply.~~
- d) ~~Owners of community water supplies which have been placed on Restricted Status or Critical Review shall notify any person requesting construction of a water main extension of this status.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

SUBPART E: ALGICIDE PERMITS

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 652.501 Algicide Permit Requirements (Repealed)

~~An algicide permit shall be obtained from the Agency before copper sulfate can be applied to a surface water source.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.502 Permit Applications (Repealed)

- a) ~~Application for an algicide permit shall be made to the Division of Public Water Supplies Permit Section on forms available from the Division.~~
- b) ~~The application shall include:~~
 - 1) ~~location and volume of the body of water;~~
 - 2) ~~name of source stream (if any);~~
 - 3) ~~amount of copper sulfate to be used for each treatment;~~
 - 4) ~~time interval between treatments;~~
 - 5) ~~description of any adverse effects algae has had on the various treatment processes and on the finished water quality; and~~
 - 6) ~~a description of any fish kills that might have resulted from past use of copper sulfate.~~
- e) ~~The permit application shall include the name, certificate number and class of the certified operator in responsible charge of the water treatment plant who will supervise the application of the algicide.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.503 Sampling (Repealed)

~~The official custodian or an authorized delegate shall collect four water samples for each application of copper sulfate. Samples shall be collected in bottles supplied by the Agency in~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~accordance with specific instructions supplied with the bottles.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

SUBPART F: AQUATIC PESTICIDE PERMITS

Section 652.601 Aquatic Pesticide Permit Requirements (Repealed)

- a) ~~A permit shall be obtained from this Agency except as provided in 35 Ill. Adm. Code 602.103 (Alicide Permits), before any aquatic pesticide is applied to waters of the State where the application of the pesticide will have an effect on public or food processing water supplies.~~
- ~~1) Effect shall be defined as any measurable concentration of the pesticide in the intake water of the public or food processing water supply.~~
 - ~~2) Application for an Aquatic Pesticide Permit shall be made whenever an aquatic pesticide is to be applied within 20 miles upstream of a public or food processing water supply intake.~~
 - ~~3) The person having the aquatic pesticide applied shall apply for the permit.~~
- b) ~~The 20 mile upstream distance shall be measured as follows:~~
- ~~1) for streams, the distance shall be measured from the water supply intake to the downstream edge of the area treated;~~
 - ~~2) for impoundments, the distance shall be measured as the straight line distance over water from the intake to the nearest edge of the area treated;~~
 - ~~3) when the shape of the impoundment will not allow a straight line measurement to be made, the shortest distance, over water, between the intake and the area is to be used;~~
 - ~~4) for streams tributary to the impoundments, the distance shall be the sum of the stream distance plus the shortest line distance described in (2) and (3) above.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 652.602 Permit Application Contents (Repealed)

The following shall be submitted for each permit application:

- a) ~~List of reasons for controlling the aquatic plant or animal nuisance.~~
- b) ~~Applicant Information~~
 - 1) ~~The applicant shall be the official custodian of or have control over the waters receiving the aquatic pesticide.~~
 - 2) ~~The application shall contain the name, address, telephone number and signature of the applicant. If the signature cannot be obtained, the application must be accompanied by a signed statement that the applicant has requested or approved the use of the aquatic pesticide for those specific waters of the State identified in the application.~~
- e) ~~Applicator Information~~
 - 1) ~~Provide the name, address and telephone number of the applicator.~~
 - 2) ~~Provide the Illinois Department of Agriculture License Number.~~
 - 3) ~~List the limitations imposed by the license which restrict the types of pesticides which may be used by the applicator.~~
- d) ~~General Information~~
 - 1) ~~Describe the aquatic pesticide by trade name, chemical name or name of active ingredient(s), and name(s) of decomposition product(s).~~
 - 2) ~~Provide the United States Environmental Protection Agency (USEPA) Registration Number for the pesticide.~~
 - 3) ~~Describe steps to be followed in preparing and applying the pesticide including but not limited to proportions, mixing and precautions in preparation. A copy or facsimile of the label may be used to satisfy this requirement.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- e) ~~Time and Location of Treatment~~
- 1) ~~Show the area or areas to be treated on a United States Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. Include the location(s) and provide the name of the owner(s) of all water intakes for a distance of 20 miles downstream of the area to be treated.~~
 - 2) ~~Ponds under ten acres to be treated, but which are not used for public or food processing, shall be described using a map of the pond, tributaries and the surrounding area.~~
 - A) ~~Pond locations shall be given and described as the quarter section, section number, township, range, county and township name.~~
 - B) ~~Name all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated.~~
 - 3) ~~List date and time required for each treatment.~~
- f) ~~An inventory of the species, size and population of animals or plants to be controlled.~~
- g) ~~Contacts with Downstream Water Users~~
- 1) ~~Provide written documentation that all water supplies described in Section 652.601 have been notified of the proposed treatment and provided details of possible adverse effects.~~
 - 2) ~~Provide the name(s) of water supply operator(s) who will be notified within 24 hours of aquatic pesticide application.~~
- h) ~~Application and Precautions~~
- 1) ~~Describe the method to be used to apply the pesticide.~~
 - 2) ~~Describe methods to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 3) ~~Describe the method to be used to remove dead plants or animals should these accumulations result in water quality deterioration.~~
 - 4) ~~Describe the method to be used to retain water in the impoundment while toxic pesticide concentrations exist.~~
 - 5) ~~Describe the method to be used for detoxification in the event of water supply contamination.~~
 - 6) ~~Describe the actions to be taken to insure that tributary streams will not reintroduce the aquatic life being controlled following application of the pesticide. If these actions cannot be taken, state the anticipated frequency of retreatment.~~
 - 7) ~~Provide a copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.~~
- i) ~~Water Characteristics and Chemistry~~
- 1) ~~Provide information regarding the expected life of the active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen and temperature.~~
 - 2) ~~List the limiting chemical constituents of the water to be treated which can hinder the effectiveness of the pesticide.~~
 - 3) ~~List the short term and chronic effects of the pesticide on people and animals.~~
 - 4) ~~Describe the weather and stream flow conditions under which the pesticide must be applied.~~
 - 5) ~~Provide a list of references used to obtain information for the preceding (1) through (4).~~
- j) ~~Pesticide Dosage and Concentration~~
- 1) ~~List the pesticide dosage.~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~List the concentration of the pesticide in the water immediately after application. Provide a copy of the computations used to determine the concentration.~~
- k) **Stream and Impoundment Data**
 - 1) ~~Provide information on the stream flow expected during pesticide application. If information is not available, provide data on high, average and low stream flow conditions. Specify quantity of discharge in cubic feet per second and average stream velocity in feet per second.~~
 - 2) **Impoundments**
 - A) ~~Provide information on the surface area, average depth, maximum depth and volume.~~
 - B) ~~Provide information on the flow expected into and out of the impoundment during the time the pesticide will be active. Include the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.~~
 - C) ~~Provide information pertinent to the segment in question when only part of the impoundment will be treated.~~
 - D) ~~Show the water flow patterns to the water supply intake on a sketch of the impoundment. Provide an estimate of the minimum time required for the aquatic pesticide to reach the intake.~~
 - 3) ~~List the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.~~
- l) **Additional Information and Reports**
 - 1) ~~Additional information shall be provided to the Agency upon request to assure the safety of a water supply as required by 35 Ill. Adm. Code 302.210.~~
 - 2) ~~A report letter shall be filed with the Agency within 30 days following the~~

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~application of the aquatic pesticide. The report shall include but not be limited to:~~

- ~~A) names and addresses of applicant and applicator;~~
- ~~B) aquatic pesticide application permit number;~~
- ~~C) date of aquatic pesticide application;~~
- ~~D) name and amount of aquatic pesticide applied; and~~
- ~~E) a description of any mishap which endangered a water supply including the chronological steps taken to correct the problem.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.603 Permits Under Public Health Related Emergencies (Repealed)

~~The Agency may issue Aquatic Pesticide Permits by telephone whenever public health is immediately endangered by an aquatic pest such as a disease-carrying organism. Aquatic Pesticide Permits issued by telephone shall have special conditions for safeguarding downstream public and food processing water supplies.~~

- ~~a) The Agency will confirm in writing the granting of an emergency Aquatic Pesticide Permit within ten days of issuance.~~
- ~~b) A written report containing information required by Section 652.602 shall be made to the Agency within 30 days following pesticide application.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

Section 652.604 State Agency Programs (Repealed)

~~The Departments of Public Health, Conservation and Agriculture may place on file with the Agency information required by Section 652.602 (h), (i) and (j) for reference in future permit applications.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 652.605 Extension of Permit Duration (Repealed)

~~The Agency may extend the duration of Aquatic Pesticide Permits when circumstances beyond the control of the applicant prevent the aquatic pesticide application during the time specified in the permit.~~

- a) ~~All requests for extensions of permit duration shall:~~
 - 1) ~~be in writing;~~
 - 2) ~~list the reason(s) the aquatic pesticide could not be applied on the date permitted;~~
 - 3) ~~give the new date the aquatic pesticide is to be applied;~~
 - 4) ~~contain a statement that the aquatic pesticide shall be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and~~
 - 5) ~~contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator and the signature of the applicant.~~
- b) ~~Requests for extensions of permit duration may be made by telephone provided:~~
 - 1) ~~the information listed in (a) above is stated; and~~
 - 2) ~~the information listed in (a) above is transmitted in writing to the Division of Public Water Supplies Permit Section within five days of the date verbal approval for an extension of permit duration is given by the Agency.~~
- e) ~~Applications for extensions of permit duration shall not be granted if more than two months have elapsed from the date of aquatic pesticide application listed in the permit.~~
- d) ~~Extensions of permit duration, if granted by the Agency, shall be in writing.~~

(Source: Repealed at 41 Ill. Reg. 10462, effective July 28, 2017)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Surface Mined Land Conservation and Reclamation Act
- 2) Code Citation: 62 Ill. Adm. Code 300
- 3) Section Number: 300.40 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715].
- 5) Effective Date of Rule: July 28, 2017
- 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 rule, including all 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 the *Illinois Register*: 41 Ill. Reg. 4416; April 21, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various grammatical and technical changes were made since First Notice.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to increase the amount of bond required to be filed with the Department before any surface mining or refuse disposal permit is issued. The maximum bond amount will be increased from \$5,000.00 per acre to a maximum bond of \$10,000.00 per acre. In addition, under circumstances where a written agreement between the operator and a third party require

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

overburden to be removed, replaced, graded, and seeded in a manner that the necessary bond penalty exceeds \$10,000.00 per acre, the Department shall require a bond amount sufficient to ensure the completion of the reclamation plan specified in the approved permit in the event of forfeiture. Also, in no case shall the bond for the proposed permit area be less than \$600.00 per acre or less than an aggregate bonding amount of \$3,000.00 for the entire proposed permit area, whichever is greater.

- 16) Information and questions regarding these adopted rules shall be directed to:

Nick SanDiego, 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 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 300

SURFACE MINED LAND CONSERVATION AND RECLAMATION ACT

SUBPART A: SURFACE MINED LAND CONSERVATION AND RECLAMATION ACT

Section

300.10	Introduction
300.20	Permits
300.30	Fees
300.40	Bonds
300.50	Permit Application Requirements
300.60	Role of County Government in Reclamation
300.70	Departmental Consideration of Reclamation Plans
300.80	Public Filing of Approved Plans
300.90	Amendments to Permits
300.95	Transfer of Permits
300.100	Reclamation Planning
300.110	General Reclamation Requirements
300.120	Criteria For Types of Land Reclamation
300.130	Reclamation of Gob Disposal Areas and Outside Slopes of All Overburden Deposition Areas
300.140	Reclamation of Slurry Pond Disposal Areas
300.150	Water Impoundment Structures
300.160	Affected Acreage Map
300.170	Violations and Forfeiture
300.180	Bond Release Procedure

SUBPART B: USE OF EXPLOSIVES IN NON-COAL
MINERAL EXTRACTION OPERATIONS

Section

300.200	Scope of this Subpart
300.205	Purpose
300.210	Definitions Applicable to Subpart B
300.215	General Requirements
300.220	Monitoring

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

300.225	Use of Explosives; Control of Adverse Effects
300.230	Use of Explosives; Blasting Signs, Warnings and Access Control
300.235	Training
300.236	Examination
300.237	Application and Licensure
300.238	Fees
300.239	Denial, Issuance of Notice of Infraction, Suspension, Revocation and Other Administrative Actions
300.245	Notices of Violation
300.246	Cessation Orders
300.247	Office of Mines and Minerals Decision
300.248	Hearings
300.249	Temporary Relief
300.250	Subpoenas

300.ILLUSTRATION A Tree Sampling Procedure

300.ILLUSTRATION B Typical Sections

AUTHORITY: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715].

SOURCE: Adopted January 6, 1976; codified at 8 Ill. Reg. 4507; amended at 14 Ill. Reg. 3548, effective February 22, 1990; amended at 20 Ill. Reg. 9546, effective July 1, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 22 Ill. Reg. 8407, effective April 28, 1998; amended at 23 Ill. Reg. 11231, effective August 26, 1999; amended at 26 Ill. Reg. 4372, effective March 11, 2002; amended at 37 Ill. Reg. 6779, effective May 1, 2013; amended at 41 Ill. Reg. 10490, effective July 28, 2017.

SUBPART A: SURFACE MINED LAND CONSERVATION AND RECLAMATION ACT**Section 300.40 Bonds**

- a) **Bonds Generally**
Bonds shall be in keeping with the Act and this Part. Each application for a permit shall require a separate bond. Bonds shall be issued to coincide with the permit period.
- b) **Bond Calculation**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

The amount of bond required to be filed with the Department before any surface mining or refuse disposal permit is issued shall be from \$600 to ~~\$10,000~~^{\$5,000} per acre or fractional part thereof, the exact amount to be determined by the Director after considering the various factors relating to the predictable reclamation cost. Under circumstances in which a written agreement between the operator and a third party requires overburden to be removed, replaced, graded and seeded in a manner that the necessary bond penalty exceeds \$10,000 per acre, the Department shall require a bond amount sufficient to ensure the completion of the reclamation plan specified in the approved permit in the event of forfeiture. In no case shall the bond for the entire area under one permit be less than \$600 per acre or \$3,000, whichever is greater. The Director shall notify the applicant of the amount of the bond which must be filed by the applicant before a permit will be issued.

c) Definitions

- 1) Bond means surety bond or other security in lieu thereof.
- 2) Surety bond means an indemnity agreement in a sum certain payable to the Department, executed by the ~~permittee~~^{permittee} as principal and ~~which is~~ supported by the performance guarantee of a corporation licensed to do business as a surety in Illinois.
- 3) Other security means an indemnity agreement in a sum certain executed by the ~~permittee~~^{permittee} as principal ~~that~~^{which} is supported by the deposit with the Department of one or more of the following:
 - A) A cash account, which shall be the deposit of cash in one or more federally-insured or equivalently protected accounts, payable only to the Department upon demand, or the deposit of cash directly with the Department;
 - B) Negotiable government securities, endorsed to the order of, and placed in the possession of, the Department;
 - C) An irrevocable letter of credit of any bank organized or authorized to transact business in Illinois, payable only to the Department upon presentation;
 - D) Certificates of deposit, drawn on a federally insured bank, made

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

payable or assigned to the Department and placed in its possession.

d) Bond Requirements

1) Form

Bonds required to be filed with the Department shall be in such form and content as the Director prescribes, payable to the "People of the State of Illinois."

2) Conditions Generally

A) Each bond shall conform with the requirements of the Act and this Part and with the declared purpose for which the application for the permit is filed. ~~The bond, and~~ shall be in the amounts prescribed by the Act and established by the Director governing ~~that declared such~~ purpose and the proposed area affected.

B) Bonds shall remain in effect until the affected lands have been reclaimed, approved and released by the Department, pursuant to the Act and this Part.

3) Surety Bond Requirements

A) Bonds shall be signed by the operator as principal, and by a good and sufficient corporate surety, approved by the Director and licensed to do business in Illinois as surety.

B) Each surety bond shall provide that the bond shall not be cancelled by the surety except after not less than 90 ~~days~~ notice to the Department. ~~The~~ notice shall be served upon the Department in writing by registered or certified mail to the following address:

Illinois Department of Natural Resources
Office of Mines and Minerals
One Natural Resources Way
Springfield, IL 62702-1271

C) Not less than 10 days prior to the expiration of the 90 ~~days~~ notice of cancellation, the operator must deliver to the Department

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

a replacement bond. If ~~thesuch~~ bond is not delivered, all surface mine operations and use of slurry ponds and gob disposal areas by that operator must cease. The replacement bond shall be accompanied by a letter from the bonding company acknowledging the bond is in lieu of a formerly cancelled bond and identifying the dates of the permit period ~~which~~ the bond is to cover.

- D) If the license to do business in Illinois of any surety upon a bond filed with the Department shall be suspended or revoked, the operator, within 30 days after receiving notice of the suspension/revocation thereof from the Department, shall substitute for any surety a good and sufficient corporate surety approved by the Director and licensed to do business in Illinois as a surety. Upon the failure of the operator to make thesaid substitution of surety, the Department shall have the right to suspend the permit of the operator until substitution has been made.

4) Other Securities Requirements

- A) Letters of credit shall be subject to the following conditions:
- i) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentment in Illinois.
 - ii) Letters of credit shall be irrevocable during their terms. A letter of credit used as security in areas requiring continuous bond coverage shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least 30 days before its expiration date.
 - iii) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with Section 300.170 ~~of this Part~~.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- iv) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions on the letter of credit~~thereon~~ shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.
- B) Certificates of deposit shall be subject to the following conditions:
- i) The Department shall require that certificates of deposit be made payable to or assigned to the Department, both in writing and upon the records of the bank issuing the certificates. If assigned, the Department shall require the banks issuing these certificates to waive all rights of setoff or liens against those certificates.
 - ii) The Department shall not accept an individual certificate of deposit in an amount in excess of \$100,000 or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).
- C) Cash accounts shall be subject to the following conditions:
- i) The Department may authorize the permittee to supplement the bond through the establishment of a cash account in one or more federally-insured or equivalently protected accounts made payable upon demand to, or deposited directly with, the Department.
 - ii) Any interest paid on a cash account shall be returned to the permittee.
 - iii) The Department shall not accept an individual cash account

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

in an amount in excess of \$100,000 or the maximum insurable amount as determined by the ~~FDIC~~Federal Deposit Insurance Corporation or the ~~FSLIC~~Federal Savings and Loan Insurance Corporation.

- e) Request for Bond Review
- 1) During the term of the permit, and until all bond has been released, the permittee, the county board of each county containing lands affected, or a municipality with legal jurisdiction over the permit area through an annexation or pre-annexation agreement with the permittee, may submit a written request to review the Department's required bond amount and calculations upon which the bond amount was based.
 - 2) The Department shall notify the permittee, county board and municipality whenever a request for bond review has been received. It shall be the permittee's responsibility to accurately identify in the permit application any applicable municipality with legal jurisdiction, pursuant to Section 300.50(a)(16) ~~of this Part~~.
 - 3) Based upon review of the bond calculation, if the permittee, county board or municipality believes the bond amount to be inadequate or excessive, ~~it~~they may present written information to the Department in support of its position. ~~That~~Such information must be based upon site specific conditions and supported by sound technical data, including, but not necessarily limited to, engineering cost estimates for earthmoving, grading and revegetation. All information submitted will be made available to the permittee, county board and municipality.
 - 4) The Department shall render a written decision on each request for bond review within 60 days after receipt of all information specified in subsection (e)(3) ~~above~~, and shall provide a copy of its decision to the permittee, county board and municipality. The Department's decision concerning the bond review request must be based upon site specific conditions and supported by sound technical data, including, but not necessarily limited to, engineering cost estimates for earthmoving, grading and revegetation. If the Department makes the determination that the bond amount is inadequate or excessive, the bond shall be adjusted in accordance with Section 8 of the Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 5) The Department will make any site specific information in its possession available to the permittee, county or municipality upon request, with the exception that confidential information submitted by the permittee pursuant to Section 5(e)(15) of the Act may not be released to the county or municipality.
- 6) The Department's written decision on a request for bond review shall be considered the final agency action, and the permittee, county or municipality may request judicial review of that decision in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 41 Ill. Reg. 10490, effective July 28, 2017)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Small Equipment Grant Program
- 2) Code Citation: 41 Ill. Adm. Code 291
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
291.10	Amendment
291.20	Amendment
291.30	Amendment
291.40	Amendment
291.50	Amendment
291.55	New Section
291.60	Amendment
291.70	Amendment
291.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.7 of the State Fire Marshal Act [20 ILCS 2905/2.7].
- 5) Effective Date of Rules: August 15, 2017
- 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 matter incorporated by reference, is on file in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL and is available for public inspection at that location.
- 9) Notice of Proposed published in the *Illinois Register*: 41 Ill. Reg. 3748; March 31, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Changes made between the Proposed and Final Versions: Proposed new Section 291.15 (Severability) was removed. Various grammatical changes were made for consistency and clarification purposes. The definition of "Ambulance Service" was revised. The definition of "Committee" was revised to change the citation of the Section establishing the Committee.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking clarifies and updates the administrative procedures for the application, review and award of grants under the Small Equipment Grant Program. To comply with statutory changes, “Ambulance Service” was defined and added as eligible grant applicants, and the definition of “Small Equipment” was amended to include ambulance equipment, defibrillators and communications equipment. Provisions were added for prescreening of grant applications by the Office of the State Fire Marshal, for the purposes of making the process more efficient for the Grant Application Review Committee. Fire Department applicants that have had their FDID for less than two years can now apply for the program as long as they have participated in the National Fire Incident Reporting System (NFIRS) since the date their FDID was issued.
- 16) Information and questions regarding these adopted rules shall be directed to:

Cindy R. Baum
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/785-4212
fax: 217/524-5487

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 291
SMALL EQUIPMENT GRANT PROGRAM

Section	
291.10	Definitions
291.20	Purpose
291.30	Eligibility
291.40	Grant Application Procedure and Content
291.50	Grant Applications Application Review Committee
291.55	Prescreening of Grant Applications by the Office
291.60	Criteria for Review of Grant Applications
291.70	Terms and Conditions of Grant Agreement
291.80	Request for Reconsideration Appeal Process

AUTHORITY: Authorized by Section 2.7 of the State Fire Marshal Act [20 ILCS 2905/2.7].

SOURCE: Adopted at 31 Ill. Reg. 7076, effective April 24, 2007; amended at 41 Ill. Reg. 10500, effective August 15, 2017.

Section 291.10 Definitions

The following definitions apply to terms used in this Part:

"Ambulance Service" means a not-for-profit emergency medical service provider or a unit of local government that provides emergency medical service within a geographical area. An ambulance service shall be a volunteer, non-profit, stand alone emergency medical service provider not tied in any financial or legal manner to a fire department.

"Committee" means the Grant Application Review Committee established in Section ~~291.50~~[291.60](#) of this Part.

"Fire Department" means a fire department, fire protection district or township fire department that is an entity formed by a unit of local government in Illinois (as defined in Article VII, Section 1 of the Illinois Constitution of 1970) that provides fire suppression within a geographical area. For purposes of this Part, fire

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

department is defined to include volunteer fire departments and volunteer fire protection districts.

"Fire Department Identification Number" or "FDID" means the unique identification number issued by the Office to fire departments that register for participation in the National Fire Incident Reporting System.

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

"Program" means the Small Equipment Grant Program.

"Small Equipment" means small tools and equipment that are stored or carried on fire protection vehicles or ambulances that respond to emergency incidents, such as extrication tools, hose and/or appliances, overhaul tools, forcible entry tools, communications equipment, self-contained breathing apparatus, portable generators, defibrillators and portable foam equipment. Small equipment shall also mean equipment used by firefighters, such as personal protective equipment, communications equipment~~paggers~~, PASS devices, or equipment used in the station for emergency purposes, such as foam storage devices or portable foam equipment stored in the station for use in a large scale emergency.

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.20 Purpose

The Office ~~of the State Fire Marshal~~ shall administer a program to provide grant funds for the purchase of small equipment by a fire department or ambulance service. The Office shall determine grant awards based on equipment needs, financial need, and how recently the applicant has received a previous grant under this program. Grants for the purchase of small equipment shall not exceed \$26,000 in any single fiscal year to any fire department or ambulance service.

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.30 Eligibility

- a) Fire department applicants~~Applicants~~ must have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years prior to the application for the small equipment grant, except that fire departments that were

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

issued a Fire Department Identification Number by the Office less than two years prior to the application are eligible to apply for a small equipment grant if they have participated in NFIRS since the date their FDID was issued by the Office.

- b) Fire protection entities that are not governmental bodies are not eligible to apply for a grant under this program.
- c) Units of local government that do not operate fire departments or ambulance services are eligible for grants under this program (e.g., a municipality that contracts for fire suppression or emergency medical service from another municipality, fire protection district, or for-profit or not-for-profit business); however, if a unit of local government contracts for fire protection service from another unit of local government that has applied for a grant under this program, the unit of local government contracting to receive the services is prohibited from receiving a grant under this program.
- d) For-profit ambulance or emergency medical services are not eligible to apply.

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.40 Grant Application Procedure and Content

- a) Application Procedure
 - 1) Subject to the availability of appropriated funds, the Office will ~~make issue~~ application forms for small equipment grants under this program available to all Illinois fire departments and ambulance services.
 - 2) A completed original application form shall be signed by the duly authorized officers of the applicant fire department.
 - 3) Applications shall be returned, by the date specified on the form, to the Office of the State Fire Marshal, Attention: Small Equipment Grant Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
 - 4) Applications received at the Office shall be logged in as received and assigned an Application Number. ~~Applicants will be notified by mail that their application has been received.~~

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- b) Application Content
Each Grant application shall include the following information:
- 1) Identifying information for the applicant fire department or ambulance service and its local government.
 - 2) A detailed description of the applicant's fire department's need for the proposed small equipment.
 - 3) Identification of fire department, ambulance service or local government personnel to serve as contacts for information.
 - 4) Copies of the applicant's fire department's two most recent budget and appropriation ordinances.
 - 5) Any other information the Office may require to determine the applicant's eligibility under this Part in the event the Office needs to clarify the request, such as the nature of the applicant's organization.
- c) Review of Applications
Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the grant application.
- d) Grant Award
After the Committee's review and ranking of applications, grant awards will be determined, subject to appropriation of the funds being made available by the State~~within the amount of funding available~~ for grants under this program.

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.50 Grant Applications~~Application~~ Review Committee

- a) The State Fire Marshal shall appoint a Grant Review Committee to determine which applicants will receive grants and the amount of the grant~~the eligibility of grant applicants, the amounts of individual grants, and the priority of each grant application~~. If, for any reason, a successful applicant is unable to fulfill the terms of the grant or withdraws the request after it has been approved, the application's

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

priority shall be used to determine which of the unsuccessful applicants will be next to be offered a grant in place of the withdrawing department.

- b) The Committee shall consist of the following seven members:
- 1) The State Fire Marshal, ~~or his or her designee, as Chair~~~~as chairman~~;
 - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal department);
 - 3) One representative from the Associated Fire Fighters of Illinois;
 - 4) One member who is a volunteer firefighter; and
 - 5) One member from the Illinois Association of Fire Protection Districts.
- ~~e) The six members referenced in subsections (b)(2)-(5) shall be the same individuals who are appointed to represent those organizations on the Loan Application Review Committee established under 41 Ill. Adm. Code 290.40.~~
- ~~cd)~~ Members shall serve without salary, but may be reimbursed for reasonable expenses by the Office from appropriations for that purpose.
- ~~de)~~ All members shall have one vote, except that the State Fire Marshal shall only vote to break a tie.
- ~~ef)~~ Members shall serve a term of four years. ~~The members originally appointed under this Part shall serve for the remainder of their terms on the Loan Application Review Committee created by 41 Ill. Adm. Code 290.40.~~
- ~~fg)~~ Upon the expiration of a member's term, the State Fire Marshal may reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.
- ~~gh)~~ Replacement of a Member
- 1) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 2) All members shall serve ex officio. A member shall continue to serve only as long as he or she holds the position that made that individual eligible to serve under the criteria prescribed by subsection (b).
 - 3) In the instances described in subsections (~~g~~)(1) and (2), or upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
- ~~i) Appointees shall geographically represent the State.~~
- ~~j) As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall elect a Secretary from among the members to serve a term to be fixed by the Committee.~~
- ~~h~~k) Meetings of the Committee shall occur as often as deemed necessary by the ~~Chair~~State Fire Marshal, at a date, time and place to be fixed by the Committee (or by the ~~Chair~~State Fire Marshal, should he or she call for the meeting) and at such additional times as the Committee deems necessary to consider any business as properly may come before it.
- i) A quorum shall be a majority of the appointed positions that have been filled by appointment. Unfilled positions shall not be counted.
- j) No Committee member affiliated with a fire department that has a pending application for a loan under this program shall participate in the review of that fire department's application.
- k) Members of the Committee are required to participate in annual ethics training. Upon completion of the ethics training program, members of the Committee must certify that they have completed the training program.
- l) Members of the Committee are required to execute a confidentiality statement agreeing not to disclose any information gained during the course of their service on the Committee.

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Section 291.55 Prescreening of Grant Applications by the Office

The Office will conduct a prescreening of all grant applications received by the deadline to identify applicants with the greatest financial need. The steps of this prescreening are provided in this Section.

- a) The Office will evaluate whether each application was received by the deadline and whether the applicant has met the eligibility requirements of Section 291.30 as of the application deadline date. Only those applicants that meet these eligibility requirements will receive further consideration.
- b) The Office will determine whether each eligible applicant has submitted a complete application as provided in Section 291.40. The Office will attempt to assist applicants who have submitted a timely application with submitting any missing information after the application deadline.
- c) To assist the Committee in making final determinations of grant awards, the Office will then rank complete applications of eligible applicants using the following criteria:
 - 1) The Office will use information provided by the applicant on its operating budget, square miles served and population served in developing a ranking of financial need.
 - 2) The Office will divide each applicant's budget by the square miles served to determine the applicant's budget per square mile and will rank the applicants lowest to highest.
 - 3) The Office will divide each applicant's budget by the population served to determine the applicant's budget per person and will rank the applicants lowest to highest.
 - 4) The Office will then average the two rankings of each applicant to reach an overall ranking based on financial need.
- d) Applicants that have previously received a grant from the Office under this program will be ranked against each other according to the criteria in subsection

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(c), but this group of applicants will be ranked below all applicants that have not previously received a grant under this program.

- e) Using the ranking criteria identified in subsections (c) and (d), the Office will rank the applications. Based upon the grant amount requested by each applicant, the Office will provide the Committee with complete application information for the top ranked applications equaling at least 1½ the amount of available appropriations for the Committee's determination for that grant cycle.

(Source: Added at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.60 Criteria for Review of Grant Applications

- a) The Committee will consider the following criteria and assign point totals when determining grant recipients. The Committee will only consider applications that have met the eligibility requirements of Section 291.30.
- 1) ~~Priority – 0-5 points~~
- A) ~~Grant applications will be pre-prioritized according to the date OSFM receives the application, as indicated by the date stamp.~~
- B) ~~If, for some reason, an applicant would withdraw or refuse a grant, priority would pass to the application next submitted.~~
- 12) Equipment Need – ~~0-5045~~ points
- A) The ~~applicant~~department/district does not currently own the requested item.
- B) The ~~applicant~~department/district currently owns one or more of an item being requested.
- C) The ~~applicant~~department/district is unable to acquire the equipment without a grant, cannot borrow ~~the equipment~~one from another department on a consistent or need basis (due to geographical distance, availability, etc.), or the item represents a unique need for the district.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 23) Financial Need – 0-50 points
- A) Will be determined by considering the total budget of the applicant department/district as an available resource.
 - B) The cost of the equipment being requested is prohibitively expensive given the applicant's department's/district's total budget.
- b) Those applicants receiving a grant in previous grant application cycles will not be considered until all applicants who have never received a grant but are requesting a grant have been considered as provided in Section 291.55(d). ~~Previous grant recipients will still be eligible to receive a grant if they have received a previous grant, but the point total for their application will result in a lower priority.~~

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.70 Terms and Conditions of Grant Agreement

An applicant that has been approved to receive a grant under this program must enter into a Grant Agreement with the Office. The Grant Agreement shall contain, at a minimum, the following terms:

- a) Grant recipients may receive advance payment for the purchase of equipment approved as part of the grant application~~Grants under this program will be paid to recipients when the application is approved.~~
- b) Grant proceeds shall be used exclusively for the purposes listed in Section 291.20 and shall be expended in accordance with this Part and the Grant Agreement.
- c) In the event that the grant proceeds are not expended in the manner approved, the grant recipient~~fire department~~, upon written notification from the Office, shall refund the full amount of the grant award. Recovery of grant funds shall be accomplished in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705].
- d) Use of grant proceeds shall be accounted for in accordance with standard accounting practices. The grant recipient~~grantee~~ shall provide documentation concerning the purchase of the equipment specified in the grant application, the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

cost of the equipment and the delivery of the equipment to the grant recipient~~grantee~~ by the vendor.

- e) Grant recipients shall submit to the Office a report detailing how the grant proceeds were used. This expenditure report, to be submitted on a form supplied by the Office, shall be due not later than nine months following receipt of the grant.
- f) The grant recipient~~grantee~~ is responsible for monitoring possession, use, condition and final disposition of the items purchased with grant funds.
- g) Grant proceeds shall be included in the grant recipient's~~fire department's~~ budget.
- h) The availability of grant proceeds is subject to availability of appropriated State funds.

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

Section 291.80 Request for Reconsideration~~Appeal Process~~

- a) Those applicants whose grant applications are denied by the Committee shall be notified by mail.
- b) Notice of denial of a grant shall be deemed received on the date of the postmark. The applicant has 30 calendar days from that date to forward to the Committee a Request for Reconsideration.
- c) The Request for Reconsideration of a denial of a requested grant shall be submitted to the Office of the State Fire Marshal, Attention: Small Equipment Grant Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259 and shall be deemed submitted on the date of the postmark.
- d) The Request for Reconsideration of a denial of a requested grant may be accompanied by supporting documents and information not previously considered by the Committee. The Committee shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the grant application that is the subject of the Request for Reconsideration shall be deemed denied.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 41 Ill. Reg. 10500, effective August 15, 2017)

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.340 Proposed Action:
Amendment
- 4) Date Notice of Proposed Amendment published in the *Illinois Register*: 40 Ill. Reg. 10083; July 29, 2016.
- 5) Reason for Withdrawal: Passage of Senate Bill 1871 of the 100th General Assembly renders much of the proposed amendment obsolete.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of July 25, 2017 through August 1, 2017. These rulemakings are scheduled for review at the Committee's August 15, 2017 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>
9/7/17	<u>Department of Human Rights</u> , Access to Records of the Department of Human Rights (2 Ill. Adm. Code 926)	4/21/17 41 Ill. Reg. 4403	8/15/17
9/7/17	<u>Department of Human Rights</u> , Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)	4/21/17 41 Ill. Reg. 4408	8/15/17
9/7/17	<u>Department of Financial and Professional Regulation</u> , Sales Finance Agency Act (38 Ill. Adm. Code 160)	5/19/17 41 Ill. Reg. 5022	8/15/17
9/7/17	<u>Department of Financial and Professional Regulation</u> , Illinois Credit Union Act (38 Ill. Adm. Code 190)	5/19/17 41 Ill. Reg. 5041	8/15/17
9/9/17	<u>State Universities Civil Service System</u> , State Universities Civil Service System (80 Ill. Adm. Code 250)	9/9/16 40 Ill. Reg. 12912	8/15/17
9/9/17	<u>Illinois Commerce Commission</u> , Public Utility Electronic Tariff Filing (83 Ill. Adm. Code 290)	2/10/17 41 Ill. Reg. 1275	8/15/17
9/10/17	<u>Illinois Commerce Commission</u> , Money Pool Agreements (83 Ill. Adm. Code 340)	3/17/17	8/15/17

41 Ill. Reg.
3070

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
AUGUST 15, 2017
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, 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*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCommerce Commission

83-290-17-01275 JE

1. Public Utility Electronic Tariff Filing (83 Ill. Adm. Code 290)
 - First Notice Published: 41 Ill. Reg. 1275 – 2/10/17
 - Expiration of Second Notice: 9/9/17

83-340-17-03070 JE

2. Money Pool Agreements (83 Ill. Adm. Code 340)
 - First Notice Published: 41 Ill. Reg. 3070 – 3/17/17
 - Expiration of Second Notice: 9/10/17

83-412-16-14931 JE

3. Obligations of Retail Electric Suppliers (83 Ill. Adm. Code 412)

- First Notice Published: 40 Ill. Reg. 14931 – 11/4/16
- Expiration of Second Notice: 8/16/17

83-453-16-14971 JE

4. Internet Enrollment Rules (83 Ill. Adm. Code 453)
 - First Notice Published: 40 Ill. Reg. 14971 – 11/4/16
 - Expiration of Second Notice: 8/16/17

Community College Board

2-5100-17-05690 BT

5. Public Information, Rulemaking and Organization (Repealer) (2 Ill. Adm. Code 5100)
 - First Notice Published: 41 Ill. Reg. 5690 – 5/26/17
 - Expiration of Second Notice: 9/1/17

23-1501-17-05698 BT

6. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
 - First Notice Published: 41 Ill. Reg. 5698 – 5/26/17
 - Expiration of Second Notice: 9/1/17

23-1600-17-05709 BT

7. State Community College of East Saint Louis (Repealer) (23 Ill. Adm. Code 1600)
 - First Notice Published: 41 Ill. Reg. 5709 – 5/26/17
 - Expiration of Second Notice: 9/1/17

Financial and Professional Regulation

38-160-17-05022 MR

8. Sales Finance Agency Act (38 Ill. Adm. Code 160)
 - First Notice Published: 41 Ill. Reg. 5022 – 5/19/17
 - Expiration of Second Notice: 9/7/17

38-190-17-05041 MR

9. Illinois Credit Union Act (38 Ill. Adm. Code 190)
 - First Notice Published: 41 Ill. Reg. 5041 – 5/19/17
 - Expiration of Second Notice: 9/7/17

38-300-17-04862 MR

10. Reverse Mortgage Loans (Repealer) (38 Ill. Adm. Code 300)
 - First Notice Published: 41 Ill. Reg. 4862 – 5/12/17
 - Expiration of Second Notice: 8/26/17

38-310-17-04866 MR

11. Minimum Organizational Capital Requirements for Banks and Trust Companies (38 Ill. Adm. Code 310)
 - First Notice Published: 41 Ill. Reg. 4866 – 5/12/17
 - Expiration of Second Notice: 8/26/17

38-345-17-04870 MR

12. High Risk Home Loans (Repealer) (38 Ill. Adm. Code 345)
 - First Notice Published: 41 Ill. Reg. 4870 – 5/12/17
 - Expiration of Second Notice: 8/26/17

38-346-17-04890 MR

13. Predatory Lending Database (Repealer) (38 Ill. Adm. Code 346)
 - First Notice Published: 41 Ill. Reg. 4890 – 5/12/17
 - Expiration of Second Notice: 8/26/17

38-1075-17-04899 MR

14. Savings Bank Act (38 Ill. Adm. Code 1075)
 - First Notice Published: 41 Ill. Reg. 4899 – 5/12/17
 - Expiration of Second Notice: 8/26/17

68-1250-17-05114 EAD

15. Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)
 - First Notice Published: 41 Ill. Reg. 5114 – 5/19/17
 - Expiration of Second Notice: 8/25/17

68-1320-17-05754 EAD

16. Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)
 - First Notice Published: 41 Ill. Reg. 5754 – 5/26/17
 - Expiration of Second Notice: 8/26/17

Gaming Board

11-1800-17-02751 AC

17. Video Gaming (General) (11 Ill. Adm. Code 1800)
 - First Notice Published: 41 Ill. Reg. 2751 – 3/3/17
 - Expiration of Second Notice: 9/16/17

11-1800-17-02777 AC

18. Video Gaming (General) (11 Ill. Adm. Code 1800)

- First Notice Published: 41 Ill. Reg. 2777 – 3/10/17
- Expiration of Second Notice: 9/5/17

Human Rights

2-926-17-04403 ES

19. Access to Records of the Department of Human Rights (2 Ill. Adm. Code 926)
- First Notice Published: 41 Ill. Reg. 4403 – 4/21/17
 - Expiration of Second Notice: 9/7/17

56-2520-17-04408 ES

20. Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)
- First Notice Published: 41 Ill. Reg. 4408 – 4/21/17
 - Expiration of Second Notice: 9/7/17

Insurance

50-1101-17-04925 MR

21. Reinsurance Ceded Contracts (Repealer) (50 Ill. Adm. Code 1101)
- First Notice Published: 41 Ill. Reg. 4925 – 5/12/17
 - Expiration of Second Notice: 9/2/17

50-1401-17-04928 MR

22. Security Valuation Reserve (Repealer) (50 Ill. Adm. Code 1401)
- First Notice Published: 41 Ill. Reg. 4928 – 5/12/17
 - Expiration of Second Notice: 9/2/17

50-1408-17-04931 MR

23. Actuarial Opinion and Memorandum (Repealer) (50 Ill. Adm. Code 1408)
- First Notice Published: 41 Ill. Reg. 4931 – 5/12/17
 - Expiration of Second Notice: 9/2/17

50-1701-17-04957 MR

24. Explanation of Special and Contingency Reserves (Repealer) (50 Ill. Adm. Code 1701)
- First Notice Published: 41 Ill. Reg. 4957 – 5/12/17
 - Expiration of Second Notice: 9/2/17

Racing Board

11-435-17-05789 AC

25. Inter-Track Wagering Facilities (11 Ill. Adm. Code 435)
- First Notice Published: 41 Ill. Reg. 5789 – 5/26/17

-Expiration of Second Notice: 8/26/17

11-502-17-05793 AC

26. Licensing (11 Ill. Adm. Code 502)

-First Notice Published: 41 Ill. Reg. 5793 –5/26/17

-Expiration of Second Notice: 8/26/17

11-1411-17-05800 AC

27. Jockeys, Apprentices, Jockey Agents, and Valets (11 Ill. Adm. Code 1411)

-First Notice Published: 41 Ill. Reg. 5800 –5/26/17

-Expiration of Second Notice: 8/26/17

State Universities Civil Service System

80-250-16-12912 MR

28. State Universities Civil Service System (80 Ill. Adm. Code 250)

-First Notice Published: 40 Ill. Reg. 12912 –9/9/16

-Expiration of Second Notice: 9/9/17

EMERGENCY RULEMAKINGS

Education

23-1-17-08932E EAD

29. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

-First Notice Published: 41 Ill. Reg. 8932 –7/14/17

23-25-17-08949E EAD

30. Educator Licensure (23 Ill. Adm. Code 25)

-First Notice Published: 41 Ill. Reg. 8949 –7/14/17

23-30-17-08967E EAD

31. Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)

-First Notice Published: 41 Ill. Reg. 8967 –7/14/17

Human Services

77-630-17-08925E EMS

32. Maternal and Child Health Services Code (77 Ill. Adm. Code 630)

-First Notice Published: 41 Ill. Reg. 8925 –7/14/17

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to "adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere, those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act (42 USC 7409 (2015))." The USEPA NAAQS are codified at 40 CFR 50. The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill Adm Code 243, which is to be amended in Board docket R17-10.

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On July 26, 2017, the Pollution Control Board adopted an opinion and order in docket R17-10 that proposed amendments to 35 Ill. Adm. Code 243 for public comment. A segment of that opinion and order set forth reasons for delay in the 35 Ill Adm Code 243 update. In that order, the Board stated as follows:

TIMETABLE TO COMPLETE RULEMAKING

The statutory due date for this proceeding would have been August 24, 2017 (one year after the earliest USEPA action in this docket requiring Board action). Board completion of this proceeding would have required adoption of the present proposal for public comment by July 6, 2017.

The Board finds that more time is needed to complete rulemaking on the present amendments. The time needed to prepare the present proposal exceeded that normally expected. The unusually high volume of work on other identical-in-substance proposals¹ has compounded the delay. The result is unavoidable delay in preparing this proposal for public comment.

¹ These include the R17-12 Safe Drinking Water Act (SDWA) update, proposed by the Board on June 22, 2017, and the R17-15 Resource Conservation and Recovery Act (RCRA) subtitle C update, which the Board has not yet completed for proposal.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

The Board observes that adoption of the present proposal for public comment today could enable the Board to adhere to the following projected schedule, assuming not further delay occurs:

Final Adoption:	November 30, 2017
Board order proposing amendments:	July 26, 2017
Submission for <i>Illinois Register</i> publication:	August 7, 2017
Estimated <i>Illinois Register</i> publication date:	August 18, 2017
Date of public hearing:	September 21, 2017
Estimated end of 45-day public comment period:	October 2, 2017
Board order adopting amendments:	October 19, 2017
Estimated filing and effective date:	October 30, 2017
Estimated <i>Illinois Register</i> publication date:	November 10, 2017

The believes it necessary to add one month to this projected schedule to accommodate minimal further delay. For these reasons, the Board extends the deadline for final Board action to complete this proceeding until November 30, 2017.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/10(H) and 1 ILCS 100/5-70(b)Notice of Public Comment Period and Public Hearing
for State Implementation Plan (SIP) Submittals
for National Ambient Air Quality Standards (NAAQS)

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective NAAQS SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the proposed amendment appears in the *Illinois Register*, presently anticipated in an August 2017 issue, and a public hearing will occur by videoconference between Chicago and Springfield on September 21, 2017. The Board presently anticipates adoption of amendments to the Illinois ambient air quality standards on October 19, 2017, or within a short time after that date.

Section 10(H) of the Environmental Protection Act (Act) [415 ILCS 5/10(H)] requires the Board to do as follows:

The Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere, those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act (42 USC 7409 (2015)).

The USEPA NAAQS are codified at 40 CFR 50. The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill Adm Code 243.

On July 26, 2017, the Board adopted a proposal for public comment in docket R17-10 to initiate adoption of the latest USEPA amendments to and actions affecting the federal NAAQS during the second half of 2016.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

- On August 24, 2016 (81 Fed. Reg. 58010), USEPA adopted implementation rules for the 2012 primary annual NAAQS for PM_{2.5}. One aspect of the implementation rule provides for revocation of the older 1997 annual NAAQS for PM_{2.5}. The 1997 primary annual NAAQS for PM_{2.5} will no longer apply in areas designated as attainment for that standard.
- On October 3, 2016 (81 Fed. Reg. 68216), USEPA revised the requirements for handling monitoring data influenced by exceptional events. USEPA recognizes that basing regulatory determinations on data influenced by exceptional events may not be appropriate in some instances. The rules provide a procedure for exclusion of data influenced by exceptional events from regulatory decision-making.

The Board reviewed all known USEPA actions that occurred during the first half of 2017. The Board added three USEPA actions that occurred after December 31, 2017 for the purpose of administrative economy and to conserve State resources:

- On March 20, 2017 (82 Fed. Reg. 14325), USEPA adopted a technical correction to an equation used for calculating compliance with the NAAQS for PM_{2.5} in ambient air.
- On May 11, 2017 (82 Fed. Reg. 21995), USEPA designated one new federal equivalent method (FEM) for nitrogen dioxide (NO₂) in ambient air.
- On June 16, 2017, USEPA updated the List of Designated Reference and Equivalent Methods.

A Notice of Proposed Amendment will appear in the *Illinois Register* relative to the docket R17-10 proposal later in August 2017.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments to USEPA to be included in or to revise the Illinois SIP pertaining to one or more ambient air quality priority pollutants (carbon monoxide, lead nitrogen oxides, ozone, particulate matter, and sulfur dioxide) pursuant to section 110 of the federal Clean Air Act (42 USC 7410(a) (2015)) and the implementing USEPA regulations. See 40 CFR 51.102 and appendix V (2016).

As USEPA will require the State to have conducted a hearing on the amendments to the Illinois NAAQS rules involved in this proceeding pursuant to 42 USC 4210(a) and 40 CFR 51.102, the

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

Board has scheduled a public hearing in this matter to occur by videoconference between two locations, as follows:

1:30 p.m., September 21, 2017

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield IL 60601

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board addressed as follows:
Office of the Clerk

Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago IL 60601

All comments relating to this rulemaking should clearly refer to docket number R17-10.

The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill Adm Code 2175 (2016) by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

- The August 24, 2016, October 3, 2016, March 20, 2017, and May 11, 2017 *Federal Register* notices that prompted this action (referenced in the Board's July 26, 2017 opinion and order proposing amendments);
- The June 16, 2017 update to the List of Designated Methods that prompted this action (referenced in the Board's July 26, 2017 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's July 26, 2017; and
- Illinois statutes and regulations referenced in the Board's July 26, 2017 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

John T. Therriault, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago IL 60601

312/814-3461
don.brown@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates voting to adopt the amendments on October 19, 2017 or shortly thereafter. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] requires the Board to "exempt from regulation under the SIP for ozone the [VOMs] which have been determined by (USEPA) to be exempt from regulation under [SIPs] for ozone due to negligible photochemical reactivity." The USEPA listing of these compounds is codified at 40 CFR 51.100(s). The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill Adm Code 211.7150, which is to be amended in Board docket R17-11.

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On July 26, 2017, the Pollution Control Board adopted an opinion and order in docket R17-11 that proposed amendments to 35 Ill Adm Code 211.7150 for public comment. A segment of that opinion and order set forth reasons for delay in the 35 Ill Adm Code 211.7150 update. In that order, the Board stated as follows:

TIMETABLE TO COMPLETE RULEMAKING

The statutory due date for this proceeding would have been August 24, 2017 (one year after the earliest USEPA action in this docket requiring Board action). Board completion of this proceeding would have required adoption of the present proposal for public comment by July 6, 2017.

The Board finds that more time is needed to complete rulemaking on the present amendments. The time needed to prepare the present proposal exceeded that normally expected. The unusually high volume of work on other identical-in-substance proposals² has compounded the delay. The result is unavoidable delay in preparing this proposal for public comment.

² These include the R17-12 Safe Drinking Water Act (SDWA) update, proposed by the Board on June 22, 2017, and the R17-15 Resource Conservation and Recovery Act (RCRA) subtitle C update, which the Board has not yet completed for proposal.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

The Board observes that adoption of the present proposal for public comment today could enable the Board to adhere to the following projected schedule, assuming not further delay occurs:

Final Adoption:	November 30, 2017
Board order proposing amendments:	July 26, 2017
Submission for <i>Illinois Register</i> publication:	August 7, 2017
Estimated <i>Illinois Register</i> publication date:	August 18, 2017
Date of public hearing:	September 21, 2017
Estimated end of 45-day public comment period:	October 2, 2017
Board order adopting amendments:	October 19, 2017
Estimated filing and effective date:	October 30, 2017
Estimated <i>Illinois Register</i> publication date:	November 10, 2017

The Board believes it necessary to add one month to this projected schedule to accommodate minimal further delay. For these reasons, the Board extends the deadline for final Board action to complete this proceeding until November 30, 2017.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD
PURSUANT TO 415 ILCS 5/9.1(e) and 1 ILCS 100/5-70(b)Notice of Public Comment Period and Public Hearing for
State Implementation Plan (SIP) Submittals for Ozone

The Pollution Control Board (Board) is accepting public comments and will conduct a public hearing on a prospective ozone SIP submittal to the U.S. Environmental Protection Agency (USEPA). The Board will accept written comments on the proposed rule that will form the basis for the SIP proposal until 45 days after the proposed amendment appears in the *Illinois Register*, presently anticipated in an August 2017 issue, and a public hearing will occur by teleconference between Chicago and Springfield on September 21, 2017. The Board presently anticipates adoption of revisions to an existing exemption from the definition of volatile organic material (VOM) on October 19, 2017, or within a short time after that date.

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] requires the Board to "exempt from regulation under the SIP for ozone the [VOMs] which have been determined by (USEPA) to be exempt from regulation under [SIPs] for ozone due to negligible photochemical reactivity." The USEPA listing of these compounds is codified at 40 CFR 51.100(s). The Board is required to adopt those exemptions using the "identical in substance" rulemaking procedure of Section 7.2 of the Act [415 ILCS 5/7.2]. The Illinois listing of these compounds is codified at 35 Ill Adm Code 211.7150.

On July 26, 2017, the Board adopted a proposal for public comment in docket R17-11 to initiate adoption of the latest USEPA exemptions from the definition of VOM during the first half of 2016.

- On August 1, 2016 (81 Fed. Reg. 50330), USEPA added one hydrofluoroether compound to the list of chemical species excluded from the federal definition of VOC.

A Notice of Proposed Amendment will appear in the *Illinois Register* relative to the docket R17-11 proposal in August 2017.

The Board expects that the Illinois Environmental Protection Agency (Agency) will submit the present amendments as a revision to the Illinois SIP for ozone pursuant to section 110 of the federal Clean Air Act (42 USC 7410(a) (2015)) and the implementing USEPA regulations. See 40 CFR 51.102 and appendix V (2016).

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

Section 9.1(a) of the Act [415 ILCS 5/9.1(a)] requires the Board to "provide for notice, a hearing if required by [USEPA], and public comment before adopted rules are filed with the Secretary of State." As USEPA will require the State to have conducted a hearing on the exemption from the definition of VOM involved in this proceeding pursuant to 42 USC 4210(a) and 40 CFR 51.102, the Board has scheduled a public hearing in this matter to occur by teleconference between two locations, as follows:

1:40 p.m., September 21, 2017

James R. Thompson Center
Illinois Pollution Control Board Hearing Room
100 West Randolph Street, Room 11-512
Chicago IL 60601

and

Sangamo Building
Illinois Pollution Control Board Hearing Room
1021 North Grand Avenue
Springfield IL 62702

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at:

Office of the Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago IL 60601

All comments relating to this rulemaking should clearly refer to docket number R17-11. The record in this docket will include all documents pertaining to this proceeding. All documents in the record are publicly available for inspection and copying as provided in 2 Ill Adm Code 2175 (2016) by contacting the Office of the Clerk. The documents are also freely available online at the Board's webpage: www.ipcb.state.il.us.

The record will not include a copy of the following documents, which are all otherwise publicly available:

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

- The August 1, 2016 *Federal Register* notice that prompted this action (referenced in the Board's July 26, 2017 opinion and order proposing amendments);
- Federal statutes and regulations referenced in the Board's July 26, 2017 opinion and order; and
- Illinois statutes and regulations referenced in the Board's July 26, 2017 opinion and order.

The Board requests that interested persons direct questions to the following person:

Michael J. McCambridge, Staff Attorney
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

The Board requests that interested persons request documents from or submit documents to the following person:

John T. Therriault, Clerk of the Board
Pollution Control Board
100 West Randolph Street, Room 11-500
Chicago IL 60601

312/814-3461
don.brown@illinois.gov

After the hearing and conclusion of the public comment period, the Board will promptly issue an opinion and order adopting final rule amendments. The Board presently anticipates voting to adopt the amendments on October 19, 2017 or shortly thereafter. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*. Any Agency submission of the associated SIP revision to USEPA will follow that Notice.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 32 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

35 - 211	10397
35 - 243	10422
86 - 130	10513

ADOPTED RULES

23 - 2400	7/25/2017	10449
83 - 590	7/26/2017	10451
4 - 1050	7/31/2017	10455
35 - 652	7/28/2017	10462
62 - 300	7/28/2017	10490
41 - 291	8/15/2017	10500

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Yearly Index Cumulative/Sections Affected Indices (Current Year)	\$ 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 <small>(There is a \$2.00 processing fee for credit card purchases.)</small>
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State E-mail: eAdministrativeCode@ilsos.net
 Department of Index Phone: (217) 782-7017
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

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

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com