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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Adult Protection and Advocacy Services
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
270.221	Repealed
270.500	New Section
270.505	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 3, 10 and 15 of the Adult Protective Services Act [320 ILCS 20/3, 10 and 15].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new Subpart F to update provisions relating to Fatality Review Teams consistent with PAs 98-49 and its trailer legislation PA 98-1039, which created a Statewide Fatality Review Team Advisory Council to provide oversight over the existing Regional Fatality Review Teams, as well as meeting requirements under PA 99-530. Teams have been formed to cover Planning and Service Areas 1 and 13 in the State, whose members represent law enforcement and other professionals who work in the fields of investigating, treating or preventing abuse or neglect of at-risk adults. These teams review suspicious deaths of any adult with disabilities aged 18 through 59 or a person aged 60 years of age or older who reside in a domestic living situation in the community. The goal for such review is to determine and implement appropriate measures to prevent future deaths from similar causes.

Section 240.221: Repeals provision regarding Elder Abuse Fatality Review Teams.

Section 270.500: Adds a new provision regarding the Fatality Review Team Advisory Council which addresses its composition, meetings, and duties, as well as issues relating to confidentiality, use of aggregate data, and indemnification.

Section 270.505: Adds a new provision regarding Regional Fatality Review Teams which addresses its establishment, composition, and meetings, as well as issues relating to review of cases, confidentiality, recommendations and referrals, indemnification, and data collection and analysis.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Rhonda Armstead
General Counsel
Illinois Department on Aging
One Natural Resources Way, #100
Springfield IL 62702-1271

Rhonda.Armstead@illinois.gov
217/785-2152

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Provider agencies under the Adult Protective Services Program will be affected by this rulemaking.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 270
ADULT PROTECTION AND ADVOCACY SERVICES

SUBPART A: INTRODUCTION

Section
270.10 Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

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270.100 Long Term Care Ombudsman Program
270.105 Definitions
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270.115 Display of Ombudsman Poster
270.120 Access to Resident Records
270.130 Conflict of Interest

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

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270.200 Purpose and Program Model
270.205 Adult Protective Services Program
270.210 Definitions
270.215 Organizational Standards and Responsibilities: Department on Aging
270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies
270.221 Elder Abuse Fatality Review Teams [\(Repealed\)](#)
270.225 Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies
270.230 Abuse Reporting
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270.250	Minimum Assessment and Classification Standards
270.255	Abuse, Neglect and Financial Exploitation Case Work, Follow-Up, Referrals and Case Closure
270.260	Authority to Consent and Court Petitions
270.265	Early Intervention Services
270.270	Multi-disciplinary Teams
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SUBPART D: ADULT PROTECTIVE SERVICES VOLUNTEER CORPS

Section	
270.280	Definitions
270.285	Selection and Screening
270.290	Training
270.295	Volunteer Agreement and Volunteer Responsibilities
270.300	Activities and Supervision

SUBPART F: FATALITY REVIEW TEAMS

<u>Section</u>	
<u>270.500</u>	<u>Fatality Review Team Advisory Council</u>
<u>270.505</u>	<u>Regional Interagency Fatality Review Teams</u>

AUTHORITY: Implementing and authorized by Sections 3, 10 and 15 of the Adult Protective Services Act [320 ILCS 20].

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006; amended at 35 Ill. Reg. 8180, effective May 12, 2011; emergency amendment at 38 Ill. Reg. 2357, effective December 31, 2013, for a maximum of 150 days; emergency expired May 29, 2014; amended at 39 Ill. Reg. 2156, effective January 23, 2015; amended at 42 Ill. Reg. _____, effective _____.

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

Section 270.221 Elder Abuse Fatality Review Teams (Repealed)

- a) Establishment

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The Department, or any other State or county agency with Departmental approval, may establish regional interagency elder abuse fatality review teams to:

- 1) *assist local agencies in identifying and reviewing suspicious deaths of elderly victims of alleged, suspected, or substantiated abuse or neglect in domestic living situations [320 ILCS 20/2(d)]; and*
 - 2) *facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect, or financial exploitation of persons 60 years of age or older [320 ILCS 20/15(b)].*
- b) **Composition**
Each review team shall be composed of representatives of entities and individuals including, but not limited to, the Department on Aging, coroners or medical examiners (or both), State's Attorneys, local police departments, forensic units, and providers of services for persons 60 years of age or older in domestic living situations. [320 ILCS 20/15(b)]
- e) **Designation Process**
- 1) *Unless the review team selects, by majority vote, another member, the coroner or medical examiner of the county in which the review team is located shall serve as chair. For review teams in which more than one county is participating, the review team shall select, by majority vote, the chair.*
 - 2) *The chair of a review team shall apply to the Department for official designation under the Elder Abuse and Neglect Program. The application shall be in writing and must include the following information:*
 - A) *the county or counties that will participate in the review team;*
 - B) *the names, offices, business addresses, and emergency contact information of the members of the review team;*
 - C) *a copy of the proposed procedures and protocols for the review team or a statement by the chair that the review team is adopting*

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~~the statewide standard designed by the Department; and~~

~~D) the date on which, if a designation is approved, the review team proposes to begin its work.~~

~~3) Upon receipt of an application, the Department will have 25 calendar days to respond. If the Department refuses to approve a designation, the reason or reasons for that refusal will be promptly transmitted, in writing, to the chair. An application for official designation as a review team that has been refused previously by the Department may be resubmitted, with appropriate changes, at any time.~~

d) Procedures and Protocols

~~1) The Department will design a statewide standard for procedures and protocols of review teams (i.e., mission statement, applicable legislative authorizations, the Open Meetings Act and statutory confidentiality requirements) and create a standardized form for data collection about investigations and referral recommendations, which will be available for use by any interested review team.~~

~~2) Upon being organized, a review team shall adopt either the statewide standard in a substantially similar form or individual procedures and protocols to review cases as required by subsection (e). Required procedures include protocols for recordkeeping relating to the outcome of investigations and referral recommendations; maintaining confidential communications and records; sharing information about cases with other offices for adult protective services, criminal investigation and prosecution, or court ordered discovery; data aggregation, collection, and analysis; and allocation of the time and resources of the review team for investigating cases in the event its composition consists of members from more than one county.~~

~~3) A review team shall meet not less than 6 times a year to discuss cases for its possible review. Each review team, with the advice and consent of the Department, shall establish criteria to be used by review teams in discussing cases of alleged, suspected, or substantiated abuse or neglect for review. [320 ILCS 20/15(e)]~~

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e) ~~Review of Cases~~

- 1) ~~A review team shall review cases of deaths of persons 60 years of age or older in domestic living situations:~~
 - A) ~~involving blunt force trauma or an undetermined manner or suspicious cause of death;~~
 - B) ~~if requested by the deceased's attending physician;~~
 - C) ~~upon referral by a health care provider; or~~
 - D) ~~constituting an open or closed case from a senior protective services agency, law enforcement agency, or State's Attorney's office that involves alleged or suspected abuse, neglect, or financial exploitation.~~
- 2) ~~A team may also review other cases of deaths of persons 60 years of age or older if the alleged abuse or neglect occurred while the person was residing in a domestic living situation. [320 ILCS 20/15(e)]~~

f) ~~Confidentiality~~

- 1) ~~Any document or oral or written communication shared within, or produced by, a review team relating to a case discussed or reviewed by the review team is confidential and is not subject to disclosure to, or discoverable by, another party.~~
- 2) ~~Any document or oral or written communication provided to a review team by an individual or entity, or created by that individual or entity solely for the use of the review team, is confidential and is not subject to disclosure to, or discoverable by, another party.~~
- 3) ~~Each individual or entity represented on an elder abuse fatality review team may share with other members of the team information in the individual's or entity's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the individual or entity to be pertinent to the review. Any such information shared by an~~

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~~individual or entity with other members of a team is confidential. The intent of this subsection (f)(3) is to permit the disclosure to members of a team of any information deemed confidential or privileged or prohibited from disclosure by any other provision of law.~~

- 4) ~~Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow Section 227(d) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/227(d)], which allows for the waiver of privilege afforded to guardians, executors, or administrators of the estate of the domestic violence victim. This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.~~
- 5) ~~A coroner's or medical examiner's office may share with a review team medical records that have been made available to the coroner's or medical examiner's office in connection with that office's investigation of a death. [320 ILCS 20/15(d)]~~
- g) **Recommendations and Referrals**
~~A review team's recommendation in relation to a case discussed or reviewed by the review team, including, but not limited to, a recommendation concerning an investigation or prosecution in relation to such a case, may be disclosed by the review team upon the completion of its review and at the discretion of a majority of its members who review the case. [320 ILCS 20/15(e)]~~
- h) **Data Collection and Analysis**
 - 1) ~~Information on actual cases collected by the review teams shall be forwarded to the Department for aggregation and analysis.~~
 - 2) ~~The Department, in consultation with coroners, medical examiners, and law enforcement agencies, will use aggregated data gathered by review teams and review teams' recommendations to create an annual report and may use this data and recommendations to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for persons 60 years of age or older and their families. The data may include victim demographics; perpetrator demographics; descriptions of the victim's relationship with the perpetrator; cause of death;~~

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~~aggravating and other contributing risks factors for abuse, neglect, or financial exploitation; the outcome of investigations; referral recommendations; and the final dispositions in criminal prosecutions.~~

- 3) ~~The Department or other State or county agencies, in consultation with coroners, medical examiners, and law enforcement agencies, also may use aggregated data gathered by review teams to create a database of at risk individuals. [320 ILCS 20/15(f)]~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

SUBPART F: FATALITY REVIEW TEAMSSection 270.500 Fatality Review Team Advisory Council

- a) The Fatality Review Team Advisory Council (Council) is the coordinating and oversight body for the activities of Regional Interagency Fatality Review Teams (Teams) in Illinois. [320 ILCS 20/15(c-5)]
- b) Composition
- 1) The Director of the Department on Aging will solicit information about individuals interested in being named as a member to serve on the Council from each of the Teams.
- A) Each member will be appointed for a 3-year term and will be eligible for reappointment upon the expiration of the term.
- B) Appointments to fill unexpired vacancies will be made in the same manner as original appointments. The Council may declare a vacancy for a member when it determines that a member has resigned, no longer resides within the State of Illinois, failed to maintain the professional position outlined in subsection (b)(1), or has become incapacitated and rendered incapable of serving or performing duties as a member. A vacancy will be filled as soon as practicable.
- C) Members of the Council will be automatically reappointed unless the Director and the member are notified at least 30 days before the

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term ends that the respective Team will recommend another person or a resignation is received from the member. All successive appointments will be for a term of 3 years. No member will be reappointed if his or her reappointment would cause any conflict of interest.

D) The Director may terminate the appointment of any member prior to the end of a term based on the recommendation of the Chairperson for good cause, which includes, but is not limited to, unjustified absences, failure to meet Council responsibilities, or failure to maintain the professional position outlined in subsection (b)(1).

2) The Council shall select from its members a Chairperson and a Vice-chairperson.

A) Each position will be for a 2-year term.

B) The Chairperson and Vice-chairperson may be selected to serve additional, subsequent terms.

C) The Chairperson of the Council will perform the duties ordinarily ascribed to this position, preside at all meetings of the Council, and make reports on behalf of the Council as may be required.

D) In the event of the Chairperson's inability to act, the Vice-chairperson will act in his or her stead.

3) The Director may also appoint any ex-officio members deemed necessary to this Council, including a staff member of the Department to maintain records, prepare notices and agendas for each meeting, provide technical assistance, and otherwise assist in carrying out the administrative functions of the Council. [320 ILCS 20/15(c-5)]

4) A member will serve at his or her own expense and is to abide by all applicable ethics laws. All licensed professionals are to be in good standing within their profession.

c) Meetings

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- 1) *The Council shall meet at least 4 times during each calendar year. [320 ILCS 20/15(c-5)]*
 - 2) *An agenda of scheduled business for deliberation will be developed in coordination with the Department and the Chairperson.*
 - 3) *The meetings will take place at locations, dates and times determined by the Chairperson of the Council after consultation with members of the Council and the Director or the designated Department staff member.*
 - 4) *It will be the responsibility of the designated Department staff member, at the direction of the Chairperson, to give notices of the locations, dates and time of meetings to each member of the Council and to the Director at least 30 days prior to each meeting.*
 - 5) *A majority of the currently appointed and serving Council members will constitute a quorum. A vacancy in the membership of the Council will not impair the right of a quorum to perform all of the duties of the Council. All deliberations of the Council and its subcommittees will be governed by Robert's Rules of Order.*
 - 6) *A majority of the Council may allow a member to attend any meeting by video or audio conference in accordance with the Open Meetings Act [5 ILCS 120], provided adequate equipment can reasonably be made available and that participation is audible to all other members.*
 - 7) *Meetings of the Council may be closed to the public under the Open Meetings Act. [320 ILCS 20/15(d-5)]*
- d) Duties
- 1) *The Council has, but is not limited to, the following duties:*
 - A) *serve as the voice of the Teams in Illinois.*
 - B) *oversee the Teams in order to ensure that work is coordinated and in compliance with State statutes and operating protocols.*

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- C) ensure that the data, results, findings and recommendations of the Teams are adequately used in a timely manner to make any necessary changes to the policies, procedures and State statutes in order to protect at-risk adults.
 - D) collaborate with the Department in order to develop any legislation needed to prevent unnecessary deaths of at-risk adults.
 - E) ensure that the Teams use standardized processes in order to convey data, findings and recommendations in a usable format.
 - F) serve as a link with the Teams throughout the country and to participate in national fatality review team activities.
 - G) provide the Teams with the most current information and practices concerning at-risk adult death review and related topics.
 - H) perform any other functions necessary to enhance the capability of the Teams to reduce and prevent at-risk adult fatalities. [320 ILCS 20/15(c-5)(1) through (8)]
- 2) Upon request by the Director, review the death of an at-risk adult that occurs in a planning and service area where a Team has not yet been established. [320 ILCS 20/15(c)]
 - 3) All papers, issues, recommendations, reports and meeting memoranda will be advisory only. The Director, or designee, will make a written response/report, as requested, regarding issues before the Council.
 - 4) The Director retains full decision making authority for the Adult Protective Services Program regarding any recommendations presented by the Council.
- e) Confidentiality
- 1) Members of the Council are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the Council or opinions formed by members of the Council based on that

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information. A person may, however, be examined concerning information provided to the Council. [320 ILCS 20/15(d)]

- 2) Records and information provided to the Council, and records maintained by the Council, are exempt from release under the Freedom of Information Act [5 ILCS 140]. [320 ILCS 20/15(d-5)]

f) Use of Aggregate Data

- 1) The Council may prepare an annual report, in consultation with the Department, using aggregate data gathered by and recommendations from the Teams to develop education, prevention, prosecution or other strategies designed to improve the coordination of services for at-risk adults and their families. [320 ILCS 20/15(c-5)]
- 2) The Department, in consultation with coroners, medical examiners and law enforcement agencies, shall use aggregate data gathered by, and recommendations from, the Council to create an annual report.
- 3) The Department, in consultation with coroners, medical examiners and law enforcement agencies, may use aggregate data gathered by, and recommendations from, the Council to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for at-risk adults and their families. [320 ILCS 20/15(f)]

g) Indemnification

- 1) Members of the Council will have no individual liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Council.
- 2) The State shall indemnify and hold harmless members of the Council for all their acts, omissions, decisions, or other conduct arising out of the scope of their service, except those involving willful or wanton misconduct.
- 3) The method of providing indemnification shall be as provided in the State Employee Indemnification Act [5 ILCS 350]. [320 ILCS 20/15(e-5)]

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(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 270.505 Regional Interagency Fatality Review Teams

- a) Establishment
The Director, in consultation with the Council, law enforcement, and other professionals who work in the fields of investigating, treating or preventing abuse or neglect of at-risk adults shall appoint members to a minimum of one Team in each of the Department's planning and service areas. [320 ILCS 20/15(b)]
- b) Composition
- 1) A Team shall be composed of representatives of entities and individuals including, but not limited to:
- A) the Department on Aging;
 - B) coroners or medical examiners (or both);
 - C) State's Attorneys;
 - D) local police departments;
 - E) forensic units;
 - F) local health departments;
 - G) a social service or health care agency that provides services to persons with mental illness, in a program whose accreditation to provide such services is recognized by the Division of Mental Health within the Department of Human Services;
 - H) a social service or health care agency that provides services to persons with developmental disabilities, in a program whose accreditation to provide such services is recognized by the Division of Developmental Disabilities within the Department of Human Services;

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- D) a local hospital, trauma center, or provider of emergency medicine;
- J) providers of services for eligible adults in domestic living situations; and
- K) a physician, psychiatrist, or other health care provider knowledgeable about abuse and neglect of at-risk adults. [320 ILCS 20/15(b-5)]
- 2) Each member of a Team shall be appointed for a 2-year term and shall be eligible for reappointment upon the expiration of the term. [320 ILCS 20/15(b)]
- 3) Appointments to fill unexpired vacancies will be made in the same manner as original appointments. A Team may declare a vacancy for a member when it determines that a member has resigned, no longer resides within the State of Illinois, failed to maintain the professional position outlined in subsection (b)(1), or has become incapacitated and rendered incapable of serving or performing duties as a member. A vacancy will be filled as soon as practicable.
- 4) Members of the Team will be automatically reappointed unless the Director and the member are notified at least 30 days before the term ends that the Council will recommend another person or a resignation is received from the member. All successive appointments will be for a term of 2 years. No member will be reappointed if his or her reappointment would cause any conflict of interest.
- 5) The Director may terminate the appointment of any member prior to the end of a term based on the recommendation of the Chairperson for good cause, which includes, but is not limited to, unjustified absences, failure to meet Team responsibilities, or failure to maintain the professional position outlined in subsection (b)(1).
- 6) The Team will select from its members a Chairperson and a Vice-chairperson.
- A) Each position will be for a 2-year term.

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- B) The Chairperson and Vice-chairperson may be selected to serve additional, subsequent terms.
 - C) The Chairperson of the Team will perform the duties ordinarily ascribed to this position, preside at all meetings of the Team, and make reports on behalf of the Team as may be required.
 - D) In the event of the Chairperson's inability to act, the Vice-chairperson will act in his or her stead.
- 7) A member will serve at his or her own expense and is to abide by all applicable ethics laws. All licensed professionals are to be in good standing within their profession.
- c) Meetings
- 1) A Team shall meet not less than 4 times a year to discuss cases for its possible review. [320 ILCS 20/15(c)]
 - 2) An agenda of scheduled business for deliberation will be developed in coordination with the Department and the Chairperson.
 - 3) The meetings will take place at locations, dates and times determined by the Chairperson of the Team after consultation with members of the Team.
 - 4) It will be the responsibility of the Chairperson to give notices of the locations, dates and time of meetings to each member of the Team and to the Director at least 30 days prior to each meeting.
 - 5) A majority of the currently appointed and serving Team members will constitute a quorum. A vacancy in the membership of the Team will not impair the right of a quorum to perform all of the duties of the Team. All deliberations of the Team and its subcommittees will be governed by Robert's Rules of Order.
 - 6) A majority of the Team may allow a member to attend any meeting by video or audio conference in accordance with the Open Meetings Act,

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provided adequate equipment can reasonably be made available and that participation is audible to all other members.

7) Meetings of the Teams may be closed to the public under the Open Meetings Act. [320 ILCS 20/15(d-5)]

d) Review of Cases

1) Each Team, with the advice and consent of the Department, shall establish criteria to be used in discussing cases of alleged, suspected or substantiated abuse or neglect for review and shall conduct its activities in accordance with any applicable policies and procedures established by the Department for the allocation of time and resources of the Team for investigating cases; recordkeeping relating to the outcome of investigations and referral recommendations; maintaining confidential communications and records; sharing information about cases with other offices for adult protective services, criminal investigation and prosecution, or court-ordered discovery; and data aggregation, collection and analysis. [320 ILCS 20/15(c)]

2) A Team's purpose in conducting review of at-risk adult deaths is:

A) to assist local agencies in identifying and reviewing suspicious deaths of adult victims of alleged, suspected or substantiated abuse or neglect in domestic living situations;

B) to facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect or financial exploitation of at-risk adults and persons involved in providing services to at-risk adults;

C) to evaluate means by which the death might have been prevented; and

D) to report its findings to the appropriate agencies and the Council and make recommendations that may help to reduce the number of at-risk adult deaths caused by abuse and neglect and that may help

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to improve the investigations of deaths of at-risk adults and increase prosecutions, if appropriate. [320 ILCS 20/15(b)]

- 3) A Team shall review cases of deaths of at-risk adults occurring in its planning and service area:
 - A) involving blunt force trauma or an undetermined manner or suspicious cause of death;
 - B) if requested by the deceased's attending physician or an emergency room physician;
 - C) upon referral by a health care provider;
 - D) upon referral by a coroner or medical examiner;
 - E) constituting an open or closed case from an adult protective services agency, law enforcement agency, or State's Attorney's office, or the Department of Human Services' Office of Inspector General that involves alleged or suspected abuse, neglect or financial exploitation; or
 - F) upon referral by a law enforcement agency or State's Attorney's office.
 - 4) If such a death occurs in a planning and service area where a Team has not yet been established, the Director shall request that the Council or another Team review that death.
 - 5) A team may also review deaths of at-risk adults if the alleged abuse or neglect occurred while the person was residing in a domestic living situation. [320 ILCS 20/15(c)]
 - 6) In any instance in which a Team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Council, must take any necessary actions to bring the Team into compliance with the protocol. [320 ILCS 20/15(c-5)]
- e) Confidentiality

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- 1) Members of a Team are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the Team or opinions formed by members of the Team based on that information. A person may, however, be examined concerning information provided to a Team.
- 2) Records and information provided to the Team, and records maintained by the Team, are exempt from release under the Freedom of Information Act. [320 ILCS 20/15(d-5)]
- 3) Any document or oral or written communication shared within or produced by the Team relating to a case discussed or reviewed by the Team is confidential and is not admissible as evidence in any civil or criminal proceeding, except for use by a State's Attorney's office in prosecuting a criminal case against a caregiver. Those records and information are, however, subject to discovery or subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.
- 4) Any document or oral or written communication provided to a Team by an individual or entity, and created by that individual or entity solely for the use of the Team, is confidential, is not subject to disclosure to or discoverable by another party, and is not admissible as evidence in any civil or criminal proceeding, except for use by a State's Attorney's office in prosecuting a criminal case against a caregiver. Those records and information are, however, subject to discovery or subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.
- 5) Each entity represented or individual represented on the Team may share with other members of the team information in the entity's or individual's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the entity or individual to be pertinent to the review. Any such information shared by an entity or individual with other members of the Team is confidential. The intent of this subsection (e)(5) is to permit the disclosure to members of the Team of any

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information deemed confidential or privileged or prohibited from disclosure by any other provision of law.

- 6) Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow Section 227(d) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60], which allows for the waiver of privilege afforded to guardians, executors or administrators of the estate of the domestic violence victim. This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.
- 7) A coroner's or medical examiner's office may share with the Team medical records that have been made available to the coroner's or medical examiner's office in connection with that office's investigation of a death. [320 ILCS 20/15(d)]
- f) Recommendations and Referrals
A Team's recommendation in relation to a case discussed or reviewed by the Team, including, but not limited to, a recommendation concerning an investigation or prosecution in relation to such a case, may be disclosed by the Team upon the completion of its review and at the discretion of a majority of its members who reviewed the case. [320 ILCS 20/15(e)]
- g) Indemnification
- 1) Members of the Team will have no individual liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Team.
- 2) The State shall indemnify and hold harmless members of a Team for all their acts, omissions, decision or other conduct arising out of the scope of their service, except those involving willful or wanton misconduct.
- 3) The method of providing indemnification shall be as provided in the State Employee Indemnification Act [5 ILCS 350]. [320 ILCS 20/15(e-5)]
- h) Data Collection and Analysis

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- 1) Data on actual cases collected by the Teams will be forwarded to the Department for aggregation and analysis, including, but not limited to, victim demographics; perpetrator demographics; descriptions of the victim's relationship with the perpetrators; cause of death; aggravating and other contributing risk factors for abuse, neglect or financial exploitation; the outcome of investigations; referral recommendations; and the final dispositions in criminal prosecutions.
- 2) The Department, in consultation with coroners, medical examiners, and law enforcement agencies, shall use aggregate data gathered by and recommendations from the Teams to create an annual report.
- 3) The Department, in consultation with coroners, medical examiners, and law enforcement agencies, may use aggregate data gathered by and recommendations from the Teams to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for at-risk adults and their families.
- 4) The Department or other State or county agency, in consultation with coroners, medical examiners, and law enforcement agencies, may use aggregated data gathered by the Teams to create a database of at-risk individuals. [320 ILCS 20/15(f)]

(Source: Added at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)
- 2) Code Citation: 14 Ill. Adm. Code 527
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
527.20	Amendment
527.30	Amendment
527.40	Amendment
527.50	Amendment
527.60	Amendment
527.70	Amendment
527.80	Amendment
527.90	Amendment
527.100	Amendment
527.110	New Section
- 4) Statutory Authority: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act. [35 ILCS 11].
- 5) A Complete Description of the Subjects and Issues Involved: The majority of these proposed rules changes address the amendments to the EDGE Tax Credit Act as a result of the passage of HB 162. The amendments as a result of HB 162 include, but are not limited to: revised definitions and provisions related to the amount of credit available to participating taxpayers, the qualifications and showing necessary by companies seeking to enter into agreements under the EDGE program, amended provisions directed towards increasing participation by small business, additional transparency provisions with respect to reporting, including reporting related to supplier diversity goals, and enhanced recapture and reallocation of recaptured credits. These amendments also address prior amendments to the EDGE Tax Credit Act, eliminate provisions that are no longer effective, and recognize standing policies and procedures with respect to the program.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701
- 217/557-1820
fax: 217/524-3701
jolene.clarke@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The amended rules reflect HB 162's intent to improve access to EDGE tax credits for small businesses.
- B) Reporting, bookkeeping or other procedures required for compliance: The amended rules reflect HB 162's new requirement for annual reporting of supplier diversity goals.
- C) Types of professional skills necessary for compliance: Accounting, bookkeeping and administrative
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because the enabling legislation was only recently signed into law.

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The full text of the Proposed Amendments is identical to that of the text of the Emergency amendments for this Part and begins in this issue of the *Illinois Register* on page 13104:

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- 1) Heading of the Part: Illinois Small Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
570.10	Amendment
570.50	Amendment
- 4) Statutory Authority: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules changes will make them consistent with recent amendments to the Small Business Development Act pursuant to the passage of HB 2698, namely revised funding thresholds for the Department's participation interest in loans to qualified Illinois businesses. These proposed rules changes also update provisions in the Small Business Development Act related to businesses owned by women, minorities, veterans, and persons with disabilities and recognize standing policies and procedures with respect to the program.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this part? No
- 11) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jolene Clarke
Rules Administrator

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Qualified Illinois businesses, including but not limited to, businesses owned by women, minorities, veterans and persons with disabilities.
 - B) Reporting, bookkeeping or other procedures required for compliance: To be determined by the financial intermediary (lender).
 - C) Types of professional skills necessary for compliance: General business management and administration
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because the Department did not anticipate the changes.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 570

ILLINOIS SMALL BUSINESS DEVELOPMENT PROGRAM

Section

570.10	Purpose
570.15	Loan Terms (Renumbered)
570.20	Application Cycle
570.25	Application Documentation
570.30	Application Evaluation
570.40	Selection for Funding
570.50	Funding Limitations
570.60	Allowable Leverage
570.70	Administrative Requirements

AUTHORITY: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 14368, effective September 6, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 3266, effective January 28, 1986; amended at 10 Ill. Reg. 19724, effective November 6, 1986; amended at 13 Ill. Reg. 58, effective December 27, 1988; amended at 15 Ill. Reg. 9902, effective June 24, 1991; emergency amendment at 17 Ill. Reg. 21087, effective November 23, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6119, effective April 11, 1994; emergency amendment at 29 Ill. Reg. 20665, effective December 12, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8461, effective April 19, 2006; emergency amendment at 32 Ill. Reg. 2979, effective February 13, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8926, effective June 5, 2008; amended at 42 Ill. Reg. _____, effective _____.

Section 570.10 Purpose

- a) Direct Funding
 - 1) Through the Illinois Small Business Development Program (Program), the Department of Commerce and Economic Opportunity (Department) will provide term loans on a generally fixed-rate, low-interest basis (see

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Section 570.70(a)(1)) to small businesses in Illinois in cooperation with participating lenders or other investors. The ultimate purpose of the Program is to provide economic development assistance to Illinois businesses who will provide employment opportunities for Illinois citizens, either through job creation/retention or those ~~that~~^{which} modernize or improve the competitiveness of the firm.

- 2) Any small business operating or to be located in Illinois may make an application for financial assistance under this program. A small business includes, but is not limited to, any for-profit business organized as a sole proprietorship, partnership, corporation, joint venture, association, or cooperative. For the purposes of this program, a small business is one ~~that~~^{which} has, including its affiliates, fewer than 500 full-time employees, or is determined by the Department not to be dominant in its field.
- 3) Minority, Veteran, Women and Disability Business Loans
 - A) For purposes of this Part, a women owned business shall have the same definition as a female owned business under Section 2 of the Minority and Female Business Enterprise Act [30 ILCS 575/2] and a minority owned business shall have the same definition as that contained in ~~that~~^{sueh} Act. Included for purposes of this Part, Disadvantaged Business Enterprise (DBE) and Women's Business Enterprise (WBE) shall have the same definitions as those established under Section 5 of the Illinois Purchasing Act [30 ILCS 505/5] and Sections 3-101, 3-103, and 4-201.1 of the Illinois Highway Code [605 ILCS 5/3-101, 3-103 and 4-201.1].
 - B) For purposes of this Part, disability shall have the same definition as that used in Section 3 of the Americans ~~With~~^{with} Disabilities Act of 1990 (42 USC 12102) and businesses owned by persons with disabilities shall mean businesses that are at least 51% owned by one or more persons with disabilities and whose management and daily business operations are controlled by one of the disabled owners.
 - C) For purposes of this Part, veteran will have the same definition as that used in Section 9-2(o) of the Small Business Development Act (Act) [30 ILCS 750/9-2] and businesses owned by veterans will

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mean businesses that are at least 51% owned by veterans and whose management and daily business operations are controlled by veterans.

- 4) Technical Assistance Grants – Provides the Department with the ability to make a grant to a not-for-profit organization, which also provides a portion of the financing with respect to the technical assistance project. The purpose of the grant is to cause the technical assistance project to be undertaken ~~to have~~which has the potential to improve the capital marketplace structure or to reduce information barriers that are impediments to the flow of capital.
 - 5) Development Corporation Grant Program – The purpose of the Development Corporation Grant Program is to provide grants to or through financial intermediaries whose purpose includes financing, promoting or encouraging economic development in their geographic areas.
- b) Indirect Funding
- 1) Participation Loan Program – Provides the Department with the ability to purchase an interest in a standard financial intermediary loan. This purchase provides a collateral cushion similar to companion loans. The purpose of these agreements is to help reduce the time needed to analyze applications due to the reliance upon the financial intermediaries' due diligence by tapping into the existing infrastructure of private sector financing expertise. The ultimate purpose of the ~~program~~Program is to provide economic development assistance to Illinois businesses that will provide employment opportunities for Illinois citizens. For purposes of this Part, financial intermediary shall have the same definition as those established under Section 9-2 of the ~~Small Business Development Act~~ (Act) [30 ILCS 750/9-2].
 - 2) Loan Loss Reserve Program – The financial intermediaries ~~that~~which participate in the program make all of the credit decisions about whether to fund or reject a loan to a potential borrower. The financial intermediary also decides whether to make conventional loans to the borrower or whether to require the borrower to participate in the Loan Loss Reserve Program as a condition of the loan. The purpose of the program is to help

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borrowers ~~that~~^{which} are borrowing up to \$100,000 get access to capital, especially in urban areas; however, even though the program provides access to capital, it will not necessarily be low-cost capital.

- 3) Development Corporation Participation Loan Program – The purpose of the Development Corporation Participation Loan Program is to provide loans, which may be done through the purchase of participations, to or through financial intermediaries whose purposes include financing, promoting or encouraging economic development in their geographic areas.
- 4) Minority, Veteran, Women, and Disability Participation Loans – Businesses meeting the definitions of Section 570.10(a)(3) may be funded in accordance with Section 9-4.~~32~~ of the Act through Participation Loans and Development Corporation Participation Loans as described in subsections Sections 570.10(b)(1) and (3).
- 5) Rural Micro-business Loan Program
 - A) Authorizes the Department to provide loans to small rural businesses. Eligible participants include small rural businesses that:
 - i) employ 5 or fewer full-time employees, including the owner if the owner is an employee; and
 - ii) are based on the production, processing, or marketing of agricultural products, forest products, cottage and craft products, or tourism.
 - B) Eligible rural micro-businesses may be funded in accordance with Section 9-4.2a of the Act through Participation Loans and Development Corporation Participation Loans as described in subsections (b)(1) and (3).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 570.50 Funding Limitations

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a) Direct Funding

- 1) In accordance with Sections 9-4(b) and 9-4.3(b) of the Act, the Department shall finance no more than the lesser of 25% of the total project or \$750,000 (50% of the project or \$100,000 for Minority, Women and Disability Business Loans) unless the Director waives limitations governing the amount of the loan/grant and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, in accordance with Sections 570.30(a) and 570.40(a), and the subsequent employment impact/opportunity, from occurring.
- 2) For the Technical Assistance Grant Program, the funding limitation will not exceed \$25,000 unless a Director waiver is granted. The recipient of grant funds shall be required to provide a portion of the financing with respect to the project. The recipients' financing may be in the form of cash, in-kind services or any other form approved by the Department.
- 3) Department Financial Assistance to a Development Corporation in the form of a grant shall be limited to not more than \$10,000, unless a Director waiver is granted.

b) Indirect Funding

- 1) For each loan in which the Department buys a participation under the Participation Loan Program, the financial intermediary will be required to retain at least 50% of the amount of its loan. The Department's participation will not exceed 25% of the total amount of the project or ~~\$2,000,000~~\$750,000. In accordance with subsection (a)(1), the Director may waive limitation governing the amount of the loan and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project.
- 2) As to the amounts received by the ultimate recipients of funds, the Loan Loss Reserve Program funding limitations will be established by the financial intermediary staff involved.
- 3) Department Financial Assistance to or through a Development Corporation in the form of a participation shall not be made for more than 50% of the Development Corporation's loan and the Department's

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participation will not exceed 25% of the total amount of the project or ~~\$2,000,000~~, ~~\$750,000~~ unless the Director waives limitations governing the amount of the loan and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, in accordance with subsection (a)(1).

- 4) Notwithstanding the provisions of subsections (b)(1) and (3), Minority, ~~Veteran~~, Women and Disability Participation Loans, in accordance with Section 9-4.32 of the Act, shall not exceed the lesser of ~~\$400,000~~~~\$100,000~~ or 50% of the total amount of the project unless a Director waiver is granted.
- 5) Rural Micro-business Participation Loans, in accordance with Section 9-4.2a of the Act, shall not exceed the lesser of \$25,000 or 50% of the total amount of the project, unless the Director determines that a waiver of these limits is required to meet the purposes of the Act and is in accordance with subsections (b)(1) and (3).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Materials Transportation: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
171.3	Repealed
171.13	Amendment
171.17	Amendment
171.22	Amendment
171.1000	Amendment
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to rename this Part for consistency with 92 Ill. Adm. Code 390 which is the "general" Part in the Illinois Motor Carrier Safety Regulations. The Department is proposing to rename this Part "Hazardous Materials Transportation Regulations: General".

The Department is repealing Section 171.3, Hazardous Waste, which is now incorporated by reference in Section 171.1000.

At Section 171.13, the Department is replacing "imminent danger" with "imminent hazard" as defined in both the federal hazardous materials regulations as well as the Illinois hazardous materials transportation regulations. The intent of imminent danger and imminent hazard is the same.

At Section 171.17, the Department is replacing "exemption and exemptions" with "special permit or permits" per the federal final rule of December 9, 2005, 70 FR 73156.

At Section 171.22, the Department is renaming the Section to Agricultural Exceptions instead of Exception. There is more than one exception. The Department is reformatting and combining subsections (d), (e), and (f) to create one subsection.

The Department is proposing, at Section 171.1000, to update the incorporation by reference of 49 CFR 171 to the October 1, 2016, edition, which is the most recent edition

DEPARTMENT OF TRANSPORTATION

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of 49 CFR, and to include the final federal rulemakings published at 82 FR 15796, March 30, 2017 and at 82 FR 18397, April 19, 2017, that are applicable to this Part.

This rulemaking will incorporate by reference changes made in the following Dockets that were published in the Federal Register after October 1, 2016:

Docket PHMSA-2015-0273 (HM-215N) 82 FR 15796, March 30, 2017

Amends the Hazardous Materials Regulation (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Additionally, the Pipeline and Hazardous Materials Safety Administration is adopting several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

Docket PHMSA-2016-0041 (HM-258D) 82 FR 18397, April 19, 2017

Revising the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990, required Agencies to update their civil monetary penalties in August 2016 through an interim final rulemaking. PHMSA has elected to do the 2017 update in a final rulemaking. Per this final rule, the maximum civil penalty for a knowing violation is now \$78,376, except for violations that result in death, serious illness, or severe injury to any person or substantial destruction of property, for which the maximum civil penalty is \$182,877. In addition, the minimum civil penalty amount for a violation relating to training is now \$471.

At Section 171.1000, the Department is also updating the Sections from 49 CFR 171 that are incorporated by reference into this Part. The Department is removing two Sections, 171.12a and 171.14, both of which are no longer sections in 49 CFR 171.

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

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- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

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TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171

HAZARDOUS MATERIALS TRANSPORTATION ~~REGULATIONS: GENERAL~~
~~INFORMATION, REGULATIONS AND DEFINITIONS~~

Section

- 171.1 Purpose and Scope (Repealed)
171.2 General Transportation Requirements (Repealed)
171.3 Hazardous Waste (~~Repealed~~)
171.4 Exemptions (Renumbered)
171.5 Agricultural Exception (Repealed)
171.6 Agricultural Exception (Renumbered)
171.7 Matter Incorporated by Reference (Repealed)
171.8 Definitions and Abbreviations (Repealed)
171.9 Rules of Construction (Repealed)
171.12 Import and Export Shipments (Repealed)
171.13 Imminent ~~Hazard~~~~Danger~~
171.14 Specification Markings (Repealed)
171.15 Incident Reporting Requirements (Repealed)
171.17 ~~Special Permits~~~~Exemptions~~
171.18 Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
171.19 Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
171.21 Retailer Exception
171.22 Agricultural ~~Exceptions~~~~Exception~~
171.1000 Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886,

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effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. 7861, effective May 6, 1994; amended at 20 Ill. Reg. 6539, effective April 30, 1996; emergency amendment at 21 Ill. Reg. 4043, effective March 17, 1997, for a maximum of 150 days; emergency expired August 13, 1997; amended at 22 Ill. Reg. 5694, effective March 4, 1998; amended at 22 Ill. Reg. 17011, effective September 30, 1998; amended at 25 Ill. Reg. 7292, effective May 19, 2001; amended at 26 Ill. Reg. 8927, effective June 5, 2002; amended at 28 Ill. Reg. 10076, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11376, effective July 22, 2004; amended at 29 Ill. Reg. 671, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1396, effective January 6, 2005; amended at 42 Ill. Reg. _____, effective _____.

Section 171.3 Hazardous Waste (Repealed)

- a) ~~No person may offer for transportation or transport a hazardous waste in commerce (as defined in 49 CFR 171.8) by highway in Illinois except in accordance with the requirements of this Subchapter.~~
- b) ~~No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:~~
 - 1) ~~has marked each motor vehicle used to transport hazardous waste in accordance with 49 CFR 390.21 or 49 CFR 1058.2 even though placards may not be required;~~
 - 2) ~~complies with the requirements for manifests set forth in 49 CFR 172.205; and~~
 - 3) ~~delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:~~
 - A) ~~the designated facility or, if not possible, to the designated alternate facility;~~
 - B) ~~the designated subsequent carrier; or~~
 - C) ~~a designated place outside the United States.~~

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- e) ~~If a discharge of hazardous waste or other hazardous material occurs during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 171.13 Imminent ~~Hazard~~Danger

No person may offer, accept, or transport a hazardous material in commerce by highway in Illinois, regardless of the quantity of hazardous material in the shipment or on the vehicle, if that material poses an imminent ~~hazard as defined under 92 Ill. Adm. Code 107.1010, danger to the public.~~ The State Police are authorized to stop any vehicle that constitutes an imminent ~~hazard, danger.~~ ~~For the purpose of this Section, an imminent danger exists if, in the opinion of the State Police officer or the representative of the Department at the scene, the offer, acceptance, or transportation of that hazardous material is likely to cause death, serious illness, or severe personal injury.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 171.17 ~~Special Permits~~Exemptions

- a) No person may offer or accept a hazardous material for transportation in commerce if that hazardous material is subject to the provisions of ~~a special permit-an exemption~~ issued by United States Department of Transportation (U.S. DOT) (49 CFR 107) unless the material is offered and accepted in accordance with the terms and conditions of the ~~special permit exemption~~ or this Part.
- b) No person may transport a hazardous material in commerce if that hazardous material is subject to the provisions of ~~a special permit-an exemption~~ issued by U.S. DOT unless the material is transported in accordance with the terms and conditions of the ~~special permit exemption~~ or this Part.
- c) ~~Special permits~~Exemptions from the regulations governing packages or containers of hazardous materials are subject to the following conditions:
- 1) The outside of each package must be plainly and durably marked "~~DOT-SP~~DOT-E" followed by the number assigned;

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- 2) Each shipping paper issued in connection with a shipment made under a special permit~~an exemption~~ must, in association with the entries required by 49 CFR 172.203, bear the notation "DOT-SP~~DOT-E~~" followed by the number assigned; and
- 3) When a special permit~~an exemption~~ issued to a shipper contains special carrier requirements, the shipper shall furnish a copy of the special permit~~exemption~~ to the carrier before or at the time a shipment is tendered.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 171.22 Agricultural Exceptions~~Exception~~

- a) This Subchapter c does not apply to the transportation ~~in Illinois~~ of an agricultural product (as defined in 49 CFR 171.8), other than Class 2 material, by a farmer as a private intrastate carrier over local roads between fields of the same farm in approved containers and in the amounts and manner specified in 49 CFR 173.5(b)(2) and (4).
- b) Transportation of a Class 2 agricultural product by a farmer as a private intrastate carrier over local roads between fields of the same farm in approved containers and in the amounts and manner specified in 49 CFR 173.5(b)(2) and (4) are excepted from the requirements of subparts G and H of 49 CFR 172.
- c) Transportation of an agricultural product to or from a farm, within 150 miles of the farm, in approved containers and conforming to 49 CFR 173.5(b)(1), (2) and (4) are excepted from the requirements in subparts G and H of 49 CFR 172.
- d) The following federal regulations may allow additional agricultural exceptions:~~See also~~
 - 1) 49 CFR 173.5(c) pertaining to specification packagings used for aerial application of formulated liquid agricultural products.
 - 2e) ~~See also~~ 49 CFR 173.315(m) pertaining to nurse tanks of anhydrous ammonia.

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~~3f)~~ ~~See also~~ 49 CFR 173.6 pertaining to materials of trade.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, ~~2017~~~~2004~~, ~~as amended at 69 FR 70902, December 8, 2004, and as amended at 69 FR 75208, December 15, 2004~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

171.1	Applicability of Hazardous Materials Regulations (HMR) to persons and functions
171.2	General Requirements
171.3	Hazardous Waste
171.4	Marine Pollutants
171.7	Reference Material
171.8	Definitions and Abbreviations
171.9	Rules of Construction
171.10	Units of Measure
171.11	Use of ICAO Technical Instructions
171.12	Import and Export Shipments
171.12a	Canadian Shipments and Packagings
171.14	Transitional Provisions for Implementing Certain Requirements
171.15	Immediate Notice of Certain Hazardous Materials Incidents
171.16	Detailed Hazardous Materials Incident Reports
171.19	Approvals or Authorizations Issued by the Bureau of Explosives
171.20	Submission of Examination Reports

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- [171.21](#) [Assistance in Investigations and Special Studies](#)
- [171.22](#) [Authorization and Condition for the Use of International Standards and Regulations](#)
- [171.23](#) [Requirements for Specific Materials and Packagings Transported Under the ICAO Technical Instructions, IMDG Code, Transport Canada TDG Regulations, or the IAEA Regulations](#)
- [171.24](#) [Additional Requirements for the Use of ICAO Technical Instructions](#)
- [171.25](#) [Additional Requirements for the Use of the IMDG Code](#)
- [171.26](#) [Additional Requirements for the Use of the IAEA Regulations](#)

- b) The following interpretations of, additions to, and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean [this](#) Part 171 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175₂, or 176₂ or to sections [in those parts](#)~~therein~~, shall be read to refer to that part or sections in the federal regulations.
 - 5) All references to shipments of hazardous materials by air, water, and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) All references to "these regulations" or the Hazardous Materials Regulations (HMR) in the incorporated federal regulations shall be read to refer to the Illinois Hazardous Materials Transportation Regulations.

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- 7) All references to a "settlement agreement" in these regulations means a written understanding between the Department and the person being charged.
- 8) 49 CFR 171.1(f)(3) is not incorporated by reference and is replaced by the following:

Preemption determination procedures are in subpart C of 49 CFR 107.

- 9) 49 CFR 171.1(g) is not incorporated by reference and is replaced by the following:

Each person who knowingly violates a requirement of the federal hazardous materials transportation law, an order issued under the federal hazardous materials transportation law, subchapter A of Chapter I of 49 CFR, ~~a special permit exemption~~ or approval issued under subchapter A or C of Chapter I of 49 CFR, or the Illinois Hazardous Materials Transportation Regulations is liable for penalties established and set forth in 92 Ill. Adm. Code ~~107.1190-107.314~~ and ~~107.1390-107.371~~.

- 10) All references to approvals, exemptions, special permits, or registration referred to in 49 CFR 171.2 shall be read to refer to the federal hazardous materials regulations.

c) Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) Section Number: 172.2000 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 172.2000, to update the incorporation by reference of 49 CFR 172 to the October 1, 2016 edition, which is the most recent edition of 49 CFR, and to include the final federal rulemaking published at 82 FR 15796, March 30, 2017, that is applicable to this Part.

This rulemaking will incorporate by reference changes made in the following Docket that was published in the Federal Register after October 1, 2016:

Docket PHMSA-2015-0273 (HM-215N) 82 FR 15796, March 30, 2017
Amends the Hazardous Materials Regulation (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Additionally, the Pipeline and Hazardous Materials Safety Administration is adopting several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

The Department is deleting Section 172.2000(b)(6) covering small arms ammunition. This deletion will make Illinois' hazardous materials transportation regulations compatible with the federal hazardous materials regulations. The Department will no longer treat small arms ammunition as a Class C Explosive. By deleting this Section, small arms ammunition will be considered an Other Regulated Material (ORM-D) just as it is in the federal hazardous materials regulations.

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

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- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 172
HAZARDOUS MATERIALS TABLE AND
HAZARDOUS MATERIALS COMMUNICATIONS

Section

172.1000	General
172.2000	Incorporation by Reference of 49 CFR 172
172.2215	Permanent Shipping Papers (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487, and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. 7874, effective May 6, 1994; amended at 20 Ill. Reg. 6549, effective April 30, 1996; amended at 22 Ill. Reg. 5703, effective March 4, 1998; amended at 22 Ill. Reg. 17019, effective September 30, 1998; amended at 25 Ill. Reg. 7287, effective May 19, 2001; amended at 26 Ill. Reg. 8935, effective June 5, 2002; amended at 28 Ill. Reg. 10083, effective July 1, 2004; preemptory amendment at 28 Ill. Reg. 11381, effective July 22, 2004; amended at 29 Ill. Reg. 681, effective December 20, 2004; preemptory amendment at 29 Ill. Reg. 1402, effective January 6, 2005; amended at 42 Ill. Reg. _____, effective _____.

Section 172.2000 Incorporation by Reference of 49 CFR 172

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 172 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, [2017](#), ~~2004, as amended at 69 FR 75208, December 15, 2004~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 172 are incorporated.
- b) The following interpretations of, additions to, and deletions from 49 CFR 172 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175, or 176, or to sections [in those parts therein](#), shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water, and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) ~~Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.~~
- c) [Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.](#)

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) Section Number: 173.3000 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 173.3000, to update the incorporation by reference of 49 CFR 173 to the October 1, 2016 edition, which is the most recent edition of 49 CFR, and to include the final federal rulemaking published at 82 FR 15796, March 30, 2017, that is applicable to this Part.

This rulemaking will incorporate by reference changes made in the following Docket that was published in the Federal Register after October 1, 2016:

Docket PHMSA-2015-0273 (HM-215N) 82 FR 15796, March 30, 2017

Amends the Hazardous Materials Regulation (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Additionally, the Pipeline and Hazardous Materials Safety Administration is adopting several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

The Department is deleting Section 173.3000(b)(6) covering small arms ammunition. This deletion will make Illinois' hazardous materials transportation regulations compatible with the federal hazardous materials regulations. The Department will no longer treat small arms ammunition as a Class C Explosive. By deleting this Section, small arms ammunition will be considered an Other Regulated Material (ORM-D) just as it is in the federal hazardous materials regulations.

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

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 173
SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section

173.2000 General
173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective July 13, 1992; amended at 18 Ill. Reg. 7895, effective May 6, 1994; amended at 20 Ill. Reg. 6560, effective April 30, 1996; amended at 22 Ill. Reg. 5720, effective March 4, 1998; amended at 22 Ill. Reg. 17028, effective September 30, 1998; amended at 25 Ill. Reg. 7304, effective May 19, 2001; amended at 26 Ill. Reg. 8939, effective June 5, 2002; amended at 28 Ill. Reg. 10088, effective July 1, 2004; preemptory amendment at 28 Ill. Reg. 11385, effective July 22, 2004; amended at 29 Ill. Reg. 685, effective December 20, 2004; preemptory amendment at 29 Ill. Reg. 1406, effective January 6, 2005; amended at 42 Ill. Reg. _____, effective _____.

Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 173 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, ~~2017, 2004, as amended at 69 FR 70902, December 8, 2004, and as amended at 69 FR 75208, December 15, 2004~~ subject only to the exceptions in subsection (b) of this

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Section. No later amendments to or editions of 49 CFR 173 are incorporated.

- b) The following interpretations of, additions to, and deletions from 49 CFR 173 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean this Part 173 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175, or 176, or to sections in those Parts, therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water, and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) ~~Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.~~
 - 67) 49 CFR 173.8(d)(3) is not incorporated by reference and is replaced by the following:

A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:

 - A) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.

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- B) Tanks shall be securely fastened to prevent separation from the vehicle.
- C) Tanks shall be electrically bonded to the frame of the vehicle.
- D) Tanks shall be protected against leakage or damage in the event of a turnover.
- E) Tanks may not be drained by gravity. Top mounted pumps must be designed and labeled for use with flammable and combustible liquids. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).
- F) Flammable liquid petroleum products being transported on a single vehicle may not exceed 450 liters (119 gallons).
- G) Flammable liquid petroleum product is offered for transportation and transported in conformance with all other applicable requirements of this Subchapter.

c) [Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.](#)

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(a) Note 17 (7), the transportation of anhydrous ammonia was permitted within Illinois prior to January 1, 1981 as follows: Only specifications MC-330 and MC-331 cargo tanks with a design pressure of 250 p.s.i.g., that had been in anhydrous ammonia service in Illinois prior to February 1, 1979, could continue in such service subject to continued qualification as required by all design and testing requirements specified by 49 CFR 180. Non-specification cargo tanks, other than nurse tanks (49 CFR 173.314(m)), were not authorized in Illinois for anhydrous ammonia service. All specifications MC-330 and MC-331 cargo tanks placed in such service after February 1, 1979 had to meet all requirements for the specification, including a minimum design service of 265 p.s.i.g.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(k)(6), the transportation of liquefied petroleum gas within Illinois prior to January 1, 1981 was as follows: Non-

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specification cargo tanks used to transport liquefied petroleum gas were not authorized for intrastate transportation within Illinois prior to January 1, 1981.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Number: 177.2000 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: By this notice, the Department is proposing, at Section 177.2000, to update the incorporation by reference of 49 CFR 173 to the October 1, 2016 edition, which is the most recent edition of 49 CFR.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

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Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
 - C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177
CARRIAGE BY PUBLIC HIGHWAY

Section

177.1000	General
177.2000	Incorporation by Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective April 30, 1996; amended at 22 Ill. Reg. 5686, effective March 4, 1998; amended at 22 Ill. Reg. 17003, effective September 30, 1998; amended at 25 Ill. Reg. 7497, effective May 19, 2001; amended at 26 Ill. Reg. 8944, effective June 5, 2002; amended at 28 Ill. Reg. 10094, effective July 1, 2004; amended at 29 Ill. Reg. 691, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1411, effective January 6, 2005; amended at 42 Ill. Reg. _____, effective _____.

Section 177.2000 Incorporation by Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 177 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, ~~2017, 2004, as amended at 69 FR 70902, December 8, 2004~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- b) The following interpretations of, additions to, and deletions from 49 CFR 177 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean [this](#) Part 177 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175, or 176, or to sections [in those parts, therein](#) shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water, and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.
- c) [Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.](#)

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
178.321	Repealed
178.321.0.1	Repealed
178.321.0.2	Repealed
178.321.0.3	Repealed
178.321.0.4	Repealed
178.321.0.5	Repealed
178.321.0.6	Repealed
178.321.0.7	Repealed
178.321.0.8	Repealed
178.321.0.9	Repealed
178.321.1.0	Repealed
178.321.1.1	Repealed
178.321.1.2	Repealed
178.321.1.3	Repealed
178.321.1.4	Repealed
178.321.1.5	Repealed
178.321.1.6	Repealed
178.321.1.7	Repealed
178.321.1.8	Repealed
178.322	Repealed
178.322.0.1	Repealed
178.322.0.3	Repealed
178.322.0.5	Repealed
178.322.0.9	Repealed
178.322.1.1	Repealed
178.322.1.2	Repealed
178.322.1.3	Repealed
178.322.1.4	Repealed
178.322.1.7	Repealed
178.322.1.8	Repealed
178.322.1.9	Repealed
178.322.2.0	Repealed
178.322.2.1	Repealed
178.322.2.2	Repealed

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178.322.2.3	Repealed
178.322.2.4	Repealed
178.323	Repealed
178.323.0.1	Repealed
178.323.0.2	Repealed
178.323.0.3	Repealed
178.323.0.4	Repealed
178.323.0.5	Repealed
178.323.0.6	Repealed
178.323.0.7	Repealed
178.323.0.8	Repealed
178.323.0.9	Repealed
178.323.1.0	Repealed
178.323.1.1	Repealed
178.323.1.2	Repealed
178.323.1.3	Repealed
178.323.1.4	Repealed
178.323.1.5	Repealed
178.323.1.6	Repealed
178.323.1.7	Repealed
178.323.1.8	Repealed
178.324	Repealed
178.324.0.1	Repealed
178.324.0.2	Repealed
178.324.0.3	Repealed
178.324.0.4	Repealed
178.324.0.5	Repealed
178.324.0.6	Repealed
178.324.0.7	Repealed
178.324.0.8	Repealed
178.324.0.9	Repealed
178.324.1.0	Repealed
178.324.1.1	Repealed
178.324.1.2	Repealed
178.324.1.3	Repealed
178.324.1.4	Repealed
178.324.1.5	Repealed
178.324.1.6	Repealed
178.324.1.7	Repealed

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NOTICE OF PROPOSED REPEALER

178.324.1.8	Repealed
178.325	Repealed
178.325.0.1	Repealed
178.325.0.2	Repealed
178.325.0.3	Repealed
178.325.0.4	Repealed
178.325.0.5	Repealed
178.325.0.6	Repealed
178.325.0.7	Repealed
178.325.0.8	Repealed
178.325.0.9	Repealed
178.325.1.0	Repealed
178.325.1.1	Repealed
178.325.1.2	Repealed
178.325.1.3	Repealed
178.325.1.4	Repealed
178.325.1.5	Repealed
178.325.1.6	Repealed
178.325.1.7	Repealed
178.325.1.8	Repealed
178.326	Repealed
178.326.0.1	Repealed
178.326.0.2	Repealed
178.326.0.3	Repealed
178.326.0.4	Repealed
178.326.0.5	Repealed
178.326.0.6	Repealed
178.326.0.7	Repealed
178.326.0.8	Repealed
178.326.0.9	Repealed
178.326.1.0	Repealed
178.326.1.1	Repealed
178.326.1.2	Repealed
178.326.1.3	Repealed
178.326.1.4	Repealed
178.326.1.5	Repealed
178.326.1.6	Repealed
178.326.1.7	Repealed
178.326.1.8	Repealed

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NOTICE OF PROPOSED REPEALER

178.330	Repealed
178.330.0.1	Repealed
178.330.0.2	Repealed
178.330.0.3	Repealed
178.330.0.4	Repealed
178.330.0.5	Repealed
178.330.0.6	Repealed
178.330.0.7	Repealed
178.330.0.8	Repealed
178.330.0.9	Repealed
178.330.1.0	Repealed
178.330.1.1	Repealed
178.330.1.2	Repealed
178.330.1.3	Repealed
178.330.1.4	Repealed
178.330.1.5	Repealed
178.330.1.6	Repealed
178.330.1.7	Repealed
178.330.1.8	Repealed
178.331	Repealed
178.331.0.1	Repealed
178.331.0.2	Repealed
178.331.0.3	Repealed
178.331.0.4	Repealed
178.331.0.5	Repealed
178.331.0.6	Repealed
178.331.0.7	Repealed
178.331.0.8	Repealed
178.331.0.9	Repealed
178.331.1.0	Repealed
178.331.1.1	Repealed
178.331.1.2	Repealed
178.331.1.3	Repealed
178.331.1.4	Repealed
178.331.1.5	Repealed
178.331.1.6	Repealed
178.331.1.7	Repealed
178.331.1.8	Repealed
178.336	Repealed

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178.336.0.1	Repealed
178.336.0.2	Repealed
178.336.0.3	Repealed
178.336.0.4	Repealed
178.336.0.5	Repealed
178.336.0.6	Repealed
178.336.0.7	Repealed
178.336.0.8	Repealed
178.336.0.9	Repealed
178.336.1.0	Repealed
178.336.1.1	Repealed
178.336.1.2	Repealed
178.336.1.3	Repealed
178.336.1.4	Repealed
178.336.1.5	Repealed
178.336.1.6	Repealed
178.336.1.7	Repealed
178.336.1.8	Repealed
178.1000	Repealed
178.2000	Repealed

- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and replaced with a new Part because a large number of Sections have been repealed. The Department will propose a new Part 178 in conjunction with this rulemaking that will incorporate 49 CFR 178 in its current form.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes

DEPARTMENT OF TRANSPORTATION

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- 10) Are there any other rulemakings pending on this Part? Yes. This Part will be reintroduced elsewhere in the *Illinois Register* in conjunction with this rulemaking.
- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:
- Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764
- Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178

SPECIFICATIONS FOR PACKAGINGS (REPEALED)

Section

- 178.321 Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B
- 178.321.0.1 [178.321-1] General Requirements
- 178.321.0.2 [178.321-2] Material
- 178.321.0.3 [178.321-3] Thickness
- 178.321.0.4 [178.321-4] Joints
- 178.321.0.5 [178.321-5] Bulkheads, Baffles, and Ring Stiffeners
- 178.321.0.6 [178.321-6] Closures for Manholes
- 178.321.0.7 [178.321-7] Overturn Protection
- 178.321.0.8 [178.321-8] Outlets
- 178.321.0.9 [178.321-9] Vents, Valves, and Connections
- 178.321.1.0 [178.321-10] Protection of Fittings
- 178.321.1.1 [178.321-11] Emergency Discharge Control
- 178.321.1.2 [178.321-12] Shear Section
- 178.321.1.3 [178.321-13] Anchoring of Tank
- 178.321.1.4 [178.321-14] Gauging Devices
- 178.321.1.5 [178.321-15] Pumps
- 178.321.1.6 [178.321-16] Testing Requirements
- 178.321.1.7 [178.321-17] Marking of Cargo Tanks
- 178.321.1.8 [178.321-18] Certification
- 178.322 Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B
- 178.322.0.1 [178.322-1] General Requirements
- 178.322.0.3 [178.322-3] Certification
- 178.322.0.5 [178.322-5] Marking of Cargo Tanks
- 178.322.0.9 [178.322-9] Testing Requirements
- 178.322.1.1 [178.322-11] Material
- 178.322.1.2 [178.322-12] Thickness of Sheets and Ring Stiffeners

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- 178.322.1.3 [178.322-13] Tolerance
- 178.322.1.4 [178.322-14] Joints
- 178.322.1.7 [178.322-17] Tank Outlets
- 178.322.1.8 [178.322-18] Bulkheads, Baffles, and Ring Stiffeners
- 178.322.1.9 [178.322-19] Tank Vents
- 178.322.2.0 [178.322-20] Valve and Faucet Connections
- 178.322.2.1 [178.322-21] Emergency Discharge Control
- 178.322.2.2 [178.322-22] Shear Section
- 178.322.2.3 [178.322-23] Protection of Valves and Faucets
- 178.322.2.4 [178.322-24] Overturn Protection
- 178.323 Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
 - 178.323.0.1 [178.323-1] General Requirements
 - 178.323.0.2 [178.323-2] Material
 - 178.323.0.3 [178.323-3] Thickness of Metal
 - 178.323.0.4 [178.323-4] Joints
 - 178.323.0.5 [178.323-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.323.0.6 [178.323-6] Closures for Manholes
 - 178.323.0.7 [178.323-7] Overturn Protection
 - 178.323.0.8 [178.323-8] Tank Outlets
 - 178.323.0.9 [178.323-9] Vents, Valves, and Connections
 - 178.323.1.0 [178.323-10] Protection of Fittings
 - 178.323.1.1 [178.323-11] Emergency Discharge Control
 - 178.323.1.2 [178.323-12] Shear Section
 - 178.323.1.3 [178.323-13] Anchoring of Tank
 - 178.323.1.4 [178.323-14] Gauging Devices
 - 178.323.1.5 [178.323-15] Pumps
 - 178.323.1.6 [178.323-16] Testing Requirements
 - 178.323.1.7 [178.323-17] Marking of Cargo Tanks
 - 178.323.1.8 [178.323-18] Certification
- 178.324 Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
 - 178.324.0.1 [178.324-1] General Requirements
 - 178.324.0.2 [178.324-2] Material
 - 178.324.0.3 [178.324-3] Thickness of Metal
 - 178.324.0.4 [178.324-4] Joints
 - 178.324.0.5 [178.324-5] Bulkheads, Baffles, and Ring Stiffeners

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- 178.324.0.6 [178.324-6] Closures for Manholes
- 178.324.0.7 [178.324-7] Overturn Protection
- 178.324.0.8 [178.324-8] Outlets
- 178.324.0.9 [178.324-9] Vents, Valves, and Connections
- 178.324.1.0 [178.324-10] Protection of Fittings
- 178.324.1.1 [178.324-11] Emergency Discharge Control
- 178.324.1.2 [178.324-12] Shear Section
- 178.324.1.3 [178.324-13] Anchoring of Tank
- 178.324.1.4 [178.324-14] Gauging Devices
- 178.324.1.5 [178.324-15] Pumps
- 178.324.1.6 [178.324-16] Testing Requirements
- 178.324.1.7 [178.324-17] Marking of Cargo Tanks
- 178.324.1.8 [178.324-18] Certification
- 178.325 Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100 degrees F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases
 - 178.325.0.1 [178.325-1] General Requirements
 - 178.325.0.2 [178.325-2] Material
 - 178.325.0.3 [178.325-3] Thickness of Metal
 - 178.325.0.4 [178.325-4] Joints
 - 178.325.0.5 [178.325-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.325.0.6 [178.325-6] Closures for Manholes
 - 178.325.0.7 [178.325-7] Overturn Protection
 - 178.325.0.8 [178.325-8] Tank Outlets
 - 178.325.0.9 [178.325-9] Safety Relief Devices, Valves, and Connections
 - 178.325.1.0 [178.325-10] Protection of Fittings
 - 178.325.1.1 [178.325-11] Emergency Discharge Control
 - 178.325.1.2 [178.325-12] Shear Section
 - 178.325.1.3 [178.325-13] Anchoring of Cargo Tank
 - 178.325.1.4 [178.325-14] Gauging Devices
 - 178.325.1.5 [178.325-15] Pumps
 - 178.325.1.6 [178.325-16] Testing Requirements
 - 178.325.1.7 [178.325-17] Marking of Cargo Tanks
 - 178.325.1.8 [178.325-18] Certification
- 178.326 Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable

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- Liquids, or Poisonous Liquids, Class B
- 178.326.0.1 [178.326-1] General Requirements
 - 178.326.0.2 [178.326-2] Material
 - 178.326.0.3 [178.326-3] Thickness of Sheets
 - 178.326.0.4 [178.326-4] Joints
 - 178.326.0.5 [178.326-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.326.0.6 [178.326-6] Closures for Manholes
 - 178.326.0.7 [178.326-7] Overturn Protection
 - 178.326.0.8 [178.326-8] Tank Outlets
 - 178.326.0.9 [178.326-9] Vents, Valves, and Connections
 - 178.326.1.0 [178.326-10] Protection of Fittings
 - 178.326.1.1 [178.326-11] Emergency Discharge Control
 - 178.326.1.2 [178.326-12] Shear Section
 - 178.326.1.3 [178.326-13] Anchoring of Cargo Tank
 - 178.326.1.4 [178.326-14] Gauging Devices
 - 178.326.1.5 [178.326-15] Pumps
 - 178.326.1.6 [178.326-16] Testing Requirements
 - 178.326.1.7 [178.326-17] Marking of Cargo Tanks
 - 178.326.1.8 [178.326-18] Certification
- 178.330 Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids
- 178.330.0.1 [178.330-1] General Requirements
 - 178.330.0.2 [178.330-2] Material
 - 178.330.0.3 [178.330-3] Thickness of Metal
 - 178.330.0.4 [178.330-4] Joints
 - 178.330.0.5 [178.330-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and Compartmentation
 - 178.330.0.6 [178.330-6] Closures for Manholes
 - 178.330.0.7 [178.330-7] Overturn Protection
 - 178.330.0.8 [178.330-8] Outlets
 - 178.330.0.9 [178.330-9] Vents, Valves, and Connections
 - 178.330.1.0 [178.330-10] Protection of Fittings
 - 178.330.1.1 [178.330-11] Emergency Discharge Control
 - 178.330.1.2 [178.330-12] Shear Section
 - 178.330.1.3 [178.330-13] Anchoring of Tank
 - 178.330.1.4 [178.330-14] Gauging Devices
 - 178.330.1.5 [178.330-15] Pumps and Compressors
 - 178.330.1.6 [178.330-16] Testing Requirements
 - 178.330.1.7 [178.330-17] Marking of Cargo Tanks

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- 178.330.1.8 [178.330-18] Certification
- 178.331 Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids
 - 178.331.0.1 [178.331-1] General Requirements
 - 178.331.0.2 [178.331-2] Material
 - 178.331.0.3 [178.331-3] Thickness of Metal
 - 178.331.0.4 [178.331-4] Joints
 - 178.331.0.5 [178.331-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and Compartmentation
 - 178.331.0.6 [178.331-6] Closures for Manholes
 - 178.331.0.7 [178.331-7] Overturn Protection
 - 178.331.0.8 [178.331-8] Outlets
 - 178.331.0.9 [178.331-9] Vents, Valves, and Connections
 - 178.331.1.0 [178.331-10] Protection of Fittings
 - 178.331.1.1 [178.331-11] Emergency Discharge Control
 - 178.331.1.2 [178.331-12] Shear Section
 - 178.331.1.3 [178.331-13] Anchoring of Tank
 - 178.331.1.4 [178.331-14] Gauging Devices
 - 178.331.1.5 [178.331-15] Pumps and Compressors
 - 178.331.1.6 [178.331-16] Testing Requirements
 - 178.331.1.7 [178.331-17] Marking of Cargo Tanks
 - 178.331.1.8 [178.331-18] Certification
- 178.336 Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases
 - 178.336.0.1 [178.336-1] General Requirements
 - 178.336.0.2 [178.336-2] Material
 - 178.336.0.3 [178.336-3] Thickness of Metal
 - 178.336.0.4 [178.336-4] Joints
 - 178.336.0.5 [178.336-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.336.0.6 [178.336-6] Closures for Manholes
 - 178.336.0.7 [178.336-7] Overturn Protection
 - 178.336.0.8 [178.336-8] Outlets
 - 178.336.0.9 [178.336-9] Safety Relief Devices, Valves, and Connections
 - 178.336.1.0 [178.336-10] Protection of Fittings
 - 178.336.1.1 [178.336-11] Emergency Discharge Control
 - 178.336.1.2 [178.336-12] Shear Section
 - 178.336.1.3 [178.336-13] Anchoring of Cargo Tank
 - 178.336.1.4 [178.336-14] Gauging Devices
 - 178.336.1.5 [178.336-15] Pumps and Compressors

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- 178.336.1.6 [178.336-16] Testing Requirements
- 178.336.1.7 [178.336-17] Marking of Cargo Tanks
- 178.336.1.8 [178.336-18] Certification
- 178.337 Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined In the Compressed Gas Section (Repealed)
- 178.337.0.1 [178.337-1] General Requirements (Repealed)
- 178.337.0.2 [178.337-2] Material (Repealed)
- 178.337.0.3 [178.337-3] Thickness of Tank Metal (Repealed)
- 178.337.0.4 [178.337-4] Joints (Repealed)
- 178.337.0.5 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
- 178.337.0.6 [178.337-6] Closure for Manhole (Repealed)
- 178.337.0.7 [178.337-7] Overturn Protection (Repealed)
- 178.337.0.8 [178.337-8] Outlets (Repealed)
- 178.337.0.9 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
- 178.337.1.0 [178.337-10] Protection of Fittings (Repealed)
- 178.337.1.1 [178.337-11] Emergency Discharge Control (Repealed)
- 178.337.1.2 [178.337-12] Shear Section (Repealed)
- 178.337.1.3 [178.337-13] Supporting and Anchoring (Repealed)
- 178.337.1.4 [178.337-14] Gauging Devices (Repealed)
- 178.337.1.5 [178.337-15] Pumps and Compressors (Repealed)
- 178.337.1.6 [178.337-16] Testing (Repealed)
- 178.337.1.7 [178.337-17] Marking (Repealed)
- 178.337.1.8 [178.337-18] Certification (Repealed)
- 178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
- 178.340.0.1 [178.340-1] Specification Requirements For MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
- 178.340.0.2 [178.340-2] General Requirements (Repealed)
- 178.340.0.3 [178.340-3] Material (Repealed)
- 178.340.0.4 [178.340-4] Structural Integrity (Repealed)
- 178.340.0.5 [178.340-5] Joints (Repealed)
- 178.340.0.6 [178.340-6] Supports and Anchoring (Repealed)
- 178.340.0.7 [178.340-7] Circumferential Reinforcements (Repealed)
- 178.340.0.8 [178.340-8] Accident Damage Protection (Repealed)
- 178.340.0.9 [178.340-9] Pumps (Repealed)
- 178.340.1.0 [178.340-10] Certification (Repealed)
- 178.341 Specification MC 306; Cargo Tanks (Repealed)

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- 178.341.0.1 [178.341-1] General Requirements (Repealed)
- 178.341.0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
- 178.341.0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)
- 178.341.0.4 [178.341-4] Vents (Repealed)
- 178.341.0.5 [178.341-5] Emergency Flow Control (Repealed)
- 178.341.0.6 [178.341-6] Gauging Devices (Repealed)
- 178.341.0.7 [178.341-7] Method of Test (Repealed)
- 178.342 Specification MC 307; Cargo Tanks (Repealed)
- 178.342.0.1 [178.342-1] General Requirements (Repealed)
- 178.342.0.2 [178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
- 178.342.0.3 [178.342-3] Closures for Manholes (Repealed)
- 178.342.0.4 [178.342-4] Vents (Repealed)
- 178.342.0.5 [178.342-5] Emergency Flow Control (Repealed)
- 178.342.0.6 [178.342-6] Gauging Devices (Repealed)
- 178.342.0.7 [178.342-7] Method of Test (Repealed)
- 178.343 Specification MC 312; Cargo Tanks (Repealed)
- 178.343.0.1 [178.343-1] General Requirements (Repealed)
- 178.343.0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
- 178.343.0.3 [178.343-3] Closures for Manholes (Repealed)
- 178.343.0.4 [178.343-4] Vents (Repealed)
- 178.343.0.5 [178.343-5] Outlets (Repealed)
- 178.343.0.6 [178.343-6] Gauging Devices (Repealed)
- 178.343.0.7 [178.343-7] Method of Test (Repealed)
- 178.350 Specification 7A; General Packaging, Type A (Repealed)
- 178.350.0.1 [178.350-1] General Requirements (Repealed)
- 178.350.0.2 [178.350-2] Specific Requirements (Repealed)
- 178.350.0.3 [178.350-3] Marking (Repealed)
- 178.1000 General
- 178.2000 Incorporation By Reference of 49 CFR 178
- 178.APPENDIX C Tensile Specimen (Repealed)
- 178.APPENDIX D Material Thickness (Repealed)
 - 178.TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)
 - 178.TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

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SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective April 30, 1996; amended at 22 Ill. Reg. 5726, effective March 4, 1998; amended at 22 Ill. Reg. 17032, effective September 30, 1998; amended at 25 Ill. Reg. 7310, effective May 19, 2001; amended at 26 Ill. Reg. 8948, effective June 5, 2002; amended at 28 Ill. Reg. 10099, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11390, effective July 22, 2004; amended at 29 Ill. Reg. 695, effective December 20, 2004; peremptory amendment at 29 Ill. Reg. 1415, effective January 6, 2005; repealed at 42 Ill. Reg. _____, effective _____.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.321 Specification MC 300; Cargo Tanks Constructed of Mild (Open-Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High-Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B

Section 178.321.0.1 [178.321-1] General Requirements

- a) Spec. MC 300 cargo tanks constructed on or before September 1, 1967, for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

Section 178.321.0.2 [178.321-2] Material

- a) Properties of mild steel sheets. All mild steel sheets shall be of open-hearth steel or blue annealed steel meeting the following minimum requirements:

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Yield point, minimum25,000 p.s.i.
 Ultimate strength, minimum 45,000 p.s.i.
 Minimum elongation, standard 2-inch sample 20 percent

- b) Properties of high-tensile steel sheets. All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum45,000 p.s.i.
 Ultimate strength, minimum 60,000 p.s.i.
 Minimum elongation, standard 2-inch sample 25 percent

- c) Properties of stainless steel sheets. All stainless steel sheets shall meet the following minimum requirements:

Yield point, minimum32,000 p.s.i.
 Ultimate strength, minimum55,000 p.s.i.
 Minimum elongation, standard 2-inch sample 20 percent

- d) Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel. Mild steel sheets as specified in Section 178.321.0.3(a) may be used in combination with high-tensile steel sheets or stainless steel sheets as specified in Section 178.321.0.3(b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturers of the stainless steel electrodes or filler rods.

Section 178.321.0.3 [178.321-3] Thickness

- a) Thickness of mild steel sheets. The minimum thickness of mild steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shall stiffeners, as well as by the radius of shell curvature in the case of shell sheets, as specified in Table I and Table II:

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Table I – Minimum Thickness of Heads¹, Bulkheads, Baffles
(Dished, Corrugated, Reinforced or Rolled) and Ring Stiffeners

Volume capacity of tank in gallons per inch of length	10 or less	Over 10 to 14	Over 14 to 18	Over 18
gauge number	14	13	12	11

¹ Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

Table II - Minimum Thickness of Shell Sheets Expressed
in United States Standard Gauge

Distance between attachments of bulkheads, baffles and other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Maximum shell radius of less than 70 inches ¹			
36 inches or less	14	14	14	13
Over 36 inches to 54 inches	14	14	13	12
Over 54 inches to 60 inches	14	13	12	11
	Maximum shell radius of 70 inches or more but less than 90 inches ¹			
36 inches or less	14	14	13	12
Over 36 inches to 54 inches	14	13	12	11
Over 54 inches to 60 inches	13	12	11	10
	Maximum shell radius of 90 inches or more but less than 125 inches ¹			

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36 inches or less	14	13	12	11
Over 36 inches to 54 inches	13	12	11	10
Over 54 inches to 60 inches	12	11	10	9

Shell radius of 125 inches or more¹

36 inches or less	13	12	11	10
Over 36 inches to 54 inches	12	11	10	9
Over 54 inches to 60 inches	11	10	9	8

¹ If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

- b) Thickness of high-tensile and stainless steel sheets. The minimum thickness of high-tensile and stainless steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell sheets; as specified in Table III and Table IV:

Table III – Minimum Thickness of Heads¹, Bulkheads, Baffles (Dished, Corrugated or Rolled) and Ring Stiffeners

Volume capacity of tank in gallons per inch of length	10 or less	Over 10 to 14	Over 14 to 18	Over 18
gauge number	15	14	13	12

¹ Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

Table IV – Minimum Thickness of Shell Sheets Expressed in United States Standard Gauge

	Volume capacity of tank in gallons per inch of length			
Distance between attachments of bulkheads, baffles and other shell stiffeners	10 or less	Over 10 to 14	Over 14 to 18	Over 18

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	Maximum shell radius of less than 70 inches ¹			
36 inches or less	16	16	15	14
Over 36 inches to 54 inches	16	15	14	13
Over 54 inches to 60 inches	15	14	13	12
	Maximum shell radius of 70 inches or more but less than 90 inches ¹			
36 inches or less	16	15	14	13
Over 36 inches to 54 inches	15	14	13	12
Over 54 inches to 60 inches	14	13	12	11
	Maximum shell radius of 90 inches or more but less than 125 inches ¹			
36 inches or less	15	14	13	12
Over 36 inches to 54 inches	14	13	12	12
Over 54 inches to 60 inches	13	12	11	10
	Shell radius of 125 inches or more ¹			
36 inches or less	14	13	12	11
Over 36 inches to 54 inches	13	12	11	10
Over 54 inches to 60 inches	12	11	10	9

¹ If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

Section 178.321.0.4 [178.321-4] Joints

- a) Method of joining. Mild steel tank sheets, high-tensile steel tank sheets, or combination thereof and stainless steel tank sheets shall be joined by fusion welding.
- b) Strength of joints. The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not

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less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure found in Appendix C and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

Section 178.321.0.5 [178.321-5] Bulkheads, Baffles, and Ring Stiffeners

- a) When bulkheads not required. No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.
- b) Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners. Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:
 - 1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2500 gallons.
 - 2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.
 - 3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.
 - 4) Each baffle required by this paragraph shall have at least an area as great

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as 80 percent of the cross-sectional area of the tank.

- 5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.
- 6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

Minimum Section Modulus Required for Steel Ring Stiffeners

Width of tank	Section modulus
42 inches or less	0.0104 L ¹
Over 42 inches to 60 inches	0.0162 L ¹
Over 60 inches to 96 inches	0.0234 L ¹

- ¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of ring stiffener. See Section 178.321.0.3 for minimum thickness of ring stiffeners.

If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

Section 178.321.0.6 [178.321-6] Closures for Manholes

No applicable provision.

Section 178.321.0.7 [178.321-7] Overturn Protection

All closures for filling openings shall be protected from damage in the event of over-turning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

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Section 178.321.0.8 [178.321-8] Outlets

Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Section 178.321.0.9 [178.321-9] Vents, Valves, and Connections

- a) Tank vents. Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.
- b) Valve and faucet connections. All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

Section 178.321.1.0 [178.321-10] Protection of Fittings

Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision, by steel bumpers or other equally effective devices.

Section 178.321.1.1 [178.321-11] Emergency Discharge Control

Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

Section 178.321.1.2 [178.321-12] Shear Section

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There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

Section 178.321.1.3 [178.321-13] Anchoring of Tank

No applicable provision.

Section 178.321.1.4 [178.321-14] Gauging Devices

No applicable provision.

Section 178.321.1.5 [178.321-15] Pumps

No applicable provision.

Section 178.321.1.6 [178.321-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.321.1.8, every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100~ F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this

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test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

- b) Test for distortion or failure. Before being certified in accordance with Section 178.321.1.8, every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.
- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.321.1.7 [178.321-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
 Manufacturer's Name²
 Date of Manufacture²
 ICC MC 300³

Nominal Tank Capacity _____ U.S. Gallons

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

³ Cargo tanks manufactured of mild steel shall be marked MC 300MS and cargo tanks

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manufactured of mild steel in combination with high-tensile steel shall be marked MC 300MSHTS.

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

Section 178.321.1.8 [178.321-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed, constructed and tested in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of the certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Section 178.322 Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B**Section 178.322.0.1 [178.322-1] General Requirements**

Spec. MC 301 cargo tanks constructed on or before June 11, 1961 for the bulk transportation of hazardous materials must meet all the requirements contained in this section.

Section 178.322.0.3 [178.322-3] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank motor vehicle is employed in the transportation of flammable liquids or poisonous liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Section 178.322.0.5 [178.322-5] Marking of Cargo Tanks

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- a) Metal identification plate. On and after January 1, 1941, there shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
 Manufacturer's Name²
 Date of Manufacture²
 ICC MC 301

Nominal Tank Capacity _____ U.S. Gallons

- ¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.
- ² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."
- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824 (h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.
- d) Certification by markings. The markings specified in paragraphs (a) and (b) of this Section shall serve to certify that the information thereby set forth is correct.

Section 178.322.0.9 [178.322-9] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.322.0.3, every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose,

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foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

- b) Test for distortion or failure. Before being certified in accordance with Section 178.322.0.3, every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this Section, and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.
- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.322.1.1 [178.322-11] Material

All sheets for such cargo tanks shall be of aluminum alloy, known as 3 S alloy, meeting the following requirements:

Yield point, minimum	18,000 p.s.i.
Ultimate strength	21,000 p.s.i.
Elongation, 2-inch sample	8 percent

AGENCY NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8-36).

Section 178.322.1.2 [178.322-12] Thickness of Sheets and Ring Stiffeners

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The minimum thickness of tank sheets and ring stiffeners shall be as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated, or reinforced, and ring stiffener	
	United States gauge No.	Inch ¹	Unites States guage No.	Inch ¹
600 or less	12	0.109	12	0.109
Over 600 to 1,200	9	.156	9	.156
Over 1,200:				
(a) Divided into compartments of 600 gallons or less	9	.156		.203
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	6	.203		.234

¹ Approximate.

AGENCY NOTE: Flat heads without reinforcement no longer permitted.

Section 178.322.1.3 [178.322-13] Tolerance

A tolerance of ten percent shall be allowed for capacities of compartments and tanks.

Section 178.322.1.4 [178.322-14] Joints

Sheets shall be joined by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 lbs. per sq. in. Compliance with this requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure found in Appendix C and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six months after the tests on such samples have been completed.

Section 178.322.1.7 [178.322-17] Tank Outlets

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Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Section 178.322.1.8 [178.322-18] Bulkheads, Baffles, and Ring Stiffeners

- a) No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than eighty percent full or in which no compartment of the tank is ever loaded less than eighty percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.
- b) Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners. Except as provided in paragraph (a) of this Section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:
 - 1) Every cargo tank larger than 1,500 gallons shall be divided into compartments, the number of which shall be the result of dividing the capacity of the tank in gallons by 1,200 to the nearest whole number.
 - 2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.
 - 3) Each bulkhead required in this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head.
 - 4) Each baffle required in this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.
 - 5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.
 - 6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

Width of tank	Section modulus
42 inches or less	0.0180 L ¹
Over 42 inches to 60 inches	0.0280 L ¹

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Over 60 inches to 96 inches

0.0400 L¹

¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See Section 178.322.1.2 for minimum thickness of ring stiffeners.

If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

Section 178.322.1.9 [178.322-19] Tank Vents

Each tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

Section 178.322.2.0 [178.322-20] Valve and Faucet Connections

All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

Section 178.322.2.1 [178.322-21] Emergency Discharge Control

Each tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

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Section 178.322.2.2 [178.322-22] Shear Section

There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

Section 178.322.2.3 [178.322-23] Protection of Valves and Faucets

Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

Section 178.322.2.4 [178.322-24] Overturn Protection

All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle, by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

Section 178.323 Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B**Section 178.323.0.1 [178.323-1] General Requirements**

- a) Spec. MC 302 cargo tanks constructed on or before September 1, 1967, for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

Section 178.323.0.2 [178.323-2] Material

All sheets for such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing

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Materials Specification B209-57T (as revised to include 5454), and have the following minimum requirements:

Yield strength	26,000 p.s.i.
Ultimate strength	34,000 p.s.i.
Elongation, 2-inch sample	12 percent

AGENCY NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8-36).

Section 178.323.0.3 [178.323-3] Thickness of Metal

The minimum thickness of tank sheets and ring stiffeners shall be as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated, or reinforced, and ring stiffener	
	United States gauge No.	Inch ¹	Unites States guage No.	Inch ¹
600 or less	14	0.078	14	0.078
Over 600 to 1,200	12	.109	12	.109
Over 1,200:				
(a) Divided into compartments of 600 gallons or less	12	.109	10	.141
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	10	.141	.8	.172

¹ Approximate.

AGENCY NOTE: Flat heads without reinforcement no longer permitted.

Section 178.323.0.4 [178.323-4] Joints

Sheets shall be joined by fusion welding. The tensile strength of each joint in a tank shall be not

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less than 15,000 psi. Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown in Appendix C and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop within 6 months after the tests on such samples have been completed.

Section 178.323.0.5 [178.323-5] Bulkheads, Baffles, and Ring Stiffeners

- a) When bulkheads not required. No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.
- b) Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners. Except as provided in paragraph (a) of this Section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:
 - 1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.
 - 2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.
 - 3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.
 - 4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.
 - 5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.
 - 6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

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Width of tank	Section modulus
42 inches or less	0.0180 L ¹
Over 42 inches to 60 inches	0.0280 L ¹
Over 60 inches to 96 inches	0.0400 L ¹

- ¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See Section 178.323.0.3 for minimum thickness of ring stiffeners.
- If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

Section 178.323.0.6 [178.323-6] Closures for Manholes

No applicable provision.

Section 178.323.0.7 [178.323-7] Overturn Protection

- a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

Section 178.323.0.8 [178.323-8] Tank Outlets

Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Section 178.323.0.9 [178.323-9] Vents, Valves, and Connections

- a) Tank vents. Each cargo tank or tank compartment shall be provided with a

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vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200°F.

- b) Valve and faucet connections. All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

Section 178.323.1.0 [178.323-10] Protection of Fittings

Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

Section 178.323.1.1 [178.323-11] Emergency Discharge Control

Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartments in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200°F.

Section 178.323.1.2 [178.323-12] Shear Section

There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

Section 178.323.1.3 [178.323-13] Anchoring of Tank

No applicable provision.

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Section 178.323.1.4 [178.323-14] Gauging Devices

No applicable provision.

Section 178.323.1.5 [178.323-15] Pumps

No applicable provision.

Section 178.323.1.6 [178.323-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.323.1.8, every cargo tank shall be tested by a minimum air hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100°F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above prescribed tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
- b) Test for distortion or failure. Before being certified in accordance with Section 178.323.1.8, every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this Section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of

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- test.
- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.323.1.7 [178.323-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
Manufacturer's Name²
Date of Manufacture²
ICC MC 302

Nominal Tank Capacity _____ U.S. Gallons

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

Section 178.323.1.8 [178.323-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of

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manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

Section 178.324 Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B.

Section 178.324.0.1 [178.324-1] General Requirements

- a) Spec. MC 303 cargo tanks constructed on or before September 1, 1967, for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

Section 178.324.0.2 [178.324-2] Material

- a) Properties of high-tensile steel sheets. All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy; commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point	45,000 p.s.i.
Ultimate strength	60,000 p.s.i.
Elongation, 2-inch sample percent	25 percent

- b) Properties of stainless steel sheets. All stainless steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point	32,000 p.s.i.
Ultimate strength	75,000 p.s.i.
Elongation, 2-inch sample percent	20 percent

Section 178.324.0.3 [178.324-3] Thickness of Metal

The minimum thicknesses of tank sheets and ring stiffeners shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads,

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baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets as follows:

Table I – Thickness of Head, Bulkhead, Baffle Sheets and Ring Stiffeners¹

	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Heads or bulkheads-dished, corrugated or reinforced			
Thickness in decimal f inches	.096	.109	.130	.151

¹ Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets.

Table II – Thickness of Shell Sheets

Distance between bulkheads, baffles and other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 14	Over 18 to 18
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners			
36 inches or less	.087	.087	.096	.109
Over 36 inches to 54 inches	.087	.097	.109	.130
Over 54 inches	.096	.109	.130	.151

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	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners			
36 inches or less	.087	.096	.109	.130
Over 36 inches to 54 inches	.096	.109	.130	.151
Over 54 inches	.109	.130	.151	.173
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners			
36 inches or less	.096	.109	.130	.151
Over 36 inches to 54 inches	.109	.130	.151	.173
Over 54 inches	.130	.151	.173	.194
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners			
36 inches or less	.109	.130	.151	.173
Over 36 inches to 54 inches	.130	.151	.173	.194
Over 54 inches to 60 inches	.151	.173	.194	.216

Section 178.324.0.4 [178.324-4] Joints

- a) Method of joining. Sheets shall be joined by fusion welding.
- b) Strength of joints. The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown in Appendix C and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the

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same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

Section 178.324.0.5 [178.324-5] Bulkheads, Baffles, and Ring Stiffeners

- a) When bulkheads not required. No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.
- b) Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners. Except as provided in paragraph (a) of this Section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:
 - 1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons.
 - 2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.
 - 3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set, a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.
 - 4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.
 - 5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.
 - 6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

Minimum Section Modulus Required for Steel Ring Stiffeners

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Width of tank	Section modulus
42 inches or less	0.0104 L ¹
Over 42 inches to 60 inches	0.0162 L ¹
Over 60 inches to 96 inches	0.0234 L ¹

¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See Section 178.324.0.3 for minimum thickness of ring stiffeners.

If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

- c) Tank supports. The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed 40 times the thickness of the tank shell at the point of support.

Section 178.324.0.6 [178.324-6] Closures for Manholes

No applicable provision.

Section 178.324.0.7 [178.324-7] Overturn Protection

All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

Section 178.324.0.8 [178.324-8] Outlets

Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Section 178.324.0.9 [178.324-9] Vents, Valves, and Connections

- a) Tank vents. Each cargo tank or tank compartment shall be provided with a

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vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200°F.

- b) Valve and faucet connections. All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

Section 178.324.1.0 [178.324-10] Protection of Fittings

Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

Section 178.324.1.1 [178.324-11] Emergency Discharge Control

Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire and the critical temperature for the fusing of such section shall not exceed 200°F.

Section 178.324.1.2 [178.324-12] Shear Section

There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

Section 178.324.1.3 [178.324-13] Anchoring of Tank

No applicable provision.

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Section 178.324.1.4 [178.324-14] Gauging Devices

No applicable provision.

Section 178.324.1.5 [178.324-15] Pumps

No applicable provision.

Section 178.324.1.6 [178.324-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.324.1.8, every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100°F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
- b) Test for distortion or failure. Before being certified in accordance with Section 178.324.1.8, every cargo tank to which this specification applies shall be tested by pressure prescribed in paragraph (a) of this Section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of

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- test.
- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.324.1.7 [178.324-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
Manufacturer's Name²
Date of Manufacture²
ICC MC 303

Nominal Tank Capacity _____ U.S. Gallons

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by Section 177.823 of this chapter.

Section 178.324.1.8 [178.324-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of

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manufacture is not known and cannot be ascertained, the space indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

Section 178.325 Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100°F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases

Section 178.325.0.1 [178.325-1] General Requirements

- a) Spec. MC 304 cargo tanks constructed on or before September 1, 1967 for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.
- c) Design pressure. The design pressure of each cargo tank shall be not less than 25 psig.
- d) Cross-sectional design. Tanks shall be of circular cross-section.

Section 178.325.0.2 [178.325-2] Material

- a) Mild steel and aluminum. All mild steel and aluminum used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

	Mild steel	Aluminum	
	All vessel parts	Heads, bulkheads, baffles and other shell stiffeners	Shell
Yield point	25,000 psi.	9,500 psi.	23,000 psi.
Ultimate strength	45,000 psi.	25,000	31,000 psi.
Elongation, 2-inch sample	20 percent	18 percent	7 percent

- b) High-tensile and stainless steel. All high-tensile and stainless steel shall meet the following minimum requirements:

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	Steel other than stainless	Stainless steel
Yield point	45,000 psi.	32,000 psi.
Ultimate strength	60,000 psi.	75,000 psi.
Elongation, 2-inch sample	25 percent	20 percent

- c) Other material requirements. Cargo tanks shall be of all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Nonmalleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1952 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

Section 178.325.0.3 [178.325-3] Thickness of Metal

- a) Formulas. Tanks for this service may be constructed of mild steel, high-tensile steel, stainless steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulas nor less than those specified in paragraph (d) of this Section:

$$\text{Thickness of shell} = T_s = \frac{PD}{2S E_s}$$

$$\text{Thickness of heads} = T_h = \frac{0.85PL \text{ (for pressure on concave side only)}}{S E_h}$$

T_s = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

T_h = Minimum thickness of head material, after forming, exclusive of

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- allowance for corrosion and other loadings.
- P = Design pressure or maximum allowable working pressure, psi. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.
- D = Inside diameter of shell, inches.
- L = Inside crown radius of head, inches.
- S = Maximum allowable stress value, psi.-equals one-fourth of specified minimum ultimate tensile strength.
- Es = Lowest efficiency of any longitudinal joint in shell.
- Eh = Lowest efficiency of any joint in head.
- 1) The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.
 - 2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent, unless such heads are adequately braced to prevent excessive distortion.
- b) Corrosion allowance. Vessels or parts of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.
- c) Other loadings. In addition to the material requirements as specified in paragraphs (a) and (b) of this Section, vessels shall be provided with stiffeners or other additional means of support if necessary, to prevent over-stress or large distortions due to the following other loadings:
- 1) Impact loads.
 - 2) Weight of vessel and contents but not less than the water weight of tank and contents. For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.
 - 3) Superimposed loads such as operating equipment, insulation and piping.
 - 4) Reactions of supporting lugs or saddles.
 - 5) Effect of temperature gradients.
- d) Thickness of mild steel. Minimum thicknesses of mild steel tank sheets in U.S. standard gauges, subject to the foregoing requirements in this Section. (These thicknesses are to be multiplied by 1.44 for aluminum.):

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	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
Heads, bulkheads, baffles and ring stiffeners.	14	13	12	11	10	9	8
<hr/>							
Shell							
Distance between attachments of bulkheads, baffles or other shell stiffeners							
36 inches or less	14	14	14	13	12	11	10
Over 36 inches to 54 inches	14	14	13	12	11	10	9
Over 54 inches to 60 inches	14	13	12	11	10	9	8

- e) Thickness of high-tensile and stainless steel. Minimum thicknesses of high-tensile and stainless steel tank sheets, in U.S. standard gauges, subject to the foregoing requirements in this section:

	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
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Heads, bulkheads, baffles and ring stiffeners.	15	14	13	12	11	10	9
<hr/>							
Shell Distance between attachments of bulkheads, baffles or other shell stiffeners							
36 inches or less	16	16	15	14	13	12	11
Over 36 inches to 54 inches	16	15	14	13	12	11	10
Over 54 inches to 60 inches	15	14	13	12	11	10	9

Section 178.325.0.4 [178.325-4] Joints

- a) Method of joining. Joints in the tank structure shall be made by welding, and may be reinforced where desired. Care should be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.
- b) Pipe joints. Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union type. The melting point of brazing material must not be less than 100°F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

Section 178.325.0.5 [178.325-5] Bulkheads, Baffles, and Ring Stiffeners

- a) When bulkheads not required. No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80 percent of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading

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point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

- b) When bulkheads required. Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.
- c) Double bulkheads. Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B, and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.
- d) Baffles or shell stiffeners. Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

Minimum Section Modulus Required for Ring Stiffeners

Width of tank	Section modulus	
	Steel	Aluminum
42 inches or less	0.0104 L ¹	0.0180 L ¹
Over 42 inches to 60 inches	0.0162 L ¹	0.0280 L ¹
Over 60 inches to 96 inches	0.0234 L ¹	0.0400 L ¹

¹ L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See Section 178.325.0.3 for minimum thickness of ring stiffeners.

If a ring stiffener is welded to the shell, a portion of the shell may, for the purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld; if

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welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

Section 178.325.0.6 [178.325-6] Closures for Manholes

No applicable provision.

Section 178.325.0.7 [178.325-7] Overturn Protection

All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage at or near the front of the tank.

Section 178.325.0.8 [178.325-8] Tank Outlets

Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Section 178.325.0.9 [178.325-9] Safety Relief Devices, Valves, and Connections

- a) Safety relief devices required. Each cargo tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type or fusible type.
- b) Safety relief device capacity. The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 psig. and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 psig. they shall have a discharge capacity not less than that of an unobstructed opening of one square inch for each

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35 square feet of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 psig. have a total discharge capacity not less than that of an unobstructed opening of one square inch for each 350 square feet of exterior area of the tank or compartment to which they are connected, if in addition thereto, each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of 9 square inches for each 350 square feet of exterior area. The bursting pressure of the frangible-type devices shall be not less than 30 psig. nor more than 40 psig. Fusible elements, if used, shall have a fusing temperature no higher than 200F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its accessories so exposed.

- c) Marking inlets and outlets. All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.
- d) Markings on relief valves. Each safety relief valve shall be plainly and permanently marked (1) with the pressure in psig. at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60°F. and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 psig.
- e) Connections to relief valves. Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.
- f) Protection of relief valves. Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.
- g) Shut-off valves. No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.
- h) Connection of safety relief valve to vapor space. Safety relief valves shall have direct communication with the vapor space of the tank.
- i) Prevention of excessive hydrostatic pressure. Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety

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- valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.
- j) Strength of piping, fittings, hose and hose couplings. Hose, piping and fittings shall be designed for a bursting pressure at least 100 psig. and not less than four times the pressure to which in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.
- k) Provision for expansion and vibration. Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

Section 178.325.1.0 [178.325-10] Protection of Fittings

Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

Section 178.325.1.1 [178.325-11] Emergency Discharge Control

- a) Automatic excess-flow valves. Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.
- b) Excess-flow valve settings. Excess-flow valves shall be so installed and adjusted

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that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

- c) Capacity of connections to valves. The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.
- d) Bypass of valve. Excess-flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.
- e) Utilization of stop-check valves forbidden. The use of combination stop-check valves to satisfy with one valve the requirements of paragraphs (b), (c) and (f) of this Section is forbidden.
- f) Filling and discharge shut-off valves. Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess-flow valves shall not be used to satisfy the requirements of this section.

Section 178.325.1.2 [178.325-12] Shear Section

There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

Section 178.325.1.3 [178.325-13] Anchoring of Cargo Tank

- a) Hold down devices. Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.
- b) Stops and anchors. Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation on lagged tanks is permitted to cover such stops and anchors.
- c) Anchoring integral cargo tanks. Whenever any cargo tank is so designed and

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constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

Section 178.325.1.4 [178.325-14] Gauging Devices

- a) Gauge device design. Every cargo tank except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.
- b) Fixed level indicators. All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20°F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20°F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.
- c) Dip tubes. A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by these regulations. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by these regulations.

Section 178.325.1.5 [178.325-15] Pumps

Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated bypass valves permitting flow from discharge to suction or to the tank.

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Section 178.325.1.6 [178.325-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.325.1.8, every cargo tank shall be tested by a minimum air or hydrostatic pressure of 40 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least 10 minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100°F. during the test, and applying a pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
- b) Test for distortion or failure. Before being certified in accordance with Section 178.325.1.8, every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this Section and shall withstand such pressures without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be put in service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.
- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.325.1.7 [178.325-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for

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inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Number¹
Manufacturer's Name²
Date of Manufacturer²
ICC MC 304

Design Pressure PSIG.
Test Pressure PSIG.
Nominal Tank Capacity U.S. Gallons
in compartments of
and U.S. Gallons

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

Section 178.325.1.8 [178.325-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test and examination, he shall similarly retain the test data and examination data.

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

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Section 178.326 Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B**Section 178.326.0.1 [178.326-1] General Requirements**

- a) Spec. MC 305 cargo tanks constructed on or before September 1, 1967 for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

Section 178.326.0.2 [178.326-2] Material

All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209-57T (as revised to include 5454).

Section 178.326.0.3 [178.326-3] Thickness of Sheets

The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets, as follows:

Table I – Minimum Thickness of Head, Bulkhead,
Baffle Sheets and Ring Stiffeners¹

Distance
between
bulkhead
attachments
to shell in
inches

Volume capacity of tank in gallons per inch of
length

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	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
Bulkhead and baffle (dished, corrugated, or reinforced) sheet and ring stiffener thickness in United States gauge numbers and inches depending upon distances between attachments thereof to shell										
	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.
30 inches or less	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 30 inches	16	.062	15	.070	14	.078	13	.094	12	.109

AGENCY NOTE: Flat heads without reinforcement no longer permitted.

Table II – Thickness of Shell Sheets

Distance between bulkhead attachments to shell in inches	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Shell-sheet thickness in United States gauge and number of inches for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners									
	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.	Gauge No.	In. appr.
20 inches or less	19	0.044	18	0.050	17	0.056	16	0.062	15	0.070
Over 20 inches to	18	.050	17	.056	16	.062	15	.070	14	.078

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36 inches

Over 36
inches to
56 inches

17	.056	16	.062	15	.070	14	.078	13	.094
----	------	----	------	----	------	----	------	----	------

Over 56
inches

16	.062	15	.070	14	.078	13	.094	12	.109
----	------	----	------	----	------	----	------	----	------

Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 70 inches or more but less than 90 inches, depending on spacing of shell stiffeners

20 inches
or less

18	0.050	17	0.056	16	0.062	15	0.070	14	0.078
----	-------	----	-------	----	-------	----	-------	----	-------

Over 20
inches to
36 inches

17	.056	16	.062	15	.070	14	.078	13	.094
----	------	----	------	----	------	----	------	----	------

Over 36
inches to
56 inches

16	.062	15	.070	14	.078	13	.094	12	.109
----	------	----	------	----	------	----	------	----	------

Over 56
inches

15	.070	14	.078	13	.094	12	.109	11	.125
----	------	----	------	----	------	----	------	----	------

Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 90 inches or more but less than 125 inches, depending on spacing of shell stiffeners

20 inches
or less

17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
----	-------	----	-------	----	-------	----	-------	----	-------

Over 20
inches to
36 inches

16	.062	15	.070	14	.078	13	.094	12	.109
----	------	----	------	----	------	----	------	----	------

Over 36
inches to
56 inches

15	.070	14	.078	13	.094	12	.109	11	.125
----	------	----	------	----	------	----	------	----	------

Over 56

14	.078	13	.094	12	.109	11	.125	10	.141
----	------	----	------	----	------	----	------	----	------

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inches

	Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 125 inches or more depending upon spacing of shell stiffeners									
20 inches or less	16	0.062	15	0.070	14	0.078	13	0.094	12	0.109
Over 20 inches to 36 inches	15	.070	14	.078	13	.094	12	.109	11	.125
Over 36 inches to 56 inches	14	.078	13	.094	12	.109	11	.125	10	.141
Over 56 inches	13	.094	12	.109	11	.125	10	.141	9	.156

Section 178.326.0.4 [178.326-4] Joints

- a) Method of joining. All joints in and to tank shells, head and bulkheads shall be welded.
- b) Strength of joints. All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the adjacent material. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R-GR40A, E-GR40A (5154 alloy) or R-GM50A, E-GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285-54T (American Welding Society Specifications No. A5, 10-54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown in Appendix C and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

Section 178.326.0.5 [178.326-5] Bulkheads, Baffles, and Ring Stiffeners

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- a) When bulkheads not required. The bulkhead requirements in paragraph (b) of this Section do not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement are not permitted.
- b) When bulkheads required. Except as provided in paragraph (a) of this Section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments, none of which shall exceed 2,500 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.
- c) Double bulkheads. Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.
- d) Baffles or shell stiffeners. Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

Minimum Section Modulus Required for Steel Ring Stiffeners

Width of tank	Section modulus
42 inches or less	0.0180 L ¹
Over 42 inches to 60 inches	0.0280 L ¹
Over 60 inches to 96 inches	0.0400 L ¹

¹ L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See Section 178.326.0.3 for minimum thickness of ring stiffeners. If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a

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part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

- e) Tank supports. The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener shall not exceed 40 times the thickness of the tank shell at the point of support.

Section 178.326.0.6 [178.326-6] Closures for Manholes

No applicable provision.

Section 178.326.0.7 [178.326-7] Overturn Protection

All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank-motor vehicle with the tank full of water at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

Section 178.326.0.8 [178.326-8] Tank Outlets

Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Section 178.326.0.9 [178.326-9] Vents, Valves, and Connections

- a) Tank vents. Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or

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compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200°F.

- b) Valve and faucet connections. All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

Section 178.326.1.0 [178.326-10] Protection of Fittings

Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

Section 178.326.1.1 [178.326-11] Emergency Discharge Control

Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200°F.

Section 178.326.1.2 [178.326-12] Shear Section

There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

Section 178.326.1.3 [178.326-13] Anchoring of Cargo Tank

- a) Hold-down devices. Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

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- b) Stops and anchors. Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation is permitted to cover such stops and anchors.
- c) Anchoring integral cargo tanks. Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

Section 178.326.1.4 [178.326-14] Gauging Devices

No applicable provision.

Section 178.326.1.5 [178.326-15] Pumps

Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated bypass valves permitting flow from discharge to suction or to the tank.

Section 178.326.1.6 [178.326-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.326.1.8, every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is

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finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

- b) Test for distortion or failure. Before being certified in accordance with Section 178.326.1.8, every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this Section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.
- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.326.1.7 [178.326-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
 Manufacturer's Name²
 Date of Manufacture²
 ICC MC 305

Nominal Tank Capacity U.S. Gallons

¹ Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of

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manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

Section 178.326.1.8 [178.326-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Section 178.330 Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids**Section 178.330.0.1 [178.330-1] General Requirements**

- a) Spec. MC 310 cargo tanks constructed on or before September 1, 1967 for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Must comply with A.S.M.E. Code. Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of
 - 1) the 1949 edition,
 - 2) 1950 edition,
 - 3) 1952 edition,
 - 4) 1956 edition, or
 - 5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."
- c) When divided into compartments. When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank.

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Section 178.330.0.2 [178.330-2] Material

- a) As specified in paragraphs U-12, U-13, and U-20 of the Code, 1949 edition, no revisions. Tanks may be constructed of ferrous materials listed in Table U-2 including the stainless steels or of nickel or nickel alloys as listed in Table U-3 of the Code. Use of other materials listed in Table U-3 may be authorized by the Department upon submission of satisfactory supporting data. Materials for tanks transporting hydrogen peroxide over 52 percent by weight, must comply with the 1956 edition of the Code, but shall be limited to Aluminum Association Nos. 1060, 1260, 5254 and 5652. Other aluminum alloys may be authorized by the Department upon submission of satisfactory supporting data.
- b) Lining. Except as provided in paragraph (c) of this Section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.
- c) Conditions under which tanks need not be lined. Tanks need not be lined as provided in paragraph (b) of this Section, if:
 - 1) The material of the tank is substantially immune to attack by the materials to be transported therein.
 - 2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in Section 178.330.0.3 corresponding to its capacity, or
 - 3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix, or
 - 4) For the transportation of hydrofluoric acid of 60 percent or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than 90 percent of its capacity with hydrofluoric acid of 58 percent strength and allowing it to stand at least 48 hours at a temperature of 80°F., then 7 hours at 140°F., the internal pressure being maintained at atmospheric pressure the meanwhile.

Section 178.330.0.3 [178.330-3] Thickness of Metal

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The minimum thickness of metal for cargo tanks shall be as follows:

Tank Capacity:	Minimum Thickness (inch)
Not more than 1,200 gallons _____	$\frac{1}{4}$
Over 1,200 to 1,800 gallons _____	$\frac{5}{16}$
Over 1,800 gallons _____	$\frac{3}{8}$

Section 178.330.0.4 [178.330-4] Joints

All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

Section 178.330.0.5 [178.330-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

No applicable provision.

Section 178.330.0.6 [178.330-6] Closures for Manholes

The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least $\frac{1}{8}$ inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

Section 178.330.0.7 [178.330-7] Overturn Protection

No applicable provision.

Section 178.330.0.8 [178.330-8] Outlets

- a) Outlet construction. Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, and no tanks

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for the transportation of hydrogen peroxide in concentrations exceeding 52 percent by weight, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

- b) Bottom outlets. Bottom outlets, when permitted in accordance with paragraph (a) of this Section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets are to be equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet or sump if the sump is integral with the tank.
- c) Bottom washout chambers. Except as specified in the last line of this paragraph, tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end. Bottom washout chambers are not permitted on tanks used for the transportation of hydrogen peroxide of concentration exceeding 52 percent by weight.

Section 178.330.0.9 [178.330-9] Vents, Valves, and Connections

When installed, venting, gauging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure and means shall also be provided for the closing of pipe connections of valves.

Section 178.330.1.0 [178.330-10] Protection of Fittings

Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

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Section 178.330.1.1 [178.330-11] Emergency Discharge Control

See Section 178.330.0.8 (b).

Section 178.330.1.2 [178.330-12] Shear Section

- a) Discharge connections. There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.
- b) Heater coils. Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

Section 178.330.1.3 [178.330-13] Anchoring of Tank

No applicable provision.

Section 178.330.1.4 [178.330-14] Gauging Devices

No applicable provision.

Section 178.330.1.5 [178.330-15] Pumps and Compressors

No applicable provision.

Section 178.330.1.6 [178.330-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.330.1.8, every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100°F. during the test, and applying a pressure of 1½ times the design pressure but not less than 10 psig. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gauged at the top of the tank.
- b) Test for distortion or failure. Before being certified in accordance with Section 178.330.1.8, every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this Section and shall withstand such pressures without undue

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distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

- c) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.330.1.7 [178.330-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
 Manufacturer's Name²
 Date of Manufacture²
 ICC MC 310

Nominal Capacity U.S. Gallons

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

Section 178.330.1.8 [178.330-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification, shall be procured and such certificate shall be retained in the files of the carrier

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during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data. Where such tanks are used for hydrogen peroxide in concentration exceeding 52 percent by weight, such certificate or test data shall indicate that the tank complies with special provisions of this specification for that lading.

Section 178.331 Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids

Section 178.331.0.1 [178.331-1] General Requirements

- a) Spec. MC 311 cargo tanks constructed on or before September 1, 1967 for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Tank design.
 - 1) Ferrous materials.
 - A) Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with
 - i) the 1949 edition,
 - ii) 1950 edition,
 - iii) 1952 edition, or
 - iv) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than $\frac{3}{16}$ inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.
 - B) Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in Section 178.331.0.3 (a) and (b), nor shall the spacing of bulkheads, baffles or shell stiffeners exceed that specified in those paragraphs.
 - 2) Nonferrous materials. Methods of design, fabrication, and construction for nonferrous materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.
- c) When divided into compartments. When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank.

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Section 178.331.0.2 [178.331-2] Material

- a) ASME Code materials. Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than ³/₁₆ inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.
- b) Ferrous metal properties. Materials used in cargo tanks built to conform with the tables in Section 178.331.0.1 must have the following minimum physical properties:

Yield point	25,000 p.s.i.
Ultimate strength	45,000 p.s.i.
Minimum elongation, 2-inch sample	20 percent

- c) Aluminum properties. Aluminum materials must have the following minimum physical properties:

Yield point	12,000 p.s.i.
Ultimate strength	17,000 p.s.i.
Minimum elongation, 2-inch sample	6 percent

- d) Lining. Except as provided in paragraph (e) of this Section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.
- e) Conditions under which tanks need not be lined. Tanks need not be lined as provided in paragraph (d) of this Section, if:
 - 1) The material of the tank is substantially immune to attack by the materials to be transported therein.
 - 2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in Section 178.331.0.3 corresponding to its type, or

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- 3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

Section 178.331.0.3 [178.331-3] Thickness of Metal

- a) Head, bulkhead and baffle thicknesses. Tanks built under this specification that are not constructed in accordance with Section 178.331.0.2 (a) shall have head thicknesses conforming with those in the following tables:

Table I – Minimum Thickness of Heads, Bulkheads, and Baffles (Dished, Corrugated, Reinforced or Rolled) – For Mile High – Tensile and Stainless Steels

Weight of product at 60°F. in pounds per gallon

Volume capacity of tank in gallons per inch of length

	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Less than 10	12 gauge ¹	10 gauge	9 gauge	8 gauge
10 to 13	10 gauge	8 gauge	³ / ₁₆ -inch	¹ / ₄ -inch
13 to 16	8 gauge	³ / ₁₆ -inch	¹ / ₄ -inch	¹ / ₄ -inch

¹ Wherever gauges are specified, the reference shall be to U.S. Standard gauge.

- b) Shell thickness. Tanks built under this specification that are not constructed in accordance with Section 178.331.0.2 (a), shall have shell thicknesses conforming with those in the following tables:

Table II – For Liquids Less Than 10 Pounds Per Gallon

Minimum Shell Thickness to United States Standard Gauge and Inches – for Mild, High – Tensile and Stainless Steel

Distance between attachments of bulkheads, baffles or other shell stiffeners

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	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell radius of less than 70 inches				
36 inches or less	12 gauge	12 gauge	12 gauge	10 gauge
Over 36 inches to 54 inches	12 gauge	12 gauge	10 gauge	9 gauge
Over 54 inches to 60 inches	12 gauge	10 gauge	9 gauge	8 gauge
Maximum shell radius 70 inches or more but less than 90 inches				
36 inches or less	12 gauge	12 gauge	10 gauge	9 gauge
Over 36 inches to 54 inches	12 gauge	10 gauge	9 gauge	8 gauge
Over 54 inches to 60 inches	10 gauge	9 gauge	8 gauge	$\frac{3}{16}$ -inch
Maximum shell radius 90 inches or more but less than 125 inches				
36 inches or less	12 gauge	10 gauge	9 gauge	8 gauge
Over 36 inches to 54 inches	10 gauge	9 gauge	8 gauge	$\frac{3}{16}$ -inch
Over 54 inches to 60 inches	9 gauge	8 gauge	$\frac{3}{16}$ -inch	$\frac{3}{16}$ -inch
Maximum shell radius 125 inches or more				
36 inches or less	10 gauge	9 gauge	8 gauge	$\frac{3}{16}$ -inch
Over 36 inches to 54 inches	9 gauge	8 gauge	$\frac{3}{16}$ -inch	$\frac{3}{16}$ -inch
Over 54 inches to 60 inches	8 gauge	$\frac{3}{16}$ -inch	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch

Table III – For Liquids Over 10 to 13 Pounds Per Gallon

Minimum Shell Thickness to United States Standard Gauge
and Inches – for Mild, High – Tensile and Stainless Steel

Distance between attachments
of bulkheads, baffles or other
shell stiffeners

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	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell radius of less than 70 inches				
36 inches or less	10 gauge	10 gauge	10 gauge	8 gauge
Over 36 inches to 54 inches	10 gauge	10 gauge	8 gauge	³ / ₁₆ -inch
Over 54 inches to 60 inches	10 gauge	8 gauge	³ / ₁₆ gauge	¹ / ₄ -inch
Maximum shell radius 70 inches or more but less than 90 inches				
36 inches or less	10 gauge	10 gauge	8 gauge	³ / ₁₆ -inch
Over 36 inches to 54 inches	10 gauge	8 gauge	³ / ₁₆ -inch	¹ / ₄ -gauge
Over 54 inches to 60 inches	8 gauge	³ / ₁₆ -inch	¹ / ₄ -inch	¹ / ₄ -inch
Maximum shell radius 90 inches or more but less than 125 inches				
36 inches or less	10 gauge	8 gauge	³ / ₁₆ -inch	8 gauge
Over 36 inches to 54 inches	8 gauge	³ / ₁₆ -inch	¹ / ₄ -inch	¹ / ₄ -inch
Over 54 inches to 60 inches	³ / ₁₆ -inch	¹ / ₄ -inch	¹ / ₄ -inch	¹ / ₄ -inch
Maximum shell radius 125 inches or more				
36 inches or less	8 gauge	³ / ₁₆ -inch	¹ / ₄ -inch	¹ / ₄ -inch
Over 36 inches to 54 inches	³ / ₁₆ -inch	¹ / ₄ -inch	¹ / ₄ -inch	¹ / ₄ -inch
Over 54 inches to 60 inches	¹ / ₄ -inch	¹ / ₄ -inch	¹ / ₄ -inch	⁵ / ₁₆ -inch

Table IV – Liquids Over 13 to 16 Pounds Per Gallon

Minimum Shell Thickness to United States Standard Gauge
and Inches – for Mild, High – Tensile and Stainless Steel

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Distance between attachments
of bulkheads, baffles or other
shell stiffeners

Volume capacity of tank in gallons per inch of length

	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell radius of less than 70 inches				
36 inches or less	8 gauge	8 gauge	8 gauge	8 gauge
Over 36 inches to 54 inches	8 gauge	8 gauge	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch
Over 54 inches to 60 inches	8 gauge	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch
Maximum shell radius 70 inches or more but less than 90 inches				
36 inches or less	8 gauge	8 gauge	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch
Over 36 inches to 54 inches	8 gauge	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch
Over 54 inches to 60 inches	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch	$\frac{5}{16}$ -inch
Maximum shell radius 90 inches or more but less than 125 inches				
36 inches or less	8 gauge	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch
Over 36 inches to 54 inches	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch	$\frac{5}{16}$ -inch
Over 54 inches to 60 inches	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch	$\frac{5}{16}$ -inch	$\frac{5}{16}$ -inch
Maximum shell radius 125 inches or more				
36 inches or less	$\frac{3}{16}$ -inch	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch	$\frac{5}{16}$ -inch
Over 36 inches to 54 inches	$\frac{1}{4}$ -inch	$\frac{1}{4}$ -inch	$\frac{5}{16}$ -inch	$\frac{5}{16}$ -inch
Over 54 inches to 60 inches	$\frac{1}{4}$ -inch	$\frac{5}{16}$ -inch	$\frac{5}{16}$ -inch	$\frac{3}{8}$ -inch

c) Cargo tanks built of non-ferrous metals. Cargo tanks constructed of materials other

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than mild high-tensile or stainless steel shall have shell and head thicknesses designed in accordance with the following formula:

$$\text{Thickness for materials other than steel} = \frac{\text{Steel thickness from tables} \times 3 \times 10^7}{\text{Modulus of elasticity of material to be used}}$$

Section 178.331.0.4 [178.331-4] Joints

All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding.

Section 178.331.0.5 [178.331-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

Section 178.331.0.6 [178.331-6] Closures for Manholes

The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

Section 178.331.0.7 [178.331-7] Overturn Protection

All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle.

Section 178.331.0.8 [178.331-8] Outlets

- a) Outlet construction. No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve of a blank flange or screw-on cap at the discharge end of the outlet,

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and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

- b) Bottom outlets. Bottom outlets, when permitted in accordance with paragraph (a) of this Section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets must be equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.
- c) Bottom washout chambers. Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

Section 178.331.0.9 [178.331-9] Vents, Valves, and Connections

- a) Safety vent. Each cargo tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed 1½ times the design pressure.
- b) Gauging, loading and air-inlet devices. Gauging, loading and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

Section 178.331.1.0 [178.331-10] Protection of Fittings

Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

Section 178.331.1.1 [178.331-11] Emergency Discharge Control

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Each product discharge opening authorized by Section 178.331.0.8 (a) must be equipped with emergency discharge controls as specified by that Section.

Section 178.331.1.2 [178.331-12] Shear Section

- a) Discharge connections. There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.
- b) Heater coils. Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

Section 178.331.1.3 [178.331-13] Anchoring of Tank

No applicable provision.

Section 178.331.1.4 [178.331-14] Gauging Devices

Every cargo tank, and every compartment must be equipped with a means of indicating outage.

Section 178.331.1.5 [178.331-15] Pumps and Compressors

No applicable provision.

Section 178.331.1.6 [178.331-16] Testing Requirements

- a) Test for leaks. Before being certified in accordance with Section 178.331.1.8, every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of which shall not exceed 100°F. during the test, and applying a pressure of 1½ times the design pressure but not less than 3 psig. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.
- b) Test for distortion or failure. Before being certified in accordance with Section 178.331.1.8, every cargo tank shall be tested by the pressures prescribed in

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paragraph (a) of this Section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

- c) Test of heating system. After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 psig. Systems employing flues for the heating of contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the flues or into the atmosphere.
- d) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 177.824.

Section 178.331.1.7 [178.331-17] Marking of Cargo Tanks

- a) Metal identification plate. There shall be on every cargo tank a metal plate located on the right side, near the front, in a place - readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
 Manufacturer's Name²
 Date of Manufacture²
 ICC MC ***³
 Maximum Working Pressure
 Material
 Lining

Nominal Capacity U.S. Gallons
 Density of Cargo, Maximum Lb/gallon

¹ Carriers are not required to number their tanks serially; any designation

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regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

³ For MC 311 cargo tanks insert MC 311-IIS for steel tanks designed in accordance with Table II of Section 178.331.0.3 (b); MC 311-IIIS for steel tanks designed in accordance with Table III of Section 178.331.0.3 (b); and MC 311-IVS for steel tanks designed in accordance with Table IV of Section 178.331.0.3 (b). For aluminum tanks substitute AL for S.

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above markings, cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

Section 178.331.1.8 [178.331-18] Certification

A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Section 178.336 Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases**Section 178.336.0.1 [178.336-1] General Requirements**

- a) Spec. MC 330 cargo tanks constructed on or before May 14, 1967, for the bulk transportation of hazardous materials must meet all the requirements contained in this section.
- b) Code construction. Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, (4) 1959 edition, or (5) 1962 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretations Nos. 1204-9, 1297-3, and 1298-2 and all

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addendas through the 1962 addenda issued July 16, 1962, (any or all of which hereinafter is referred to as "the Code"). When the above referenced ASME Case interpretations are used for the construction of tanks, the following additional requirements shall be met:

- 1) Welding procedure and welder performance tests shall be made in accordance with the 1962 edition of Section IX of the ASME Boiler and Pressure Vessel Code. In addition to the essential variables enumerated in Section IX of this Code, the following shall also be considered essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer of rod or flux. The number of passes, thickness of plate and heat input per pass shall not vary more than 25 percent from the procedure qualification.
 - 2) Impact tests shall be made on a lot basis. A lot shall be defined as 100 tons or less of the same heat, and having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens shall be 20 ft.-lbs. (or 10 ft.-lbs. for half sized specimens) at 0°F. Charpy V-notch in both the longitudinal and transverse direction. If the lot test does not pass this requirement, individual plates may be accepted if they individually meet this impact test requirement.
 - 3) Welding procedure and welder qualification tests shall be made each year with one copy of the reports retained in tank manufacturer's files. Exception: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.
- c) Design pressure. The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115°F. or as prescribed for a particular commodity in 92 Ill. Adm. Code 173.315 (a) (1) except that in no case shall the design pressure of any container be less than 100 psig. nor more than 500 psig. When corrosion factor is prescribed by these regulations (see 92 Ill. Adm. Code 173.315 (a) (1) Note 4) the wall thickness of the tank calculated in accordance with the Code (see paragraph (a) of this Section) shall be increased by 20 percent or 0.10 inch, whichever is less.
- AGENCY NOTE: The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the Code (see paragraph (a) of this Section).
- d) Grouping openings. Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank. Exceptions:
 - 1) Chlorine tanks shall be equipped with a nozzle located in the top of the

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- tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg 103-3, dated January 23, 1958. There shall be no other opening in the tank.
- 2) The openings for liquid level gauging devices, or for safety relief devices may be installed separately at the other location or in the side of the shell.
 - 3) One plugged opening of 2 inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere.
 - 4) Loading and unloading connections may be located in the bottom of the tank.
- e) Reflective design. Every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.
 - f) Insulation for carbon dioxide, chlorine and nitrous oxide cargo tanks. Each tank for carbon dioxide, chlorine and nitrous oxide must be insulated in accordance with 92 Ill. Adm. 173.33 (i).

Section 178.336.0.2 [178.336-2] Material

- a) General. All material used for the construction of the tank and appurtenances shall be suitable for use with the commodity to be transported therein. See also 92 Ill. Adm. Code 173.33 (g).
- b) For chlorine. All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of ASTM Specification A-300-52T titled "Steel Plates for Pressure Vessels for Service at Low Temperatures," Class 1, Grade "A," flange or fire box quality. Impact test specimens made by the plate manufacturers shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50°F.

Section 178.336.0.3 [178.336-3] Thickness of Metal

Material thickness shall be as required by the Code (see Section 178.336.0.1 (a)), except that material of thickness less than $\frac{3}{16}$ -inch shall not be used for the shell, heads, and protective housings or devices, except for chlorine tanks the wall thickness shall be not less than $\frac{5}{8}$ inch, including corrosion allowance.

Section 178.336.0.4 [178.336-4] Joints

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Joints shall be as required by the Code (see Section 178.336.0.1 (a)).

Section 178.336.0.5 [178.336-5] Bulkheads, Baffles, and Ring Stiffeners

No applicable provision.

Section 178.336.0.6 [178.336-6] Closures for Manholes

No applicable provision.

Section 178.336.0.7 [178.336-7] Overturn Protection

Shall meet the requirements of Section 178.336.1.0.

Section 178.336.0.8 [178.336-8] Outlets

Shall meet the requirements of Section 178.336.0.1 (d).

Section 178.336.0.9 [178.336-9] Safety Relief Devices, Valves, and Connections

- a) Safety relief devices. All safety relief devices shall meet the requirements of 92 Ill. Adm. Code 173.315 (i).
- b) Piping, valves and fittings. Must be as specified in 92 Ill. Adm. Code 173.33(f). Manifolding of cargo tank containers must be as specified in 92 Ill. Adm. Code 173.301 (d).
- c) Marking inlets and outlets. All tank inlets and outlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.
- d) Refrigerating and heating coils. Must be as specified in 92 Ill. Adm. Code 173.33 (j).

Section 178.336.1.0 [178.336-10] Protection of Fittings

- a) All valves, fittings, accessories, safety relief devices, gauging devices, and the like shall be adequately protected against mechanical damage.
Exception: On chlorine tanks there shall be protective housing and cover plate conforming to The Chlorine Institute, Inc., Dwg. 137-1 dated November 7, 1962 to

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permit the use of standard emergency kits for controlling leaks in fittings of the dome cover plate.

- b) The protective device or housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

Section 178.336.1.1 [178.336-11] Emergency Discharge Control

- a) Excess-flow valves. Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, refrigerated liquid shall be provided with an approved suitable automatic excess flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.
- b) Exception: Any liquid level gauging device which is constructed so that the outward flow of tank contents does not exceed that passed by a 0.060-inch diameter opening, or any safety device connection, is not required to be equipped with an excess flow valve.
- c) Shut-off valves. Each filling and discharge line must be provided with a manual shut-off valve located as close to the tank as practicable. However, when an internal shut-off valve that closes automatically is used, a manual shut-off valve must be located in the line ahead of the hose connection. The use of a so-called "stop-check" or excess flow valve to satisfy the requirements of this rule and of subsection (a) of this Section with one valve is prohibited except as provided in 49 CFR 178.337-11(c).

Section 178.336.1.2 [178.336-12] Shear Section

No applicable provision.

Section 178.336.1.3 [178.336-13] Anchoring of Tank

- a) Hold-down devices. Adequate "hold down" devices shall be provided which will

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anchor each cargo tank to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. The means of attachment of any cargo tank to the cradle, frame, or chassis of a motor vehicle shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a factor of safety of not less than four, based on the ultimate strength of the material to be used. Hold-down devices (on vehicles with frames not made integral with the tank, as by welding) shall incorporate turnbuckles or similar positive devices for drawing the tank down tight on the frame of the motor vehicle.

- b) Stops and anchors. Suitable stops or anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to stopping, starting and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance, except that insulation is permitted to cover such stops and anchors.
- c) Anchoring integral cargo tanks. Whenever any tank motor vehicle is so designed and constructed that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by the Code (see Section 178.336.0.1(a)).

Section 178.336.1.4 [178.336-14] Gauging Devices

Gauging devices shall be as prescribed in 92 Ill. Adm. Code 173.315(h).

Section 178.336.1.5 [178.336-15] Pumps and Compressors

Liquid pumps or gas compressors, wherever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power takeoff or other mechanical, electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with a suitable pressure actuated by-pass valve permitting flow from discharge to suction or to the tank.

Section 178.336.1.6 [178.336-16] Testing Requirements

- a) Original test at time of manufacture shall be as required by the Code (see Section 178.336.0.1 (a)).
- b) Retest requirements. Every cargo tank shall be retested in accordance with 92 Ill. Adm. Code 173.33 (d).

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Section 178.336.1.7 [178.336-17] Marking of Cargo Tanks

- a) Metal identification plate. In addition to the markings required by the Code (see Section 178.336.0.1(a)) every cargo tank shall have a metal plate permanently affixed on one of the heads of the tank. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of the tank. On uninsulated tanks the plate shall be in a place readily accessible for inspection. On insulated tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself the following information in characters at least ³/₈-inch high:

Manufacturer's Name _____ Serial No _____
 Owner's Serial Number _____
 ICC Specification Number MC 330 _____
 Water capacity (pounds) _____
 Design pressure (psig.) _____
 Original test date _____
 Tank retested at _____ (psig.)on _____

- b) Test date markings. Every cargo tank constructed in accordance with this specification shall be marked with the test date as prescribed in 92 Ill. Adm. Code 177.824(h).
- c) Additional markings. In addition to the above marking cargo tanks must be marked as required by 92 Ill. Adm. Code 177.823.

Section 178.336.1.8 [178.336-18] Certification

A copy of the manufacturer's data report required by the Code (see Section 178.336.0.1(b)) under which the tank is fabricated shall be furnished for each new tank to the owner.

Section 178.337 Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined In the Compressed Gas Section (Repealed)

Section 178.337.0.1 [178.337-1] General Requirements (Repealed)

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Section 178.337.0.2 [178.337-2] Material (Repealed)

Section 178.337.0.3 [178.337-3] Thickness of Tank Metal (Repealed)

Section 178.337.0.4 [178.337-4] Joints (Repealed)

Section 178.337.0.5 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)

Section 178.337.0.6 [178.337-6] Closure for Manhole (Repealed)

Section 178.337.0.7 [178.337-7] Overturn Protection (Repealed)

Section 178.337.0.8 [178.337-8] Outlets (Repealed)

Section 178.337.0.9 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)

Section 178.337.1.0 [178.337-10] Protection of Fittings (Repealed)

Section 178.337.1.1 [178.337-11] Emergency Discharge Control (Repealed)

Section 178.337.1.2 [178.337-12] Shear Section (Repealed)

Section 178.337.1.3 [178.337-13] Supporting and Anchoring (Repealed)

Section 178.337.1.4 [178.337-14] Gauging Devices (Repealed)

Section 178.337.1.5 [178.337-15] Pumps and Compressors (Repealed)

Section 178.337.1.6 [178.337-16] Testing (Repealed)

Section 178.337.1.7 [178.337-17] Marking (Repealed)

Section 178.337.1.8 [178.337-18] Certification (Repealed)

Section 178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)

Section 178.340.0.1 [178.340-1] Specification Requirements For MC 306, MC 307, and MC

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312 Cargo Tanks (Repealed)**Section 178.340.0.2 [178.340-2] General Requirements (Repealed)****Section 178.340.0.3 [178.340-3] Material (Repealed)****Section 178.340.0.4 [178.340-4] Structural Integrity (Repealed)****Section 178.340.0.5 [178.340-5] Joints (Repealed)****Section 178.340.0.6 [178.340-6] Supports and Anchoring (Repealed)****Section 178.340.0.7 [178.340-7] Circumferential Reinforcements (Repealed)****Section 178.340.0.8 [178.340-8] Accident Damage Protection (Repealed)****Section 178.340.0.9 [178.340-9] Pumps (Repealed)****Section 178.340.1.0 [178.340-10] Certification (Repealed)****Section 178.341 Specification MC 306; Cargo Tanks (Repealed)****Section 178.341.0.1 [178.341-1] General Requirements (Repealed)****Section 178.341.0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)****Section 178.341.0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)****Section 178.341.0.4 [178.341-4] Vents (Repealed)****Section 178.341.0.5 [178.341-5] Emergency Flow Control (Repealed)****Section 178.341.0.6 [178.341-6] Gauging Devices (Repealed)****Section 178.341.0.7 [178.341-7] Method of Test (Repealed)****Section 178.342 Specification MC 307; Cargo Tanks (Repealed)**

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Section 178.342.0.1 [178.342-1] General Requirements (Repealed)

Section 178.342.0.2 [178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)

Section 178.342.0.3 [178.342-3] Closures for Manholes (Repealed)

Section 178.342.0.4 [178.342-4] Vents (Repealed)

Section 178.342.0.5 [178.342-5] Outlets (Repealed)

Section 178.342.0.6 [178.342-6] Gauging Devices (Repealed)

Section 178.342.0.7 [178.342-7] Method of Test (Repealed)

Section 178.343 Specification MC 312; Cargo Tanks (Repealed)

Section 178.343.0.1 [178.343-1] General Requirements (Repealed)

Section 178.343.0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)

Section 178.343.0.3 [178.343-3] Closures for Manholes (Repealed)

Section 178.343.0.4 [178.343-4] Vents (Repealed)

Section 178.343.0.5 [178.343-5] Outlets (Repealed)

Section 178.343.0.6 [178.343-6] Gauging Devices (Repealed)

Section 178.343.0.7 [178.343-7] Method of Test (Repealed)

Section 178.350 Specification 7A; General Packaging, Type A (Repealed)

Section 178.350.0.1 [178.350-1] General Requirements (Repealed)

Section 178.350.0.2 [178.350-2] Specific Requirements (Repealed)

Section 178.350.0.3 [178.350-3] Marking (Repealed)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section 178.1000 General

This Part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in Illinois.

Section 178.2000 Incorporation By Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 178 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2004, as amended at 69 FR 70902, December 8, 2004 subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.
- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
 - 1) All references to "this part" in the incorporated federal regulations shall

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.

- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

Section 178.APPENDIX C Tensile Specimen (Repealed)

Section 178.APPENDIX D Material Thickness (Repealed)

Section 178.TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)

Section 178.APPENDIX D Material Thickness (Repealed)

Section 178.TABLE B Minimum Thickness of Shell Sheets (Repealed)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
178.100	New Section
178.200	New Section
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The Department, as Part 178, is proposing to incorporate 49 CFR 178 through the October 1, 2016 edition, which is the most recent edition of 49 CFR, and to include the final federal rulemaking published at 82 FR 15796, March 30, 2017, that is applicable to this Part.

This rulemaking will incorporate by reference changes made in the following docket that was published in the Federal Register after October 1, 2016.

Docket PHMSA-2015-0273 (HM-215N) 82 FR 15796, March 30, 2017

Amends the Hazardous Materials Regulation (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Additionally, the Pipeline and Hazardous Materials Safety Administration is adopting several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 10) Are there any rulemakings pending on this Part? Yes. The Department has proposed to repeal this Part in its current form elsewhere in the *Illinois Register* in conjunction with this proposed rulemaking.
- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 178
SPECIFICATIONS FOR PACKAGINGS

Section

178.100	General
178.200	Incorporation by Reference of 49 CFR 178

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective April 30, 1996; amended at 22 Ill. Reg. 5726, effective March 4, 1998; amended at 22 Ill. Reg. 17032, effective September 30, 1998; amended at 25 Ill. Reg. 7310, effective May 19, 2001; amended at 26 Ill. Reg. 8948, effective June 5, 2002; amended at 28 Ill. Reg. 10099, effective July 1, 2004; preemptory amendment at 28 Ill. Reg. 11390, effective July 22, 2004; amended at 29 Ill. Reg. 695, effective December 20, 2004; preemptory amendment at 29 Ill. Reg. 1415, effective January 6, 2005; former Part repealed at 42 Ill. Reg. _____ and new Part adopted at 42 Ill. Reg. _____, effective _____.

Section 178.100 General

- a) This Part prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials in Illinois.
- b) This Part is a component of 92 Ill. Adm. Code Subchapter c, the Illinois Hazardous Materials Transportation Regulations.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 178.200 Incorporation by Reference of 49 CFR 178

- a) This Section incorporates by reference 49 CFR 178 (October 1, 2017) of the federal hazardous materials transportation regulations. Modifications to the federal regulations incorporated are listed in subsection (b). No later amendments to or editions of those regulations are incorporated.
- b) The following interpretations of, additions to, and deletions from 49 CFR 178 shall apply for purposes of this Part.
 - 1) All references to "this part" in the incorporated federal regulations shall mean this Part 178 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175, or 176, or to sections within those parts, shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- c) Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.

AGENCY NOTE: For questions regarding superseded or discontinued manufacturing specifications, please contact the Department at 217-785-3031.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) Section Number: 179.2000 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 179.2000, to update the incorporation by reference of 49 CFR 179 to the October 1, 2016 edition, which is the most recent edition of 49 CFR.

At Section 179.2000(a), the Department is incorporating by reference subpart F to 49 CFR 179, Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT-113 and 107A). This incorporation by reference is being done to accommodate the transportation of DOT-113 and DOT-107A intermodal containers.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
 - C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 179
SPECIFICATIONS FOR TANK CARS

Section

179.1000	General
179.2000	Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective April 30, 1996; amended at 22 Ill. Reg. 5736, effective March 4, 1998; amended at 22 Ill. Reg. 17042, effective September 30, 1998; amended at 25 Ill. Reg. 7320, effective May 19, 2001; amended at 26 Ill. Reg. 8958, effective June 5, 2002; amended at 28 Ill. Reg. 10112, effective July 1, 2004; amended at 29 Ill. Reg. 706, effective December 20, 2004; amended at 29 Ill. Reg. 1381, effective January 6, 2005; amended at 42 Ill. Reg. _____, effective _____.

Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates [by reference](#) the following subpart and sections of 49 CFR 179 ~~by reference~~, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, ~~2017~~~~2004~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1

General

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

179.2	Definitions and abbreviations
179.5	Certificate of Construction
179.6	Repairs and alterations
179.7	Quality Assurance program
179.10	Tank mounting
179.11	Welding certification
179.12	Interior heater systems
179.16	Tank-head puncture-resistance systems
179.18	Thermal protection systems
179.20	Service equipment; protection systems
179.22	Marking
subpart E	Specifications for Multi-Unit Tank Car Tanks (Classes DOT-106A and 110AW)
<u>subpart F</u>	<u>Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT-113 and 107A)</u>

- b) The following interpretations of, additions to, and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean [this](#) Part 179 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.
- c) [Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield](#)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

[IL 62764](#) or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Number: 180.2000 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 180.2000, to update the incorporation by reference of 49 CFR 180 to the October 1, 2016 edition, which is the most recent edition of 49 CFR, and to include the final federal rulemaking published at 82 FR 15796, March 30, 2017, that is applicable to this Part.

This rulemaking will incorporate by reference changes made in the following Docket that was published in the Federal Register after October 1, 2016:

Docket PHMSA-2015-0273 (HM-215N) 82 FR 15796, March 30, 2017

Amends the Hazardous Materials Regulation (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Additionally, the Pipeline and Hazardous Materials Safety Administration is adopting several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
 - C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 180
CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section

180.1000	General
180.2000	Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at 16 Ill. Reg. 11847, effective July 13, 1992; amended at 18 Ill. Reg. 7857, effective May 6, 1994; amended at 20 Ill. Reg. 6535, effective April 30, 1996; amended at 22 Ill. Reg. 5690, effective March 4, 1998; amended at 22 Ill. Reg. 17007, effective September 30, 1998; amended at 25 Ill. Reg. 7283, effective May 19, 2001; amended at 26 Ill. Reg. 8962, effective June 5, 2002; amended at 29 Ill. Reg. 10116, effective July 1, 2004; amended at 29 Ill. Reg. 711, effective December 20, 2004; amended at 42 Ill. Reg. _____, effective _____.

Section 180.2000 Incorporation by Reference of 49 CFR 180

- a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, [2017](#) ~~2004~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.
- b) The following interpretations of, additions to, and deletions from 49 CFR 180 shall apply for purposes of this Part.
 - 1) All references to "this part" in the incorporated federal regulations shall mean [this](#) Part 180 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to part 174, 175, or 176₂ or to sections of those parts, ~~therein~~ shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipments of hazardous materials by air, water₂ and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

c) [Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at <http://www.ecfr.gov>.](#)

(Source: Amended at 42 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: Adopted Actions:
502.30 Amendment
502.680 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rules: October 1, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 5793; May 26, 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 letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending in this Part? Yes

<u>Sections:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
502.90	Amendment	41 Ill. Reg. 7431; June 30, 2017
502.100	Amendment	41 Ill. Reg. 7431; June 30, 2017
502.840	Amendment	41 Ill. Reg. 7431; June 30, 2017
- 15) Summary and Purpose of Rulemaking: Pursuant to Executive Order 2016-13, the Board is conducting a systematic review of its administrative rules. The amendments proposed

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

intend to make the Board's licensing processes more efficient, reduce regulatory burdens, and more in line with industry standards. The proposal removes requirements that are too restrictive and cause an undue delay in licensing.

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
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502.850	Transfer of a Horse

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. 10656, effective June 1, 1998; amended at 28 Ill. Reg. 11244, effective August 1, 2004; amended at 29 Ill. Reg. 10248, effective August 1, 2005; amended at 32 Ill. Reg. 7391, effective May 1, 2008; amended at 33 Ill. Reg. 6696, effective May 1, 2009; emergency amendment at 37 Ill. Reg. 19740, effective November 20, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 6113, effective March 1, 2014; amended at 41 Ill. Reg. 13097, effective October 1, 2017.

SUBPART A: PROCEDURE

Section 502.30 License Fees

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- a) Occupation Licenses
All completed applications for an occupation license~~Applications for the following annual occupation licenses~~ shall be accompanied by a non-refundable fee of \$25, together with any other applicable information listed in Subpart B or C required by this Part, including but not limited to fingerprint cards and the required fee for fingerprint cards.
- b) Nonlicensees
All persons who perform services without an occupation license and are not required to be licensed shall register with organization licensee security prior to entering and leaving a restricted area of the facilities. "Persons who perform services without an occupation license" include, but are not limited to, persons who perform services (physicians, dentists, emergency medical technicians, social workers, substance abuse counselors, etc.) and race track employees (kitchen help, etc.).~~owner, trainer, owner/trainer, owner/trainer/driver, driver, jockey, apprentice jockey, jockey agent, veterinarian, farrier, apprentice farrier, authorized agent, vendor, partnership, totalizator employee, racing official, intertrack employee, business agent, assistant trainer, veterinarian's assistant, animal health technician, exercise person, pony person, foreman, vendor helper, hot walker and groom.~~
- b) ~~The following individuals shall submit the license application with a non-refundable fee of \$25, together with any other information (when applicable, listed in Subpart B or C) required by the Board, including but not limited to fingerprint cards, the required fee for fingerprint cards and certification of licensure:~~
- 1) ~~persons who perform professional services, such as members of the clergy, doctors, EMTs, dentists, social workers, and substance abuse counselors.~~
 - 2) ~~race track employees such as valets, assistant starters, charters, jockey room masseurs, kitchen help and jockey room custodians.~~

(Source: Amended at 41 Ill. Reg. 13097, effective October 1, 2017)

SUBPART H: OTHER LICENSEES

Section 502.680 Thoroughbred Grooms

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A licensed trainer employing a thoroughbred groom shall sign that groom's application documenting proof of the offer of employment. The application shall also include, but not be limited to, applicant's name, contact information and employment history, if applicable.~~An applicant for a license as a groom of thoroughbred race horses shall:~~

- a) ~~document evidence of an offer of employment before being granted a license. Such offer shall be established by the signature on the license application of a licensed trainer who has actually offered such employment; and~~
- b) ~~provide evidence of experience in the care and handling of thoroughbred race horses. Such evidence shall be established by:~~
 - 1) ~~previous licensure as a groom by the Board or by another racing jurisdiction; or~~
 - 2) ~~one year's experience as a licensed hotwalker; or~~
 - 3) ~~written evidence of employment as a groom at a thoroughbred training or breeding establishment.~~

(Source: Amended at 41 Ill. Reg. 13097, effective October 1, 2017)

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- 1) The Heading of the Part: Economic Development for a Growing Economy Program (EDGE)
- 2) Code Citation: 14 Ill. Adm. Code 527
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
527.20	Amendment
527.30	Amendment
527.40	Amendment
527.50	Amendment
527.60	Amendment
527.70	Amendment
527.80	Amendment
527.90	Amendment
527.100	Amendment
527.110	New Section
- 4) Statutory Authority: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act. [35 ILCS 11].
- 5) Effective Date of Rules: October 3, 2017
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: October 3, 2017
- 8) A statement that a copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection: The Department maintains a copy of the adopted rule including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: The Department finds that a situation exists that reasonably constitutes a threat to the public interest necessitating the filing of these rules under the emergency rules making provisions of the Illinois Administrative Procedures Act, 5 ILCS 100/5-45. Governor Rauner recently signed into law HB 162, which reinstates the Economic Development for a Growing Economy ("EDGE") Tax Credit Act (the "Act"). The newly-enacted law contains substantial amendments to the Act, requiring an

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amendment to existing JCAR rules applicable to the program. These amended rules need to have immediate effect in order to accomplish the legislative purpose of EDGE to foster job creation and retention in Illinois allow the State to compete with other locations for new businesses and expansion of existing businesses in Illinois. In the absence of such rules being in place, there is a substantial conflict between the existing rules and the newly-enacted law and a risk of substantial confusion on the part of businesses looking to create or retain jobs in the State, an issue of substantial public interest.

- 10) A Complete Description of the Subjects and Issues Involved: The majority of these proposed rules changes address the amendments to the EDGE Tax Credit Act as a result of the passage of HB 162. The amendments as a result of HB 162 include, but are not limited to: revised definitions and provisions related to the amount of credit available to participating taxpayers, the qualifications and showing necessary by companies seeking to enter into agreements under the EDGE program, amended provisions directed towards increasing participation by small business, additional transparency provisions with respect to reporting, including reporting related to supplier diversity goals, and enhanced recapture and reallocation of recaptured credits. These amendments also address prior amendments to the EDGE Tax Credit Act, eliminate provisions that are no longer effective, and recognize standing policies and procedures with respect to the program.
- 11) Are there any rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinois.gov

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

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 527

ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

Section

527.10 Purpose

527.20 Definitions

EMERGENCY

527.30 Eligibility Determination

EMERGENCY

527.40 Form of Application

EMERGENCY

527.50 Application Review

EMERGENCY

527.60 Application Denial/Approval

EMERGENCY

527.70 Determination of Amount and Term of the Credit

EMERGENCY

527.80 Tax Credit Agreement

EMERGENCY

527.90 Certificate of Verification

EMERGENCY

527.100 Noncompliance with the Agreement

EMERGENCY527.110 Recapture and Reallocation of Recaptured AmountsEMERGENCY

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act [35 ILCS 11].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; emergency expired on January 22, 2000; adopted at 24 Ill. Reg. 6884, effective April 19, 2000; amended at 29 Ill. Reg. 1186, effective January 5, 2005; amended at 31 Ill. Reg. 8085, effective May 23, 2007; amended at 32 Ill. Reg. 8916, effective June 3, 2008;

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emergency amendment at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. _____, effective _____.

Section 527.20 Definitions**EMERGENCY**

The following definitions are applicable to this Part.

"Accessible and affordable mass transit" means access to transit stops with regular and frequent service within one mile from the project site and pedestrian access to transit stops.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

"Affordable workforce housing" means owner-occupied or rental housing that costs, based on current census data for the municipality where the project is located or any municipality within 3 miles of the municipality where the project is located, no more than 35% of the median salary at the project site, exclusive of the highest 10% of the site's salaries. If the project is located in an unincorporated area, "affordable workforce housing" means no more than 35% of the median salary at the project site, excluding the highest 10% of the site's salaries, based on the median cost of rental or of owner-occupied housing in the county where the unincorporated area is located.

"Agreement" means the Tax Credit Agreement between a Taxpayer and the Department under the provisions of Section 5-50 of the Act, created pursuant to [35 ILCS 10/5-550].

"Applicant" means a Taxpayer that is operating a business located, or that the Taxpayer plans to locate, within the State of Illinois and that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State. This does not prohibit a Taxpayer from expanding its operations at another

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location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purposes of expanding the operation provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-5]

"Business Location Efficiency Incentive" means the incentive created by the Business Location Efficiency Incentive Act [35 ILCS 11].

"Capital improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and furnishings in an approved project sited in Illinois and in expenditures for goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings, structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

"Credit" means the amount agreed to between the Department and ~~Applicant~~applicant under ~~this~~the Act, but not to exceed the lesser of:

the sum of

50% of the Incremental Income Tax~~incremental payroll~~
attributable to New Employees at the Applicant's~~applicant's~~
project and

10% of the training costs of New Employees; or

100% of the Incremental Income Tax attributable to New Employees at the Applicant's project. However, if the project is located in an underserved area, then the amount of the Credit may not exceed the lesser of:

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the sum of

75% of the Incremental Income Tax attributable to New Employees at the Applicant's project and

10% of the training costs of New Employees; or

100% of the Incremental Income Tax attributable to New Employees at the Applicant's project. If an Applicant agrees to hire the required number of New Employees, then the maximum amount of the Credit for that Applicant may be increased by an amount not to exceed 25% of the Incremental Income Tax attributable to Retained Employees at the Applicant's project; provided that, in order to receive the increase for Retained Employees, the Applicant must provide the additional evidence required under Section 5-25(b)(2). [35 ILCS 10/5-~~5~~45]

"Department" means the Illinois Department of Commerce and Economic Opportunity, ~~formerly known as the Illinois Department of Commerce and Community Affairs.~~ [35 ILCS 10/5-5]

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity, ~~formerly known as the Illinois Department of Commerce and Community Affairs.~~ [35 ILCS 10/5-5]

"Employee housing or transportation remediation plan" means a plan to increase affordable housing or transportation options, or both, for employees earning up to the median annual salary of the workforce at the project. The plan may include, but is not limited to, an employer-financed assisted housing program that can be supplemented by State or federal grants or shuttle services between the place of employment and existing transit stops or other reasonably accessible places.

"Existence of infrastructure" means the existence, within 1,500 feet of the proposed site, of roads, sewers, sidewalks, and other utilities and a description of the investments or improvements, if any, that an applicant expects State or local government to make to that infrastructure.

"Full-time ~~Employee~~employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard

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of service generally accepted by industry custom or practice as full-time employment. [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full-time employment. *An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment to the Applicant.* [35 ILCS 10/5-5] For example, an employee who works 25 hours per week is considered the industry standard for full-time in the package delivery industry and an employee who is employed for a least 35 hours per week during the historical seasonal production is considered the industry standard for full-time in the candy manufacturing industry.

"Incremental Income Tax" means the *total amount withheld during the taxable year from the compensation of New Employees and, if applicable, Retained Employees under Article 7 of the Illinois Income Tax Act arising from employment at incremental payroll attributable to a project that is the subject of an Agreement.* [35 ILCS 10/5-5]

~~"Incremental payroll" means the total amount withheld by the taxpayer during the taxable year from the compensation of new employees and retained employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art. 7] arising from such employees' employment at a project that is the subject of an Agreement.~~

"Labor Surplus Area" or "LSA" must have an average unemployment rate at least 20 percent above the average rate for all states (plus the District of Columbia and Puerto Rico) during the previous two calendar years. However, the 20 percent ratio is disregarded:

when this 2-year average for all states is 8.3 percent or above, an average unemployment rate of 10 percent or more will qualify an area, and

when the all-states' average is 5.0 percent or less, an area will qualify with a 6.0 percent average.

The U.S. Department of Labor issues the labor surplus area listing on a fiscal year basis. The listing becomes effective each October 1 and remains in effect through the following September 30, but may be updated at any time during

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the fiscal year based on exceptional circumstance petitions. LSAs are classified on the basis of civil jurisdictions (cities with a population of at least 25,000 and all counties). LSAs are authorized by Public Law 96-302 and 20 CFR 654.

"Local workforce investment area" means a single county or multiple counties designated by the Governor, which allows for the receipt of an allotment of funds under Sections 127(b) or 132(b) of the Workforce Innovation and Opportunity Act, P.L. 113-128 (2014) ("WIOA"), with considerations consisting of the extent to which the areas

are consistent with labor market areas in the State;

are consistent with regional economic development areas in the State; and

have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of WIOA,

including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

"Location efficient" means a project that maximizes the use of existing investments in infrastructure, avoids or minimizes additional government expenditures for new infrastructure, and has nearby housing affordable to the permanent workforce of the project or has accessible and affordable mass transit or its equivalent or some combination of both.

"Location efficiency report" means a report that is prepared by an applicant for increased State economic development assistance, under Section 10 of the Business Location Efficiency Incentive Act [35 ILCS 11/10] and follows that Act, and that describes the existence of affordable workforce housing or accessible and affordable mass transit or its equivalent. [35 ILCS 11/5]

"New ~~Employee~~employee" means a full-time employee first employed by a ~~Taxpayer~~taxpayer in the project that is the subject of an Agreement and who is hired after the ~~Taxpayer~~taxpayer enters into the ~~tax credit~~Tax Credit Agreement

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and who continues to be employed by the Taxpayer on the last day of the taxable year for which the Taxpayer seeks a Credit under this Act.

The term "New Employee~~new employee~~" does not include:

~~an employee of the Taxpayer~~ who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

~~an employee of the Taxpayer~~ who was previously employed in Illinois by a Related Member~~related member~~ of the Taxpayer~~taxpayer~~ and whose employment was shifted to the Taxpayer~~taxpayer~~ after the Taxpayer~~taxpayer~~ entered into the tax credit~~Tax Credit~~ Agreement;

~~an employee of the taxpayer who was previously employed in Illinois by the taxpayer and whose employment was shifted to the taxpayer project after the taxpayer entered into the Tax Credit Agreement; or~~

any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer or a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer; or~~taxpayer.~~

an employee of the Taxpayer who was previously employed in Illinois by the Taxpayer and whose employment was shifted to the project after the Taxpayer entered into the tax credit Agreement.

Notwithstanding paragraph (1) of subsection (b), an~~An~~ employee may be considered a New Employee~~new employee~~ under the Agreement if the employee performs a job that was previously performed by an employee who was:

~~treated under the Agreement as a~~ New Employee~~new employee~~; and

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promoted by the ~~Taxpayer~~taxpayer to another job. [35 ILCS 10/5-5]

Notwithstanding subsection (a), the Department may award a Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:

the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;

the letter described in paragraph (1) is issued by the Department not later than 15 days after the effective date of this Act; and

the employee was hired after the date the letter described in paragraph (1) was issued.

An employee shall be considered a new employee under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of this Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of this Act, as determined by the Director, pursuant to Section 5-65. [35 ILCS 10/5-5]

"Pass Through Entity" means an entity that is exempt from the tax under Section 205(b) or (c) of the Illinois Income Tax Act. [35 ILCS 10/5-5]

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function.

"Professional Employer Organization" or "PEO" means an employee leasing company that is an individual or entity contracting with a client to supply or assume responsibility for personnel management of one or more workers to perform services for the client on an on-going basis rather than under a temporary

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help arrangement, *as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act* [820 ILCS 405]. [35 ILCS 10/5-5]

"Professional services" means a taxpayer engaged in the practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more taxpayers at multiple sites if the economic activities are vertically integrated.

"Project costs" includes cost of the project incurred or to be incurred by the taxpayer including: *capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs or relocation costs*, but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"Related Member" means a person that, with respect to the Taxpayer during an portion of the taxable year, is any one of the following:

An individual stockholder, if the stockholder and the members of the stockholder's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.

A partnership, estate, or trust of any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, equity, capital, stock, or value of the Taxpayer.

A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

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A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, equity, capital, stock, or value of the Taxpayer.

A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code. [30 ILCS 10/5-5]

"Retained ~~Employee~~employee" means a ~~Full~~full-Time ~~Employee~~time-employee employed by a ~~Taxpayer~~taxpayer during the term of the ~~Agreement~~agreement whose job duties are directly and substantially-related to the project. For purposes of this definition, "directly and substantially-related to the project" means at least two-thirds of the employee's job duties must be directly related to the project and the employee must devote at least two-thirds of his or her time to the project. The term "~~Retained Employee~~ retained-employee" does not include any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer or a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, equity, capital, or value of the taxpayer.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability. [35 ILCS 10/5-5]

"Training costs" means costs incurred to upgrade the technological skills of Full-Time Employees in Illinois and includes: curriculum development; training materials (including scrap product costs); trainee domestic travel expenses; instructor costs (including wages, fringe benefits, tuition and domestic travel expenses); rent, purchase or lease of training equipment; and other usual and customary training costs. "Training costs" do not include costs associated with travel outside the United States (unless the Taxpayer receives prior written approval for such travel by the Department Director based on a showing of substantial need or other proof that such training is not reasonably available within the United States), wages and fringe benefits of employees during periods

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of training, or administrative cost related to Full-Time Employees of the Taxpayer.

"Underserved area" means a geographic area that meets one or more of the following conditions:

the area has a poverty rate of at least 20% according to the latest federal decennial census, the most recent American Community Survey released by the U.S. Census Bureau or other appropriate data source produced by the U.S. Census Bureau;

75% or more of the children in the area are eligible to participate in the federal free lunch or reduced-price meals program according to reported statistics from the State Board of Education for a period of at least two (2) consecutive calendar years preceding the date of the application;

at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP) according to data from the U.S. Census Bureau for a period of at least two (2) consecutive calendar years preceding the date of the application; or

the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the U.S. Department of Labor, for a period of at least two (2) consecutive calendar years preceding the date of the application. [35 ILCS 10/5-5]

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.30 Eligibility Determination
EMERGENCY

- a) Any ~~Taxpayer~~ ~~taxpayer~~ that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services is an eligible business. [35 ILCS 10/5-5]

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- b) A taxpayer who is operating an eligible business that is located, or plans to be located, in the State of Illinois may be an "applicant". *Applicant does not include a taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State.*
- 1) *This does not prohibit a taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced within the last two years. For the purpose of this Section, "substantially reduced" means a reduction in employment of 33.33% or more. A Taxpayer may not enter into more than one (1) Agreement with respect to a single address or location for the same period of time. This provision does not preclude the Applicant from entering into an additional Agreement after the expiration of an earlier Agreement to the extent the Taxpayer's application otherwise satisfies the terms and conditions of the Act and is approved by the Department.*
 - 2) *This also does not prohibit a taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation, provided that the Department determines that the expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located. A determination under this subsection (b)(2) shall be made by the Department after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-15]*
- c) *In order to qualify for Credits under the Act, an Applicant's~~applicant's~~ project must:*
- 1) *if the Applicant has more than 100 employees, involve an investment of at least \$2,500,000~~5,000,000~~ in capital improvements to be placed in service and employ at least 25 new employees within the State as a direct result of the project and the Applicant must employ a number of New Employees in*

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~~*the State equal to the lesser of 10% of the number of Full-Time employees employed by the applicant world-wide on the date the application is filed with the Department or 50 New Employees if the applicant has more than 100 employees at the time of the EDGE application; or*~~

- 2) ~~*if the Applicant has 100 or fewer employees, there is no capital improvement requirement but the Applicant must employ a number of New Employees in the State equal to the lesser of 5% of the number of Full-Time Employees employed by the Applicant world-wide on the date the application is filed with the Department or 50 New Employees involve an investment of at least \$1,000,000 in capital improvements to be placed in service and to employ at least 5 new employees within the State as a direct result of the project if the applicant has 100 or fewer employees at the time of the EDGE application.*~~
- 3) ~~*involve an investment at a level specified by the Department in capital improvements to be placed in service; employ new employees within the State at a level specified by the Department; and provide a substantial economic benefit to the State [35 ILCS 10/5-20], as determined by the Department.*~~
 - A) The Director may approve projects that do not meet the minimum job creation and investment thresholds specified in Section 527.30(c)(1) for an applicant meeting all other requirements in the Act and this Part provided that one or more of the following conditions are met:
 - i) the applicant business is located in a distressed community with an unemployment rate that is higher than the State's average;
 - ii) the applicant business is located in an area with limited economic development prospects as evidenced by prior and current development activities;
 - iii) approval would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses; or

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- iv) ~~approval would avert loss of one of the area's major sources of employment.~~
- B) ~~The greater the impact on the economy of the area in which the applicant is located, the lower the amount of job creations and investment by the applicant that will be necessary for the Director to approve the application; or~~
- d) The ~~Applicant~~applicant must demonstrate *that, if not for the credit, the ~~Project~~project would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing state. In the event that the Applicant is seeking an increase in the amount of the credit for Retained Employees, the Applicant ~~must~~by ~~provide~~providing documentation evidencing that:*
- 1) *the ~~Applicant~~applicant has multi-state location options and could reasonably and efficiently locate outside of the State; or*
 - 2) *~~demonstrating that~~ at least one other state is being considered for the ~~Project~~. [35 ILCS 10/5-25]project; or*
 - 3) *~~receipt of the credit is a major factor in the applicant's decision and that, without the credit, the applicant likely would not create new jobs in Illinois; or~~*
 - 4) *~~the credit is essential to the applicant's decision to create or retain new jobs in the State.~~*
- e) Identify a cost differential, using best available data, in the projected costs for the ~~Applicant's~~applicant's Project~~project~~ compared to the costs in the competing state, including the impact of the competing state's incentive programs ~~[35 ILCS 10/5-25]~~, for example, by demonstrating:
- 1) specific costs of labor, utilities, taxes and other costs of an out-of-state site or the industry's cost structure in the competing region; or
 - 2) specific cost differential due to the impact of a competing state's incentive programs.

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- f) In order to qualify for increased EDGE benefits under the Business Location Efficiency Incentive Act, the applicant must submit a location efficiency report that:
- 1) describes the existence of infrastructure at the Project site and satisfies Business Location Efficiency Incentive Act's standards for affordable workforce housing or affordable and accessible mass transit; or
 - 2) if the Department determines from the location efficiency report that the applicant is seeking assistance in an area that is not location efficient, the Department may award an increase in State economic development assistance if an applicant submits, and the Department accepts, an employee housing and transportation remediation plan or creates jobs in a labor surplus area as defined by the Department of Employment Security at the end of each calendar year.

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.40 Form of Application**EMERGENCY**

- a) Applications will be accepted at any time during the year. The Department will provide interested Applicants with an application package upon request. Submittal of an application does not commit the Department to award assistance or to pay any costs, including the application fee, incurred by the Applicant in the preparation of an application.
- b) *Any Taxpayer proposing a Project located or planned to be located in Illinois may request consideration of its Project, by application to the Department, in which the Applicant states its intent to make at least a specified level of investment, if the Applicant has more than 100 employees, and intends to hire or retain a specified number of full-time employees at a designated location in Illinois as set forth Section 5-20 of the Act. [35 ILCS 10/5-20(a)]*
- c) Written applications will be required and must be submitted on the standard application form provided by the Department. Applications shall be submitted to the Department office location identified on the application. The application shall

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include:

- 1) Application Cover Page – containing name, address, and telephone number of ~~Applicant~~applicant; key contact and title; total number of new employees to be hired and, where applicable, the number of Full-time Employees to be retained; company Federal Employer Identification Number (F.E.I.N.); Standard Industrial Code (S.I.C.); if available, Illinois Unemployment Insurance Account Code; State Senate District number; State Representative District number; authorized signatures; and related information.
- 2) Project Summary – *a detailed description of the Project that is to be the subject of the Agreement.* [35 ILCS 10/5-50(1)]
- 3) Site Map – an outline of the general location of the Project on a site map, including the location of any flood plain areas and wetland areas.
- 4) Jobs Impact – *a detailed description of the number of New Employees to be hired and the occupation and payroll of the full-time jobs to be created* [35 ILCS 10/5-50(9)] as a result of the Project, and a schedule of anticipated starting dates of the new hires. In addition, the Applicant must provide the total number of Full-time Employees employed by the Applicant and any Related Member, subsidiary, parent, or sister company in the State of Illinois at the time of the Application. If the Applicant seeks a Credit with respect to Retained Employees, the occupation and payroll of the Full-time Employees to be retained as a result of the Project.
- 5) Capital Improvements Planned – *a detailed description of the investment the Taxpayer will make in Capital Improvements, and the designated location in Illinois for the investment.* [35 ILCS 10/5-50(10)] This shall include but not be limited to a description (or specifications or lists) of the planned Capital Improvements demonstrating the investment is qualified; documentation to substantiate the value of the investment (value of Capital Improvements as provided by appraisers, vendors, contractors and/or architects and engineers); and a schedule regarding when the eligible investment will be placed in service.
- 6) Total Project Costs – a detailed description of total Project Cost as defined in Section 527.20.

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- 7) Competitive Requirements of the Project – evidence supplied by the Applicant demonstrating that, *if not for the Credit, the Project would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing state. In the event that the Applicant is seeking an increase in the amount of the credit for Retained Employees, the Applicant must provide documentation evidencing that*~~any means, including, but not limited to:~~
- A) ~~evidence~~ *the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State, for example, documentation indicating firm interest in alternative non-Illinois locations, such as a prospective offer or letter; or*
- B) ~~demonstrating~~ *demonstration that at least one other state is being considered for the Project, for example, disclosure of sites of out-of-state location options that would receive the proposed investment and job creation in the event the business is not designated, which may include documentation such as incentive letters or prospective offers from other states. [35 ILCS 10/5-25]; or*
- C) ~~evidence the receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois, for example, an affidavit signed by the Applicant stating that the Credit is a precondition to the Applicant's decision to create new jobs in the State; or~~
- D) ~~demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State [35 ILCS 10/5-25(b)], for example, an affidavit signed by the Applicant stating that without the Credit the Applicant would not be inclined to create new jobs in the State.~~
- 8) Cost Differential – documentation of a cost differential of alternative out-of-state sites, such as written information on non-Illinois sites under

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consideration, comparison of industry costs in other states, cost/benefit analyses of moving or closing the business, financial statements, internal memoranda, or any other financial documentation evidencing cost differential.

- 9) Financial Statement – a balance sheet and a profit and loss statement of the Taxpayer for the last two years.
- 10) Other Provisions – any other provisions or information the Department determines is necessary to facilitate the Department's evaluation of the application.
- d) The Applicant is responsible for the accuracy of all data, information and documentation included in its application. Once submitted, applications shall become the property of the Department.
- e) Applications will not be evaluated unless the application fee has been included.
- f) *Any documentary materials or data made available or received by any member of a ~~business development or other~~ Business Investment Committee formed by the Department (~~"Committee"~~) ~~of the Illinois Economic Development Board~~ or any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets, commercial or financial information regarding the operation of the business conducted by the Applicant for, or recipient of, any Tax Credit under the Act, or any information regarding the competitive position of a business in a particular field of endeavor. [35 ILCS 10/5-90(a)]*

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.50 Application Review**EMERGENCY**

- a) Prior to substantive evaluation of an application, the Department shall screen all applications to determine that all requirements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given an opportunity to correct those deficiencies through submission of additional documentation.

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- b) The Department shall evaluate applications in accordance with the policies ~~that have been~~ adopted by the ~~Department or its Director~~ Business Investment Committee. In evaluating applications, the Department shall determine that all of the following conditions exist:
- 1) *the Applicant's Project intends to make the required investment in the State and intends to hire the required number of New Employees and, where applicable, to maintain the required number of Retained Employees in Illinois as a result of that Project.*
 - 2) *the Applicant's Project is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.*
 - 3) *that, if not for the Credit, the Project would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing state In the event that the Applicant is seeking an increase in the amount of the credit for Retained Employees, the Applicant must provide documentation evidencing that ~~any means, including, but not limited to,~~ evidence the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State, or ~~demonstrating demonstration~~ that at least one other state is being considered for the Project, ~~or evidence the receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois, or demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State.~~*
 - 4) *a cost differential is identified, using best available data, in the projected costs for the Applicant's Project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive programs shall include state, local, private, and federal funds available.*
 - 5) *the political subdivisions affected by the Project have committed local incentives with respect to the Project, considering local ability to assist.*

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- 6) *awarding the Credit will result in an overall positive fiscal impact to the State, as certified by the Committee, using the best available data.* [35 ILCS 10/5-25(b)]
- 7) if appropriate, an Applicant that has moved its operations from one political subdivision in the State to another political subdivision (and that has been determined by the Department to be an eligible Applicant) has demonstrated that it is not claiming a tax credit with respect to any jobs that the Taxpayer relocates from one site in Illinois to another site in Illinois.
- c) An Applicant may not enter into more than one (1) Agreement with the Department with respect to the same location or address for the same period of time. This provision does not preclude the Applicant from entering into an additional Agreement after the expiration of an earlier Agreement to the extent the Taxpayer's application otherwise satisfies the terms and conditions of the Act and is approved by the Department.
- d) The Department reserves the right to request the Committee *to convene, make inquiries, and conduct studies in the manner and by the methods it deems desirable, review information with respect to Applicants, and make recommendations on Projects to benefit the State. Recommendations that an Applicant's application for Credit should or should not be accepted shall occur within a reasonable time frame as determined by the nature of the application.* [35 ILCS 10/5-25(b)]

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.60 Application Denial/Approval**EMERGENCY**

- a) Applicants shall be notified in writing as to the Department's evaluation of all completed applications. If the Department denies an application for the Credit, it will specify the reasons for the denial in writing and allow the Applicant 30 days to amend and resubmit its application for evaluation. If the Applicant disagrees with the Department's decision it may seek relief through the process afforded in the Department's Administrative Hearing Rules set forth at ~~5647~~ Ill. Adm. Code ~~260510~~ (Administrative Hearing Rules Review and Appeal Procedures).

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- b) The Department will negotiate a formal Agreement with Applicants determined to be eligible for the award of a Credit. *For tax years beginning on or after January 1, 1999, a Taxpayer who has entered an Agreement under the Economic Development for a Growing Economy Tax Credit Act is entitled to a credit against the taxes imposed under Section 201(a) and (b) of the Illinois Income Tax Act [35 ILCS 5/201(a) and (b)] in an amount to be determined in the Agreement. [35 ILCS 5/211]*

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.70 Determination of Amount and Term of the Credit**EMERGENCY**

- a) *The Department shall determine the amount and duration of the Credit awarded under the Act. The duration of the Credit may not exceed 10 taxable years. [35 ILCS 10/5-45] In determining the appropriate amount and duration of a Credit to be awarded to a Taxpayer, the Department shall take into consideration the following additional factors:*
- 1) *The number and location of jobs created and retained in relation to the economy of the county where the projected investment is to occur.*
 - 2) *The potential impact of the Project on the economy of Illinois.*
 - 3) *The magnitude of the cost differential between Illinois and the competing states.*
 - 4) *The incremental payroll attributable to the Project.*
 - 5) *The capital investment attributable to the Project.*
 - 6) *The amount of the average wage and benefits paid by the Applicant in relation to the wage and benefits of the area of the Project.*
 - 7) *The costs to Illinois and the affected political subdivisions with respect to the Project.*

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- 8) *The financial assistance that is otherwise provided by Illinois and the affected political subdivisions.* [35 ILCS 10/5-40]
- b) *The Credit may be stated as a percentage of the Incremental Income Tax attributable to the Applicant's Project and may include a fixed dollar limitation.* [35 ILCS 10/5-45]
- c) *The Credit shall not exceed the Incremental Income Tax Payroll attributable to the Project that is the subject of an Agreement.* [35 ILCS 10/5-15(d)]
- d) *The total amount of the Credit allowed during all tax years may not exceed the aggregate amount of costs incurred by the Taxpayer during all prior tax years to the extent provided in the Agreement of Project Costs.* [35 ILCS 10/5-30]
- e) Applicants that qualify for increased EDGE benefits under the Business Location Efficiency Incentive Act may receive:
- 1) up to 10 percent more than the maximum allowable tax credits for which they are eligible under the Act, but not to exceed 100 percent of the applicant's tax liability; or
 - 2) such other adjustments of those tax credits, including but not limited to authorizing the term of the credit to exceed 10 taxable years, as the Department deems appropriate to foster job creation and retention in Illinois.
- f) Nothing in this Section shall prohibit a Tax Credit Award to an Applicant that uses a Professional Employer Organization if all other award criteria are satisfied.

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.80 Tax Credit Agreement**EMERGENCY**

The Department and each Taxpayer whom the Department determines qualifies for a Credit under the Act shall enter into an Agreement that specifies terms and conditions regarding the provision of the Credit and defines the rights and responsibilities of the Taxpayer and the Department. Provisions that the Taxpayer will be contractually bound to comply with include,

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but are not limited to, the following:

- a) *A detailed description of the project that is the subject of the Agreement, including the location and amount of the investment and jobs created or retained.*
- b) *The duration of the Credit and the first taxable year for which the Credit may be claimed.*
- c) *The Credit amount that will be allowed for each taxable year*
- ~~da)~~ *A requirement that the Taxpayer shall maintain operations at the ~~project~~Project location that shall be stated as a minimum number of years not to exceed 10less than 10.*
- ~~eb)~~ *A specific method for determining the number of New Employees and Retained Employees employed during a taxable year.*
- ~~fe)~~ *A requirement that the Taxpayer shall annually report to the Department the number of New Employees and Retained Employees, the Incremental Income TaxPayroll withheld in connection with the New Employees and Retained Employees, and any other information the Department requires to ensure compliance with this Act, the Agreement, or other applicable law.*
- ~~gd)~~ *A requirement that the Director or Department is authorized to verify with the appropriate State agencies information required to be reported by the Taxpayer.*
- ~~he)~~ *A requirement that the Taxpayer shall provide written notification to the Department not more than 30 days after the Taxpayer makes or receives a proposal that would transfer the Taxpayer's State tax liability obligations to a successor Taxpayer.*
- i) *A detailed description of the number of New Employees to be hired and Retained Employees to be maintained, and the occupation and payroll of the full-time jobs to be created or retained as a result of the project*
- j) *The Agreement shall include the total number of Full-time Employees employed by the Applicant and any Related Member, subsidiary, parent, sister, and any other related or associated company in the State of Illinois at the time of the Application (the "baseline"), and a provision that allowance of the Credit shall be*

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suspended if the number of Full-time Employees employed by the Taxpayer in Illinois falls below that baseline until the number of Full-time Employees equals or exceeds the baseline amount identified in the Agreement.

- k) *The minimum investment the business enterprise will make in capital improvements, if applicable, the time period for placing the property in service, and the designated location in Illinois for the investment.*
- lf) *A requirement that the Taxpayer shall provide written notification to the Department not more than 30 days after the Taxpayer determines that the minimum job creation or retention, employment payroll, or investment no longer is being or will be achieved or maintained as set forth in the terms and conditions of the Agreement.*
- mg) *A provision that, if the total number of New Employees and Retained Employees falls below a specified level, the allowance of Credit shall be suspended until the number of New Employees and Retained Employees equals or exceeds the Agreement amount. [35 ILCS 10/5-50]*
- n) *A detailed description of the items for which the costs incurred by the Taxpayer will be included in the limitation on the Credit provided in Section 5-30.*
- o) *A provision that, if the Taxpayer never meets either investment or job creation and retention requirements specified in the Agreement during the entire 5-year period beginning on the first day of the first taxable year in which the Agreement is executed and ending on the last day of the fifth taxable year after the Agreement is executed, then the Agreement is automatically terminated on the last day of the fifth taxable year after the Agreement is executed and the Taxpayer is not entitled to the award of any credits for any of that 5-year period.*
- p) *A provision specifying that, if the Taxpayer ceases principal operations with the intent to shut down the project in the State permanently during the term of the Agreement, then the entire credit amount awarded to the Taxpayer prior to the date the Taxpayer ceases principal operations shall be returned to the Department and shall be reallocated to the local workforce investment area in which the project is located.*

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- gh) Any other performance conditions or contract provisions ~~as that~~ the Department determines are necessary to comply with the Act and other applicable State laws and administrative rules. [35 ILCS 10/5-50]

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.90 Certificate of Verification**EMERGENCY**

- a) The Taxpayer shall notify the Department on forms provided by the Department when the minimum eligible capital improvement investments have been placed in service and the minimum New Employee jobs have been created and that Retained Employees remain employed by the Taxpayer.
- b) The Taxpayer shall provide, for land and/or building acquisition, a copy of the purchase agreement; for building construction or renovation, a contractor's or architect's cost certification; for space rental, a rental/lease agreement.
- c) *For a Taxpayer to be eligible for a certificate of verification, the Taxpayer shall provide proof as required by the Department prior to the end of each calendar year, including, but not limited to, attestation by the Taxpayer that the Project:*
- 1) *has achieved the level of Full-time New Employees and Retained Employees specified in the Agreement;*
 - 2) *has achieved the level of annual payroll in Illinois specified in the Agreement;*
 - 3) *has achieved the level of capital investment in Illinois specified in the Agreement;*
 - 4) has maintained the baseline employment specified in the Agreement; and
 - 5) the Taxpayer has materially complied with the terms of the Agreement and is not otherwise in violation of any provision of the Act.
- d) Upon receipt of valid proof from the Taxpayer, the Department shall provide the Taxpayer with a Certificate of Verification.

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- e) *A Taxpayer claiming a Credit under the Act shall submit to the Department of Revenue a copy of the Director's certificate of verification under the Act for the taxable year. However, failure to submit a copy of the certificate with the Taxpayer's tax return shall not invalidate a claim for a Credit. [35 ILCS 10/5-55]*

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.100 Noncompliance with the Agreement**EMERGENCY**

- a) *If the Department determines that a Taxpayer who has received a Credit under the Act is not complying with the requirements of the Agreement or all of the provisions of the Act, the Director shall provide notice to the Taxpayer of the alleged noncompliance, and allow the Taxpayer a hearing under the provisions of the Illinois Administrative Procedure Act [5 ILCS 100]. If, after notice and any hearing, the Director determines that a noncompliance exists, the Director shall issue to the Department of Revenue notice to that effect, stating the Noncompliance Date. [35 ILCS 10/5-65] Alleged noncompliance shall include:*
- 1) demonstration that the Taxpayer would have placed in service the capital investment and created or retained the requisite number of New Employee jobs without the benefits of certification. Proof of this shall include, but is not limited to, correspondence, financial plans and prospectuses, internal memoranda and other written documentation demonstrating the Taxpayer would have taken the actions without the designation;
 - 2) demonstration that the Taxpayer failed materially to comply with the terms and conditions of the Agreement;
 - 3) a determination upon investigation that the Taxpayer or any of its agents or representative provided false or misleading business falsified application information to the Department in violation of 14 Ill. Adm. Code 520.730(f);
 - 4) a failure to submit the annual report required by Section 5-57 of the Act;
or

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- 5) a failure to submit an annual progress report ~~by an applicant~~ pursuant to an employee housing and transportation plan or a determination by the Department that adequate progress is not being made by the ~~Taxpayer applicant~~ to implement the plan, which will result in the revocation of the increased tax credits, extension of the term of the credit and/or other adjustments awarded pursuant to the Business Location Efficiency Incentive Act.
- b) The Department shall notify a Taxpayer in writing that it is subject to revocation. Such notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to ~~5647~~ Ill. Adm. Code ~~260510~~ (Administrative Hearing Rules Review and Appeal Procedures).
- c) Following revocation the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes.

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

Section 527.110 Recapture and Reallocation of Recaptured Amounts
EMERGENCY

- a) If, during the term of an Agreement, the Taxpayer ceases principal operations at a project location that is the subject of that Agreement with the intent to terminate operations in the State, the Department and the Department of Revenue shall recapture from the Taxpayer the entire Credit amount awarded under the Agreement prior to the date the taxpayer ceases principal operations.
- 1) If the Department determines that a Taxpayer ceases principal operations at a project location that is the subject of that Agreement with the intent to terminate operations in the State, the Director shall provide notice to the Taxpayer of such determination and allow the Taxpayer a hearing under the provisions of the Illinois Administrative Procedure Act. [5 ILCS 100] Example of activities that evidence a cessation of operation at a project location with an intent to terminate operations in the State include, but are not limited to, WARN notices reflecting layoffs in excess of 65% of the Full-time Employees located at the project site, public announcements or other media reflecting an intent to relocate operations outside the State, or

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any other information the Department determines reflects an intent to discontinue operations at the project site.

- 2) The Department shall notify a Taxpayer in writing that it is subject to recapture. Such notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).
 - 3) Following a determination that Credits received pursuant to an Agreement are subject to recapture, the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to such amounts to be reallocated by the Department pursuant to Section 6-65 of the Act.
- b) *The Department shall, subject to appropriation, reallocate the recaptured amounts to the local workforce investment area, either by direct use of those or through grants as set forth more fully below, in which the Project was located for the purposes of workforce development, expanded opportunities for unemployed persons, and expanded opportunities for women and minorities in the workforce. [35 ILCS 10/5-65]*
- 1) Any county, municipality, or other entity ("Grant Applicant") may apply for a grant from the Department under this Section for the purposes of workforce development, expanded opportunities for unemployed persons, and expanded opportunities for women and minorities in the workforce in the local workforce investment area (a "Grant").
 - i) An application should be submitted on the standard application form provided by the Department specifically setting forth how Grant-related activities would directly support workforce development, expanded opportunities for unemployed persons, and expanded opportunities for women and minorities in the workforce in the local workforce investment area.
 - ii) The Department will evaluate applications based on the extent to which the Grant Applicant demonstrates that the proposed Grant-related activities will directly support the purposes of this Section.
 - iii) Grant Applicants shall be notified in writing as to the Department's

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evaluation of all completed Grant applications. If the Department denies a Grant application, it will specify the reasons for the denial in writing and allow the Applicant 30 days to amend and resubmit its application for evaluation.

- iv) The Department shall determine the amount of funds awarded to any Grant Applicant under this Section.
 - v) Upon approval of a Grant application, the Department shall enter into a Grant agreement with the Grant Applicant in accordance with the Grant Accountability and Transparency Act, 30 ILCS 708/1, et seq., as containing such terms and conditions as the Department deems necessary and proper to effect the purposes of the Act.
- 2) Such funds shall be distributed in accordance with the Grant Accountability and Transparency Act, 30 ILCS 708/1, et seq., and any other applicable State laws.

(Source: Added by emergency rulemaking at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 3, 2017 through October 10, 2017. These rulemakings are scheduled for review at the Committee's November 7, 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>
11/15/17	<u>Board of Examiners</u> , Certificate of Education and Examination Requirements (23 Ill. Adm. Code 1400)	7/7/17 41 Ill. Reg. 7699	11/7/17
11/17/17	<u>Secretary of State</u> , Public Use of the Capitol Complex and Springfield Facilities (71 Ill. Adm. Code 2005)	1/6/17 41 Ill. Reg. 1	11/7/17
11/17/17	<u>Secretary of State</u> , Collection of Fees (92 Ill. Adm. Code 1003)	1/6/17 41 Ill. Reg. 16	11/7/17
11/17/17	<u>Secretary of State</u> , Remittance Agents (92 Ill. Adm. Code 1019)	1/6/17 41 Ill. Reg. 36	11/7/17
11/17/17	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	1/6/17 41 Ill. Reg. 47	11/7/17
11/18/17	<u>State Universities Retirement System</u> , Universities Retirement (80 Ill. Adm. Code 1600)	7/28/17 41 Ill. Reg. 10237	11/7/17

11/18/17	<u>Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)</u>	1/6/17 41 Ill. Reg. 25	11/7/17
11/19/17	<u>Department of Financial and Professional Regulation, Licensing and Regulation of Pawnbrokers (38 Ill. Adm. Code 360)</u>	6/30/17 41 Ill. Reg. 7385	11/7/17

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 42 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.

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