

2010

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 34, Issue 40
October 1, 2010
Pages 13727-14479

Index Department
Administrative Code Division
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

October 1, 2010 Volume 34, Issue 40

PROPOSED RULES

DEAF AND HARD OF HEARING COMMISSION
Interpreter for the Deaf Licensure Act of 2007
68 Ill. Adm. Code 1515.....13727

HUMAN SERVICES, DEPARTMENT OF
Illinois AmeriCorps Program
77 Ill. Adm. Code 2250.....13733
Developmental Disabilities Services
89 Ill. Adm. Code 144.....13742

PUBLIC HEALTH, DEPARTMENT OF
Hospital Licensing Requirements
77 Ill. Adm. Code 250.....13748

SECRETARY OF STATE
Cancellation, Revocation or Suspension of Licenses or Permits
92 Ill. Adm. Code 1040.....13775

STATE BOARD OF ELECTIONS
Campaign Financing
26 Ill. Adm. Code 100.....13898
Practice and Procedure
26 Ill. Adm. Code 125.....13947
Raffles Conducted by Political Committees
26 Ill. Adm. Code 210.....14004

ADOPTED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Nursing and Advanced Practice Nursing Act – Registered Professional
Nurse and Licensed Practical Nurse (Repealer)
68 Ill. Adm. Code 1300.....14010
Nurse Practice Act
68 Ill. Adm. Code 1300.....14012
Nursing and Advanced Practice Nursing Act - Advanced Practice Nurse
(Repealer)
68 Ill. Adm. Code 1305.....14117

POLLUTION CONTROL BOARD
Definitions and General Provisions
35 Ill. Adm. Code 211.....14119
Organic Material Emission Standards and Limitations for the Chicago
Area
35 Ill. Adm. Code 218.....14174
Organic Material Emission Standards and Limitations for the Metro
East Area

35 Ill. Adm. Code 219.....	14326
JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING	
ENVIRONMENTAL PROTECTION AGENCY	
Alternate Fuels Program	
35 Ill. Adm. Code 275.....	14473
OFFICE OF THE STATE FIRE MARSHAL	
Fire Protection District Grant	
41 Ill. Adm. Code 295.....	14474
JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF OBJECTION AND RECOMMENDATION TO EMERGENCY RULEMAKING	
WORKERS' COMPENSATION COMMISSION, ILLINOIS	
Miscellaneous	
50 Ill. Adm. Code 7110.....	14475
JOINT COMMITTEE ON ADMINISTRATIVE RULES NOTICE OF PUBLICATION ERROR	
HUMAN SERVICES, DEPARTMENT OF	
Supplemental Nutrition Assistance Program (SNAP).....	14476
89 Ill. Adm. Code 121	
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	14477
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Gubernatorial Proclamation	
2010-319.....	14479

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 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 1, 2010	June 11, 2010
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
43	October 12, 2010	October 22, 2010
44	October 18, 2010	October 29, 2010
45	October 25, 2010	November 5, 2010
46	November 1, 2010	November 12, 2010
47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Interpreter for the Deaf Licensure Act of 2007
- 2) Code Citation: 68 Ill. Adm. Code 1515
- 3) Section Number: 1515.50 Proposed Action: Amended
- 4) Statutory Authority: Implementing and authorized by Section 50 of the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443]
- 5) A Complete Description of the Subjects and Issues Involved: IDHHC has adopted a State interpreter performance test. Currently, no other interpreter performance test is being offered in Illinois. This amendment is being proposed to add the Illinois BEI and other state BEI to the accepted certificates to apply for licensure under the Interpreter for the Deaf Licensure Act of 2007.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Tonia R. Bogener
Legal Counsel
Illinois Deaf and Hard of Hearing Commission
1630 S. Sixth Street
Springfield, Illinois 62703

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF PROPOSED AMENDMENT

217/557-4495 (voice/tty)
tonia.bogener@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Individuals or business providing interpreting services for the deaf and hard of hearing
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: Interpreting for the deaf and hard of hearing
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER IX: DEAF AND HARD OF HEARING COMMISSIONPART 1515
INTERPRETER FOR THE DEAF LICENSURE ACT OF 2007

Section	
1515.10	Definitions
1515.20	Jurisdiction
1515.30	Application for Licensure
1515.40	Application for Provisional Licensure
1515.50	Accepted Certificates
1515.60	Renewals
1515.70	Licensure Fees
1515.80	Continuing Education
1515.90	Proficiency Levels
1515.100	Supervision
1515.110	Inactive Status
1515.120	Restoration
1515.130	Standards of Professional Conduct
1515.140	Granting Variances

AUTHORITY: Authorized by Section 50(b) of the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443/50(b)].

SOURCE: Adopted at 32 Ill. Reg. 18853, effective November 24, 2008; amended at 35 Ill. Reg. _____, effective _____.

Section 1515.50 Accepted Certificates

An applicant for a license as a sign language interpreter shall provide proof of a current and valid acceptable certificate. Based upon the accepted certificate, a proficiency level, as determined under Section 1515.90, will be indicated on the license.

- a) Acceptable certificates for a provisional license include any of the following:
 - 1) Educational Interpreter Performance Assessment (EIPA) 3.5 or above and/or Registry of Interpreters for the Deaf (RID) certification based on EIPA evaluation;

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 2) Interpreter Skills Assessment Screening (ISAS) Interpreting Level 1 or 2;
 - 3) Interpreter Skills Assessment Screening (ISAS) Transliterating Level 1 or 2;
 - 4) Missouri Interpreter Certification Novice or Apprentice;
 - 5) Illinois Board for Evaluation of Interpreters (BEI) Test of English Proficiency (TEP) or other state's BEI TEP;
 - 6) Deaf Interpreters, with a minimum of 8 contact hours of training on the NAD-RID Code of Professional Conduct, and/or a state accredited college or university course including the Code of Professional Conduct and 8 contact hours on the role and responsibilities of Certified Deaf Interpreter, both completed within 3 years prior to the date of application; or
 - 7) Until January 1, 2011, an interpreter who cannot provide any of the certificates required by this subsection (a), but who maintained a valid and unencumbered registration with the Commission on July 1, 2007 under the Interpreters for the Deaf Act [225 ILCS 442, repealed January 1, 2009].
- b) Acceptable certificates for a license with an intermediate proficiency level include any of the following:
- 1) Interpreter Skills Assessment Screening (ISAS) Interpreting Level 3 or above;
 - 2) Interpreter Skills Assessment Screening (ISAS) Transliterating Level 3 or above;
 - 3) RID Interpretation Certificate (IC);
 - 4) RID Transliteration Certificate (TC);
 - 5) RID IC/TC;
 - 6) Testing Evaluation and Certification Unit Inc. (TECUnit);

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 7) Missouri Interpreter Certification Intermediate;
 - ~~8)~~ 8) [Illinois BEI or other state's BEI Intermediate Level;](#)
 - ~~9)~~ 8) Deaf Interpreters with the required training under a provisional license and proof of passing a generalized knowledge based test provided by the Commission; or
 - ~~10)~~ 9) Licensure in other states based on qualifications similar to those listed in this subsection (b).
- c) Acceptable certificates for a license with an advanced proficiency level include any of the following:
- 1) Interpreter Skills Assessment Screening (ISAS) Interpreting Level 4 or above and ISAS Transliterating Level 4 or above;
 - 2) RID-CI;
 - 3) RID-CT;
 - 4) National Interpreter Certification (NIC);
 - 5) National Association of the Deaf Certificate Level 3 or 4;
 - 6) Missouri Interpreter Certification Advanced;
 - ~~7)~~ 7) [Illinois BEI or other state's BEI Advanced Level;](#)
 - ~~8)~~ 7) Deaf Interpreters with the required training under a provisional license and proof of passing the RID-CDI knowledge based test; or
 - ~~9)~~ 8) Licensure in other states based on qualifications similar to those listed in this subsection (c).
- d) Acceptable certificates for a license with a master proficiency level include any of the following:
- 1) RID-CI/CT;

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 2) RID-Comprehensive Skills Certificate (CSC);
- 3) RID-Master Comprehensive Skills Certificate (MCSC);
- 4) RID-Reverse Skills Certificate (RSC);
- 5) RID-Certified Deaf Interpreter (CDI);
- 6) RID Specialist Certificate: Legal (SC:L) (applies to acceptance of legal assignments only under Section 1515.90);
- 7) National Association of the Deaf Certificate Level 5;
- 8) Missouri Interpreter Certificate Comprehensive;
- 9) National Interpreter Certification (NIC) Advanced or Master; ~~or~~
- 10) Illinois BEI or other state's BEI Master Level; or
- 11)40) Licensure in other states based on qualifications similar to those listed in this subsection (d).

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois AmeriCorps Program
- 2) Code Citation: 77 Ill. Adm. Code 2250
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2250.10	New
2250.20	New
2250.30	New
2250.40	New
2250.50	New
2250.60	New
2250.70	New
2250.80	New
2250.90	New
- 4) Statutory Authority: Implementing the National and Community Service Trust Act of 1993 (42 USC 12501 et seq.) and the federal rules promulgated thereunder applicable to the AmeriCorps program (45 CFR 2506, 2510, 2520, 2521, 2522, and 2540)
- 5) A Complete Description of the Subjects and Issues involved: The AmeriCorps Program was initially formed under the Lieutenant Governor's Office. It has since been moved to the Department of Human Services and it is necessary to promulgate a new rule.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. See Section 2250.30 of this Part.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

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

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Non-profit organizations, faith-based and community organizations, units of local government and public agencies that are committed to meeting critical needs in education, public safety, veteran's affairs, economic opportunity, health, and the environment.
 - B) Reporting, bookkeeping or other procedures required for compliance: Successful applicants are required to supply quarterly performance reports, monthly financial reports, a project close-out, and an internal or external evaluation report as required by the AmeriCorps regulations.
 - C) Types of professional skills necessary for compliance: Each grantee must maintain financial management systems that provide accurate, current, and complete disclosure of the financial results of its program. To meet this requirement, programs must have adequate accounting practices and procedures, internal controls, audit trails, and cost allocation procedures.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2010

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER i: MISCELLANEOUS PROGRAMSPART 2250
ILLINOIS AMERICORPS PROGRAM

Section	
2250.10	Purpose and Summary
2250.20	Definitions
2250.30	Incorporated and Referenced Materials
2250.40	State Implementation and Administration
2250.50	Program Application Procedures
2250.60	Applicant Selection Procedures
2250.70	Member Recruitment and Selection
2250.80	Monitoring of Programs
2250.90	Invalidity

AUTHORITY: Implementing the National and Community Service Trust Act of 1993 (42 USC 12501 et seq.) and the federal rules promulgated under that Act applicable to the AmeriCorps program (45 CFR 2506, 2510, 2520, 2521, 2522 and 2540).

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

Section 2250.10 Purpose and Summary

The purpose of this Part is to provide for the implementation and administration of AmeriCorps, a national service program created by the National and Community Service Trust Act of 1993, within the Illinois Department of Human Services and the Illinois Commission on Volunteerism and Community Service, also referred to as the Serve Illinois Commission. AmeriCorps is a federal program implemented by the states designed to address the nation's educational, public safety, human and environmental needs by providing an opportunity for people, 18 years of age or older, to serve their communities in programs and, in return, receive a stipend and an educational award that can be used to repay student loans or for future education.

Section 2250.20 Definitions

All words shall be defined according to definitions in the National and Community Service Trust Act of 1993 and the federal rules unless defined to the contrary in this Section.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

"Act" means the National and Community Service Trust Act of 1993.

"Applicant" means an organization or entity, public or private, that is eligible to apply for national service funds under the Act.

"Commission" means the Illinois Commission on Volunteerism and Community Service, also known as the Serve Illinois Commission, established by 20 ILCS 710.

"Competitive Category" means the category of grant funds for which the State of Illinois is eligible to compete against other states for grant funds in addition to those allocated by the Corporation in the formula-funded category.

"Corporation" means the Corporation for National and Community Service, created by the Act.

"Department" means the Illinois Department of Human Services.

"Federal Rules" means the rules adopted under the Act (i.e., 45 CFR 2506, 2510, 2520, 2521, 2522 and 2540).

"Formula-funded Category" means that category of grant funds allocated by the Corporation to the State of Illinois based on a population formula provided by the Act.

"Member" means an individual who has been selected to serve in an approved AmeriCorps program.

"Partnership" means a joint arrangement among a group of organizations eligible to apply for national service funds under the Act.

"Program" means a planned and coordinated group of activities, procedures, etc., linked by common elements such as recruitment and selection of members, training for members and staff, regular group of activities, and assignment to projects, organized for the purpose of achieving the mission and goals of national service, and carried out with the assistance provided under the Act.

"Project" means an activity, carried out through a program that receives assistance

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

under the Act, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds and that does not duplicate the routine services or functions of the employer to whom members are assigned.

"Request for Proposal" or "RFP" means a form of invitation to bid that the Department uses to determine to whom grant funds will be allocated. The RFP explains the purpose, outlines the scope of work, and solicits proposals from organizations for the funding of services that meet the priorities of the Corporation and the Commission.

Section 2250.30 Incorporated and Referenced Materials

- a) Incorporation by Reference
The following rules, not including any subsequent amendments or additions, are incorporated by reference in this Part and shall be available for inspection at, or copies may be requested in writing from, the Department of Human Services, 100 S. Grand Avenue East, Springfield, Illinois:

The federal rules promulgated under the Act that apply to the AmeriCorps program (45 CFR 2506, 2510, 2520, 2521, 2522 and 2540) (2007).

- b) Referenced Statutes
- 1) The National and Community Service Trust Act of 1993 (42 USC 12501 et seq.).
 - 2) The Edward M. Kennedy Serve America Act.
 - 3) Illinois Commission on Volunteerism and Community Service Act [20 ILCS 710].

Section 2250.40 State Implementation and Administration

- a) The Commission shall serve as the State entity responsible for the implementation and administration of the program in the State of Illinois, pursuant to the requirements of the Act.
- b) P.A. 91-798 [20 ILCS 710], effective July 9, 2000, amended P.A. 88-597 [15 ILCS 105], effective January 9, 1995 and renamed the Lieutenant Governor's

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

Advisory Council on Voluntary Action as the Illinois Commission on Volunteerism and Community Service (i.e., Serve Illinois Commission) and makes certain changes in the structure and function of the Commission.

- c) The Commission's purpose shall include the following:
 - 1) to promote and support community service in public and private programs to meet the needs of Illinois citizens;
 - 2) to stimulate new volunteerism and community service initiatives and partnerships; and
 - 3) to serve as a resource and advocate within the Department of Human Services for community service agencies, volunteers, and programs that utilize State and private volunteers.

Section 2250.50 Program Application Procedures

- a) Contingent on the availability of funds, the Department, on behalf of the Commission, will issue a Request for Proposal specifying the information that applicants must include in their proposals and requiring that the proposal be submitted to the Department no later than the date specified in the RFP.
- b) Non-profit organizations, faith-based and community organizations, units of local government and public agencies that are committed to meeting critical needs in education, public safety, veterans affairs, economic opportunity, health, and the environment are eligible to apply to the Department and the Commission for national service funds under the Act, as appropriate to the RFP.
- c) RFPs posted by the Department on behalf of the Commission shall provide all details on application formatting, section headings, budget and programmatic requirements, and timelines for submission. The information required in the RFP will be consistent with the Application Instructions issued by the Corporation for National and Community Service.
- d) Contingent on the availability of funding, the Commission may apply for federal funds authorized under the Serve America Act or that will assist the Commission in fulfilling the purposes of the Commission.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

Section 2250.60 Applicant Selection Procedures

- a) The Commission shall review the Illinois AmeriCorps program proposals in both the formula-funded and competitive categories and select proposals for submission to the Corporation for federal funding within each category.
- b) As part of this review process, the Commission shall have the authority to consult with persons with specialized knowledge in the subject matter of the priorities established by the Act for national service.
- c) Criteria for selecting programs for national service funding by the Commission shall be identified and included in the RFP. Priority areas will be delineated in the RFP. They may include criteria for addressing priority areas or target populations in addition to other applicant selection criteria.
- d) The Commission is not required to select any responding applicant if it is not in the interest of the people of Illinois. The Commission may negotiate with applicants and may make selections that are in the best interest of the public. The Department may issue a new RFP if applicants are not deemed appropriate.
- e) The decisions of the Commission shall be final and binding. Applicants shall be notified by mail of the decision of the Commission. Programs whose proposals have been selected for submission to the Corporation for federal funding shall be notified by the Commission of the decision of the Corporation relating to their proposals.

Section 2250.70 Member Recruitment and Selection

- a) Each approved AmeriCorp program shall be responsible for the recruitment, interview and selection of members who possess leadership potential and commitment to the goals of the AmeriCorps program, in accordance with the Corporation's requirements. Programs shall select members in a non-partisan, non-political and non-discriminatory manner consistent with applicable federal and State statutes.
- b) Each approved AmeriCorps program shall follow the recruiting, interviewing and selecting requirements of its members as outlined in the AmeriCorps Grant Provisions of the Corporation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- c) Programs may undertake their own recruitment efforts for prospective members and/or may seek prospective members from the Corporation's national recruitment system.
- d) To ensure that members understand what will be expected from them, programs shall use member contracts that stipulate terms of service, acceptable conduct, duties, rights and responsibilities, grievance procedures, termination rules, and other conditions and terms not inconsistent with the Act, the federal rules or this Part.

Section 2250.80 Monitoring of Programs

- a) The Commission shall be responsible for ongoing monitoring of the quality and finances of approved Illinois AmeriCorps programs and their conformance with all requirements of the Act. Nothing contained in this Section shall affect or limit in any manner the authority of the Corporation to also monitor approved programs. All approved Illinois programs shall cooperate with the monitoring activities of both the Corporation and the Commission.
- b) The Commission shall follow, at a minimum, the same criteria used by the Corporation to monitor programs.
- c) Each approved Illinois AmeriCorps program shall be responsible for submitting to the Commission periodic reports and a final report for the funding cycle. These reports shall provide information on the program's progress in meeting its objectives, such other information as is specified by the Corporation, the Commission or the Department, and the program's finances. Each year, at the beginning of the funding cycle, the Commission shall set a schedule for the submission of reports.
- d) The Commission shall have the authority to make site visits to each approved Illinois AmeriCorps program at reasonable times to review documentation regarding the program, members and financials.
- e) The Commission shall also have the authority to make close-out site visits to approved Illinois AmeriCorps programs near or at the end of the funding cycle to review the program programmatically and financially.

Section 2250.90 Invalidity

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

If any portion of this Part shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions of this Part.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.102 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]
- 5) A Complete Description of the Subjects and Issues involved: The basis of this rulemaking is to allow Intermediate Care Facilities for people with Developmental Disabilities (ICFs/DD) that serve a high number of people with exceptional care needs to have an adjustment in their rate to cover these vital services. The addition of the exceptional care criteria to the rate methodology will allow this portion of funding to garner new federal matching funds.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of developmental disabilities program services
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of filing the two most recent agendas.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: MEDICAL PROGRAMSPART 144
DEVELOPMENTAL DISABILITIES SERVICES

Section

144.1	Incorporation By Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	ICF/MR Service Criteria
144.50	Inspection of Care and Rate Setting Appeal Process
144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
144.100	Exceptional Care Needs of Clients with Developmental Disabilities
<u>144.102</u>	<u>High Medical/High Personal Care Needs of Individuals with Developmental Disabilities</u>
144.105	Individual Program Plan (IPP) (Repealed)
144.125	Specialized Care – Behavior Development Programs
144.150	Specialized Care – Health and Sensory Disabilities
144.160	Base Nursing in Facilities Licensed as ICF/DD-16s including Small Scale (4 and 6 bed) ICF/DD-16s
144.165	Medication Administration in Facilities Licensed as ICF/DD-16s including Small Scale Residential Facilities (4 and 6 beds) ICF/DD-16s
144.175	Functional Needs
144.200	Service Needs – Medical Care (Repealed)
144.205	Service Needs – Medical and Therapy Services (Repealed)
144.225	Individual Rights (Repealed)
144.230	Reconciliation of Resident Funds
144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities (4 and 6 bed) ICF/DD-16s
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes (Repealed)
144.TABLE D	Guidelines for Determining Levels of Functioning

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

144.TABLE E Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective May 6, 1996; emergency amendment at 20 Ill. Reg. 7426, effective May 24, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9072, effective June 28, 1996; amended at 20 Ill. Reg. 11326, effective August 1, 1996; amended at 20 Ill. Reg. 12465, effective August 30, 1996; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 9287, effective May 15, 1998; amended at 23 Ill. Reg. 932, effective January 6, 1999; emergency amendment at 24 Ill. Reg. 6431, effective March 31, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13404, effective August 18, 2000; amended at 35 Ill. Reg. _____, effective _____.

Section 144.102 High Medical/High Personal Care Needs of Individuals with Developmental Disabilities

- a) For services provided on or after July 1, 2010, daily rates for qualifying ICFs/MR shall have their own reimbursement rates adjusted pursuant to this Section.

- b) Qualifying Criteria
In order to receive rate adjustments under this Section, facilities must meet the criteria specified in this subsection (b). As of May 1, 2010, and on a continuing basis thereafter, the facility must:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Be a licensed ICF/MR, as defined in 77 Ill. Adm. Code 350, with more than 16 licensed beds and is not:
 - A) An SNF/PED, as defined in 77 Ill. Adm. Code 390; or
 - B) A dually-licensed facility with one or more portions of the facility licensed under different Parts of Title 77 of the Illinois Administrative Code; or
 - C) A campus facility, as defined under 89 Ill. Adm. Code 140.583.
 - 2) For the immediately preceding month, as documented in the remittance advice report, have:
 - A) An occupancy level of at least 93 percent of licensed bed capacity; and
 - B) At least 93 percent of the facility residents eligible for, and enrolled in, medical assistance under 89 Ill. Adm. Code 120.
 - 3) Based on the most recently conducted annual inspection of care survey, at least 60 percent of the residents of the facility must qualify as Medical Level III.
- c) Adjustment Methodology
The program and support components of the per diem rate for qualifying facilities shall be replaced with the adjusted program and support components, determined as follows:
- 1) Adjustment Factor
The adjustment factor for a facility shall be the product of the difference between the Medical Level III percentage and 60 percent and:
 - A) For facilities with a Medical Level III percentage less than 80 percent – 0.600; or
 - B) For all other facilities – 1.700.
 - 2) Adjusted Program Component

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

The adjusted program component shall equal the product of the following:

- A) The program component of the per diem rate, as determined under Section 144.275; and
 - B) The sum of 1.000 plus the adjustment factor for the facility, as determined in subsection (c)(1).
- 3) Adjusted Support Component
The adjusted support component shall equal the SNF/PED ceiling for the geographic area in which the facility is located.
- 4) Subsequent Adjustments
Adjusted program and support components shall be redetermined when:
- A) Changes to the program or support rate components are required in accordance with 89 Ill. Adm. Code 153; and
 - B) The percentage of the residents who are classified as Medical Level III changes as a result of the facility's annual inspection of care survey. The adjusted program component shall be recalculated and effective the first day of the month following the Medical Level III determinations.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.130	Amend
250.260	Amend
250.1030	Amend
250.1320	Amend
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The Hospital Licensing Requirements regulate hospitals, including such aspects of patient care as allegations of abuse and neglect of patients, the safe handling of patients, and postoperative care.

The statutory and non-statutory amendments in this proposed rulemaking involve these issues. Section 250.130 (Administration by the Department) and 250.260 (Patients' Rights) implement statutory changes from Public Act 96-692 that establishes minimum requirements for protecting patients from abuse and neglect, including reporting such allegations, and subsequent investigations by the hospital and the Department. Section 250.1030 (Policies and Procedures) implements statutory language from PA 96-389 that establishes minimum requirements for the lifting, transferring, moving or repositioning of patients.

Section 250.1320 (Postoperative Recovery Facilities) is being amended to bring the requirements for postoperative recovery rooms into conformity with current health care industry standards, including the current terminology for such units, "Phase 1 Postanesthesia Care Unit". The name of the Section also is being changed.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
250.285	New	June 11, 2010; 34 Ill. Reg. 7858
250.290	New	June 11, 2010; 34 Ill. Reg. 7858
250.1090	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.1300	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.1305	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.1830	Amend	June 11, 2010; 34 Ill. Reg. 7858
250.310	Amend	June 18, 2010; 34 Ill. Reg. 8005
250.330	Amend	June 18, 2010; 34 Ill. Reg. 8005

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson St., 5th Floor
 Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: Record keeping
 - C) Types of professional skills necessary for compliance: Nursing
- 14) Regulatory Agenda on which this rulemaking was summarized: The safe patient handling and abuse and neglect amendments were summarized on the January 2010 Regulatory Agenda. The post operative recovery amendments were not summarized on the last two Regulatory Agendas because the need for those amendments was unknown when the Regulatory Agendas were drafted.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section	
250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

250.1210 Surgery
250.1220 Surgery Staff
250.1230 Policies & Procedures
250.1240 Surgical Privileges
250.1250 Surgical Emergency Care
250.1260 Operating Room Register and Records
250.1270 Surgical Patients
250.1280 Equipment
250.1290 Safety
250.1300 Operating Room
250.1305 Visitors in Operating Room
250.1310 Cleaning of Operating Room
250.1320 [Postanesthesia Care Units](#)~~Postoperative Recovery Facilities~~

SUBPART K: ANESTHESIA SERVICES

Section

250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

250.1510 Medical Records
250.1520 Reports

SUBPART M: FOOD SERVICE

Section

250.1610 Dietary Department Administration
250.1620 Facilities
250.1630 Menus and Nutritional Adequacy
250.1640 Diet Orders
250.1650 Frequency of Meals
250.1660 Therapeutic (Modified) Diets

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 250.1670 Food Preparation and Service
- 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

- 250.1710 Housekeeping
- 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
- 250.1730 Insect and Rodent Control
- 250.1740 Laundry Service
- 250.1750 Soiled Linen
- 250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

- 250.1810 Applicability of other Parts of these regulations
- 250.1820 Maternity and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for All Maternity Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1850 Rooming-In Care of Mother and Infant
- 250.1860 Special Programs
- 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

- 250.1910 Maintenance
- 250.1920 Emergency electric service
- 250.1930 Water Supply
- 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
- 250.1950 Grounds and Buildings Shall be Maintained
- 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
- 250.1970 Plumbing
- 250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

- 250.2010 Definition
- 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
- 250.2220 Establishment of a Psychiatric Service
- 250.2230 The Medical Staff
- 250.2240 Nursing Service
- 250.2250 Allied Health Personnel
- 250.2260 Staff and Personnel Development and Training
- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees
- 250.2443 Advisory Committee
- 250.2450 Details

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 250.130 Administration by the Department

- a) Interpretation of Regulations
Nothing in ~~this Part~~~~these regulations~~ shall be interpreted or used to impose any method of treatment or care inconsistent with the creed or moral tenets of any religious denomination, provided that the requirements as to personnel, building, equipment, space, sanitation, food service, supplies, records, and fire safety are met.
- b) Research Programs and/or Experimental Procedures:
 - 1) Definitions:
 - A) Experimental procedures ~~—~~ the use of medical, surgical, manipulative, or psychiatric procedures, drugs, or devices for purposes of diagnosis or treatment of human subjects who are inpatients or outpatients of a hospital and who are subjects at risk.
 - B) Research program ~~—~~ any organized activity intended to establish new medical or scientific information, ~~involving~~~~which activity~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~involves~~ medical, surgical, manipulative, or psychiatric diagnosis or treatment of human subjects who are inpatients or outpatients of a hospital and who are subjects at risk.

- C) Subject at risk ~~—~~ means any individual who may be exposed to the possibility of injury, including physical, psychological, or social injury, as a consequence of participation as a subject in any research, development, or related activity ~~that~~ which significantly departs from the application of those established and accepted methods necessary to meet his ~~or her~~ needs, or ~~that~~ which increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service. (45 CFR 46.103 (b) ~~(1980)~~)

- 2) Entitlement to conduct research programs and/or experimental procedures— A licensed hospital may conduct research programs and/or experimental procedures if ~~thesueh~~ hospital meets any of the following:

- A) ~~The~~ hospital is formally affiliated with, or ~~is~~ part of, a school whose graduates are eligible for examination for licensing pursuant to statutes, rules and regulations administered by the Department of ~~Financial and Professional Regulation~~ ~~Registration and Education~~ and whose graduates, if licensed, are eligible for admission to the medical staff, provided that the research programs and/or experimental procedures are conducted on a service or within a department of the hospital ~~that~~ which is within the scope of the formal affiliation. Documentation of ~~thatsueh~~ affiliation shall be available for inspection by the Department upon reasonable request.
- B) ~~The~~ hospital is conducting, or proposing to conduct, programs subject to the provisions of 45 CFR 46.101 ~~et seq. (1980) as amended~~, or pursuant to the provisions of Title 21, Code of Federal Regulations, ~~(1981), as amended~~. Documentation of approval of the Secretary of the Department of Health and Human Services for ~~thesesueh~~ research programs and/or experimental procedures shall be available for inspection by the Department upon reasonable request.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) ~~The~~ hospital has an Institutional Review Committee and has complied with all requirements specified in ~~subsection~~ Section 250.130 (b)(4).
- 3) Approval to conduct research programs and/or experimental procedures-
- A) Hospitals ~~that~~which meet the requirements of ~~subsection~~ Section 250.130 (b)(2)(A) or ~~Section 250.130~~ (b)(2)(B) ~~of the Hospital Licensing Requirements~~ may conduct ~~approved research~~such programs.
- B) Hospitals ~~that~~which do not meet the requirements of ~~subsection~~ Section 250.130 (b)(2)(A) or ~~Section 250.130~~ (b)(2)(B) ~~of the Hospital Licensing Requirements~~ shall have an Institutional Review Committee as described in ~~subsection~~ Section 250.130 (b)(4) ~~below~~.
- 4) Use of Institutional Review Committee to approve research programs and/or experimental procedures-
- A) ~~i)~~ The Committee ~~shall~~must be composed of not ~~fewer~~less than five ~~(5)~~ persons with varying backgrounds to assure complete and adequate review of activities commonly conducted by the institution. The Committee ~~shall~~must be sufficiently qualified through the maturity, experience, and expertise of its members and ~~the~~ diversity of its membership to ~~ensure~~insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects.
- ~~B) ii)~~ In addition to possessing the professional competence necessary to review specific activities, the Committee ~~shall~~must be able to ascertain the acceptability of ~~applications~~application and proposals in terms of institutional commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes. The Committee ~~shall~~must therefore include persons whose concerns are in these areas. No member of a Committee shall be involved in either the initial or continuing review of an activity in which he ~~or she~~ has a conflicting interest, except to provide information requested by the Committee. No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Committee shall consist entirely of persons who are officers, employees, or agents; of, or are otherwise associated with, the institution, apart from their membership on the Committee. No Committee shall consist entirely of members of a single professional group. The quorum of the Committee shall be defined, but ~~shall not~~may in no event be less than a majority of the total membership, duly convened to carry out the Committee's responsibilities.

~~C)B)~~ The Institutional Review Committee ~~shall~~must develop a set of implementation guidelines, including identification of the Committee and a written description of its review procedures. At a minimum, the review procedures ~~shall~~must provide for informed consent, which shall include provision to the individual of an explanation of any procedures ~~that~~which are experimental, a description of any discomforts and risks to be expected, alternative procedures that might be advantageous, answers to any inquiries concerning the procedures, and the opportunity to withdraw his ~~or~~her consent and discontinue in the project at any time without prejudice.

~~D)E)~~ The Institutional Review Committee shall review all applications for research programs and/or experimental procedures within a hospital and prepare a written report, following the implementation ~~requirements~~guidelines outlined in ~~subsection~~Section 250.130 (b)(4)(~~CB~~), to be given to the applicant on the acceptance or rejection of the program. A copy of this report shall also be sent to the Department within 30 days after completion of the written report. In addition, minutes covering all activities ~~shall~~will be prepared and made available to the ~~Illinois~~Department of Public Health. Complete copies of the minutes and reports shall be presented to the hospital's governing authority. Records shall be retained for three years.

~~E)D)~~ If, ~~however~~, the Department finds that the public interest, safety or welfare ~~imperatively~~ requires emergency action, the Director, after appropriate medical consultation and guidance, may issue to the applicant a notice not to proceed with or continue (if initiated) the research program and/or experimental procedure ~~that~~which is the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

subject of the application. The Director shall then obtain further information and clarification regarding the research program and/or experimental procedure ~~that~~^{which} is the subject ~~of~~^{the} the application and make a final decision to approve or to disapprove the identified program and/or procedure.

~~F)E)~~ Failure to establish an Institutional Review Committee and/or failure to utilize the Institutional Review Committee ~~shall~~^{will} be considered a violation of the Hospital Licensing Act.

c) Inspections

- 1) All hospitals to which these requirements apply shall be subject to inspection by ~~personnel of~~ the Department, or by such other persons, including full-time local health officers, as the Department may designate. The licensee or person representing the licensee in the hospital shall provide the representative of the Department with any requested hospital records, assist in inspecting the premises, and secure information required by the Act or ~~this Part~~^{Requirements}.
- 2) The Department shall make or cause to be made such inspections and investigations as it deems necessary, *except that, subject to appropriation, the Department shall investigate every allegation of abuse of a patient received by the Department. (Section 9 of the Act)*
- 3) Hospitals are authorized to submit a copy of the Joint ~~Commission on Accreditation of Healthcare Organizations' (JCAHO's)~~^{Commission's} survey report, certification and accreditation, interim self-evaluation report and Plan of Correction to the Department.
- 4) Information contained in reports of surveys made by ~~JCAHO~~^{the Joint Commission on Accreditation of Hospitals} and information gained from reports of surveys or transmittals of information from the various Divisions of the Department or ~~other~~^{State} ~~agencies~~^{Agencies} may be used in determining the need for inspections for compliance with licensing requirements. All ~~such~~ reports provided to the Department for this purpose shall be considered confidential information as provided in Section 9 of the Act.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- d) Required ~~Regulations and advisory regulations~~
- 1) ~~The use herein of such words as "may" or "should" and such phrases as "it is recommended" indicates that in such instances the standard is advisory only and compliance optional. Compliance with all other regulations is required. 2) Hospitals participating in the Medicare/Medicaid Programs shall comply with the regulations of the Federal Department of Health, and Human Services as set forth in the latest publication entitled "Conditions of Participation; Hospital," (HHR-10-(6/77), or revisions thereof.~~
- e) ~~Revision of regulations~~
~~These regulations may be amended and revised by the Department. However, no rule, regulation or standard shall be adopted by the Department concerning the operation of hospitals which has not had prior approval of the Hospital Licensing Board nor shall the Department adopt any rule, regulation or standard relating to the establishment of a hospital without consultation with the Hospital Licensing Board.~~
- f) ~~Compliance with regulations~~
~~Unless otherwise specified, hospitals existing at the time of the initial promulgation of a regulation shall be given reasonable time, not to exceed one year from the date of promulgation, within which to comply.~~

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

SUBPART B: ADMINISTRATION AND PLANNING

Section 250.260 Patients' Rights

- a) Policy on Patients' Rights
- 1) ~~Hospitals shall~~ It is recommended that hospitals adopt a written policy on patients' rights.
- 2) This policy ~~shall~~ should be available to all patients and personnel upon request.
- b) Patient Morale

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Emotional and Attitudinal Support
Hospitals shall have a written plan for the provision of those components of total patient care that relate to the spiritual, emotional and attitudinal health of the patient, patients' families and hospital personnel.
- 2) Social Services
Hospitals shall have a written plan for providing social services to those patients with social problems. This service may be provided through:
 - A) An organized social service within the hospital;⁵ or
 - B) A social worker employed on a part-time basis;⁵ or
 - C) Social work consultant services from a community agency.

c) *Patient Protection from Abuse*

- 1) For purposes of this subsection (c):

"Abuse" – means any physical or mental injury or sexual abuse intentionally inflicted by a hospital employee, agent, or medical staff member on a patient of the hospital and does not include any hospital, medical, health care, or other personal care services done in good faith in the interest of the patient according to established medical and clinical standards of care.

"Mental injury" – means intentionally caused emotional distress in a patient from words or gestures that would be considered by a reasonable person to be humiliating, harassing, or threatening and which causes observable and substantial impairment.

"Sexual abuse" – means any intentional act of sexual contact or sexual penetration of a patient in the hospital.

"Substantiated" – with respect to a report of abuse, means that a preponderance of the evidence indicates that abuse occurred.

- 2) *No administrator, agent, or employee of a hospital or a member of its*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

medical staff may abuse a patient in the hospital.

- 3) Any hospital administrator, agent, employee, or medical staff member who has reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital shall promptly report or cause a report to be made to a designated hospital administrator responsible for providing such reports to the Department as required by this subsection (c).
- 4) Retaliation against a person who lawfully and in good faith makes a report under this subsection (c) is prohibited.
- 5) Upon receiving a report under subsection (c)(3), the hospital shall submit the report to the Department within 24 hours after obtaining such report. In the event that the hospital receives multiple reports involving a single alleged instance of abuse, the hospital shall submit one report to the Department.
- 6) Upon receiving a report under this subsection (c), the hospital shall promptly conduct an internal review to ensure the alleged victim's safety. Measures to protect the alleged victim shall be taken as deemed necessary by the hospital's administrator and shall include, but are not limited to, removing suspected violators from further patient contact during the hospital's internal review. If the alleged victim lacks decision-making capacity under the Health Care Surrogate Act and no health care surrogate is available, the hospital shall contact the Illinois Guardianship and Advocacy Commission to determine the need for a temporary guardian of that person.
- 7) All internal hospital reviews shall be conducted by a designated hospital employee or agent who is qualified to detect abuse and is not involved in the alleged victim's treatment. All internal review findings shall be documented and filed according to hospital procedures and shall be made available to the Department upon request.
- 8) Any other person may make a report of patient abuse to the Department if that person has reasonable cause to believe that a patient has been abused in the hospital.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 9) *The report required under this subsection (c) shall include:*
- A) *The name of the patient;*
 - B) *The name and address of the hospital treating the patient;*
 - C) *The age of the patient;*
 - D) *The nature of the patient's condition, including any evidence of previous injuries or disabilities; and*
 - E) *Any other information that the reporter believes might be helpful in establishing the cause of the reported abuse and the identity of the person believed to have caused the abuse.*
- 10) *Except for willful or wanton misconduct, any individual, person, institution, or agency participating in good faith in making a report or in making a disclosure of information concerning reports of abuse under this subsection (c), shall have immunity from any liability, whether civil, professional, or criminal, that otherwise might result by reason of such actions.*
- 11) *No administrator, agent, or employee of a hospital shall adopt or employ practices or procedures designed to discourage or having the effect of discouraging good faith reporting of patient abuse under this subsection (c).*
- 12) *Every hospital shall ensure that all new and existing employees are trained in the detection and reporting of abuse of patients and retrained at least every 2 years thereafter.*
- 13) *The Department shall investigate each report of patient abuse made under this subsection (c) according to the procedures of the Department, except that a report of abuse which indicates that a patient's life or safety is in imminent danger shall be investigated within 24 hours after such report. Under no circumstances may a hospital's internal review of an allegation of abuse replace an investigation of the allegation by the Department.*
- 14) *The Department shall keep a continuing record of all reports made*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

pursuant to this subsection (c), including indications of the final determination of any investigation and the final disposition of all reports. The Department will inform the investigated hospital and any other person making a report under subsection (c)(7) of this Section of its final determination or disposition in writing.

- 15) All patient identifiable information in any report or investigation under this subsection (c) shall be confidential and shall not be disclosed except as authorized by the Act or other applicable law.
- 16) Nothing in this subsection (c) relieves a hospital administrator, employee, agent, or medical staff member from contacting appropriate law enforcement authorities as required by law.
- 17) Nothing in this subsection (c) shall be construed to mean that a patient is a victim of abuse because of health care services provided or not provided by health care professionals. (Section 9.6 of the Act)

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

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1030 Policies and Procedures

- a) Nursing policies and procedures shall be developed, reviewed periodically **but** at least once a year, and revised as necessary by nursing representatives in cooperation with appropriate representatives from administration, the medical staff, and other concerned hospital services or departments.
- b) The nursing policies and procedures~~They~~ shall be dated to indicate the time of the most recent review or revision.
- c) Written policies ~~shall~~should include, but not be limited to, the following:
- 1) Criteria pertaining to the performance of special procedures and the circumstances and supervision under which these may be performed by nursing personnel.
 - 2) Communication and implementation of diagnostic and therapeutic orders,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

including verbal orders. The responsibility and mechanism for nursing service to obtain clarification of orders when indicated.

- 3) Administration of medication.
- 4) Assignments for providing nursing care to patients.
- 5) Documentation in patients' records by nursing personnel.
- 6) Infection control, pursuant to Section 250.1100.
- 7) *A policy to identify, assess, and develop strategies to control risk of injury to patients and nurses and other health care workers, associated with the lifting, transferring, repositioning, or movement of a patient. The policy shall establish a process that, at a minimum, includes all of the following:*
 - A) Analysis of the risk of injury to patients and nurses and other health care workers posted by the patient handling needs of the patient populations served by the hospital and the physical environment in which the patient handling and movement occurs;*
 - B) Education of nurses in the identification, assessment, and control of risks of injury to patients and nurses and other health care workers during patient handling;*
 - C) Evaluation of alternative ways to reduce risks associated with patient handling, including evaluation of equipment and the environment;*
 - D) Restriction, to the extent feasible with existing equipment and aids, of manual patient handling or movement of all or most of a patient's weight except for emergency, life-threatening, or otherwise exceptional circumstances;*
 - E) Collaboration with, and an annual report to, the nurse staffing committee;*
 - F) Procedures for a nurse to refuse to perform or be involved in patient handling or movement that the nurse in good faith believes*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

will expose a patient or nurse or other health care worker to an unacceptable risk of injury;

G) Submission of an annual report to the hospital's governing body or quality assurance committee on activities related to the identification, assessment, and development of strategies to control risk of injury to patients and nurses and other health care workers associated with the lifting, transferring, repositioning, or movement of a patient; and

H) Consideration of the feasibility of incorporating patient handling equipment or the physical space and construction design needed to incorporate that equipment when developing architectural plans for construction or remodeling of a hospital or unit of a hospital in which patient handling and movement occurs. (Section 6.25 of the Act)Patient safety.

8) Nursing role in other hospital services, including but not limited to such services as dietary, pharmacy and housekeeping.

9) Emotional and attitudinal support. (Refer to Section 250.260(bf)(1).)

d) A nursing procedure manual shall be developed and copies shall be available on the patient care units, to the nursing staff and to other services and departments of the hospital, including members of the medical staff and students.

e) The procedure manual shall provide a ready reference on nursing procedures and a basis for standardization of procedures and equipment in the hospital.

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

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section 250.1320 Postanesthesia Care Units~~Postoperative Recovery Facilities~~

a) Provision and use of Phase 1 Postanesthesia Care Unit (Phase 1 PACU)~~postoperative recovery facilities~~

1) Postanesthesia care units~~Postoperative recovery facilities~~ shall be provided

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

by all hospitals in which surgery is performed. They shall be in a separate room where patients who have undergone surgical procedures can be immediately observed and receive specialized care by selected and trained personnel, and where, when necessary, prompt emergency care can be initiated.

- 2) The services of the ~~Phase 1 PACU postoperative recovery room~~ may be ~~used~~utilized for postpartum care if the delivery room or place of delivery is in proximity to the ~~Phase 1 PACU postoperative recovery room~~. Only clean (non-infected or non-infectious) postpartum patients may be admitted to the ~~Phase 1 PACU postoperative recovery room~~ and may, after appropriate observation, be returned to the maternity department.

b) Personnel

1) Physician

A physician shall be responsible for the conduct of the ~~Phase 1 PACU recovery room~~, for the training of ~~Phase 1 PACU recovery room~~ personnel, and for the establishment of admission, ~~and~~ discharge, ~~and~~ ~~emergency~~ policies and procedures.

2) Nurse

A) A registered nurse who has education and experience in ~~Phase 1 postanesthesia postoperative recovery room~~ care shall supervise all personnel performing nursing service functions.

B) A registered nurse shall be in attendance at all times when patients are in the ~~Phase 1 PACU recovery room~~.

C) There shall be sufficient nursing personnel to provide the specialized care required for the ~~postsurgical post-surgical~~ patient. It is recommended that a ratio of one nursing personnel to ~~two~~three patients be maintained at all times.

D) Nursing personnel shall be assigned permanently to the ~~Phase 1 PACU postoperative recovery room~~ when patients are present.

c) Practices for operation of ~~the Phase 1 PACU postoperative recovery rooms~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Only clean surgical cases shall be admitted to the [Phase 1 PACU](#)~~postoperative recovery room~~.
- 2) Contaminated cases shall be returned to the isolation room or a private room. [Contaminated cases may be admitted to the Phase 1 PACU](#)~~when~~~~When~~ a separate isolation facility is within or adjacent to the [Phase 1 PACU](#)~~postoperative recovery room, contaminated cases may be admitted to it~~.
- 3) A member of the medical staff shall provide initial orders for the care of each patient upon admission.
- 4) A member of the medical staff shall be responsible for the patient's discharge from the [Phase 1 PACU](#)~~recovery room~~.
- 5) Anesthetized patients shall be constantly attended. Side rails shall be attached to movable carts and beds and raised above mattress level when occupied by anesthetized patients. Cribs shall be provided for the anesthetized or [postsurgical](#)~~post-surgical~~ child.
- 6) Written policies and procedures, which ~~shall be~~ reviewed regularly and revised as necessary, shall be established.
- 7) A complete orientation program and continuing in-service education program shall be provided for all personnel assigned to the [Phase 1 PACU](#)~~recovery room~~.
- 8) Personnel with communicable diseases shall be excluded from the [Phase 1 PACU](#)~~recovery room~~.
- 9) ~~Visitors~~~~No visitors~~ shall be permitted in the [Phase 1 PACU](#) ~~if~~~~postoperative recovery room, except in the case where~~ a hospital has adopted a policy, approved through the Governing Board, that allows [for visitation in the Phase 1 PACU while the patient is a parent or guardian, or other individual selected by a child's parent or guardian, of a child 12 years of age or younger to be present with the child in](#) recovering from a surgical procedure. Before allowing individuals to be present in the [Phase 1 PACU](#)~~recovery area with their child~~, the hospital shall have a policy in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

place that includes at least the following:

- A) Written consent of ~~an adult patient;~~ both the parent, guardian, or ~~legal representative of a minor or a mentally disabled adult; or other individual and~~ the physician performing the surgery;
- B) Notation in the patient's medical record of the presence of additional ~~visitors~~ persons in the ~~Phase 1 PACU~~ postoperative ~~recovery room~~ during recovery of the ~~patient~~ child from a surgical procedure;
- C) Application of safeguards against the introduction of infection or other hazards by the ~~visitor, parent, guardian or other individual~~ including orientation, education and training of the person prior to the performance of the procedure; this shall include, at minimum, specifics regarding the procedure and recovery, what can be expected, and basic infection control practices expected of the ~~visitor~~ person;
- D) Provision of at least one additional staff person in the ~~Phase 1 PACU~~ recovery room assigned to oversee, supervise and assist the ~~visitors~~ parent, guardian or other designated individual for the period of time the ~~visitors are~~ parent, guardian or designated individual is present;
- E) Provision of safeguards to ensure the privacy of other patients who may be recovering from surgical procedures, which may include separate rooms or some other type of separation for recovery of ~~patients~~ children who would have a ~~visitor~~ parent present. ~~Privacy safeguards shall allow Phase 1 PACU staff to provide~~ Whatever method is chosen must allow for constant attention ~~to~~ of anesthetized patients ~~by recovery room staff~~; and
- F) If, at any point during the recovery of the ~~minor~~ patient, ~~Phase 1 PACU~~ it is determined by the recovery room personnel ~~determine~~ that the ~~visitor~~ parent, guardian or other individual poses a threat to the safe, ~~therapeutic~~ recovery of the patient, ~~personnel~~ he or she may require the ~~visitor~~ parent, guardian or other individual to leave the ~~Phase 1 PACU~~ recovery room.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- d) Drugs, supplies and equipment
Drugs, supplies and equipment shall be immediately and continually accessible in the ~~Phase 1 PACU unit for postoperative care~~, including emergencies. These shall include cardiac-respiratory monitoring and resuscitation materials.
- e) The ~~Phase 1 PACU post-operative recovery facility~~ shall contain and provide for a drug distribution station, including a secure area, adequate hand-
washinghandwashing facilities, charting and dictating area, soiled utility area with bedpan flushing device, and adequate storage space for supplies and equipment.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1040.1	Amendment
1040.20	Amendment
1040.46	Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104; 625 ILCS 5/6-205(a)(15), 625 ILCS 5/6-306.1, 625 ILCS 5/11-507, 625 ILCS 5/11-1202
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements several Public Acts passed during the last session of the Illinois General Assembly, including updated definitions, adding new offenses or amending current offenses for which points are assigned, and modifying the sanction that is taken when a person is at fault in a fatal accident.
- 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 incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

217/557-4462

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions (Repealed)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 1040.1 Definitions

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

"Alcohol Related Suspension" – a suspension in accordance with IVC Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

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

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to IVC Section 3-616, an individual issued a parking decal or device pursuant to IVC Section 11-1301.2 or an individual issued a disabled veteran's license plate pursuant to IVC Section 3-609 or 3-609.01.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

"Automated Traffic Law Violation Suspension" – a suspension in accordance with IVC Section 6-306.5 for failure to satisfy fines or penalties for five or more automated traffic law violations.

"BAIID" – Breath Alcohol Ignition Interlock Device.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a class of commercial motor vehicle as defined in IVC Section 1-111.6.

"Commercial Driver License Information System" or "CDLIS" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].

"Commercial Motor Vehicle" or "CMV" – a motor vehicle, used in commerce, except those referred to in IVC Section 6-500(6)(B), designed to transport passengers or property if:

the vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or

any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

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

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].

"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either two or more suspensions, except miscellaneous suspensions, or two or more revocations or a combination of suspensions and revocations, on the driving record that were in effect at the same time.

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

"Conviction – CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with IVC Section 6-206(a)(13).

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with IVC Sections 6-107(c) and 6-107(d).

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with IVC Sections 6-107(c) and 6-108.1.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

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

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

"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01 issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].

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

"Disqualification" – the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].

"Disqualified" – the denial of the issuance of a license or permit or the invalidation of any license or permit.

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

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

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

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in IVC Section 6-306.3.

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges pursuant to IVC Section 6-306.6.

"False Information" – any information concerning an individual's~~the~~ legal name, address, sex, date of birth, social security number or any photograph that:

falsifies all or in part the actual identity of the individual issued the license, permit or identification card.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

in the case of information concerning an address, is information concerning a non-existent address that is used to obtain a license, permit or identification card; or

is any combination of a false identity and a non-existent address. [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"False Information – Disability Plate or Parking Placard Decal or Device" – any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to IVC Section 3-609 or 3-609.01 that falsifies the content of the application.

"Family Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-702.

"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].

"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].

"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].

"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-304 and/or 7-305.

"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].

"Fraudulent Documents" or "Falsified Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.

"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Hospital" – an institution that provides medical or surgical care and treatment for the sick and injured.

"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Illinois Vehicle Code" or "Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.1.

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

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

"Law Enforcement Officials" – police agencies, state's attorneys' offices or court officials.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to IVC Section 11-501.1(d).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with IVC Section 3-707.

"Materially Altered Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

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

"Motor Carrier" – any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].

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

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to IVC Sections 6-107.1(b), 6-110(a-1) or 6-110(a-3).

"Night Time Driving Restriction Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with IVC Sections 6-107.1(b) and 6-110(a-1).

"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Office" means the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to IVC Section 6-306.5.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

"Petitioner" – any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].

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

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

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee" – the fee required by IVC Section 6-118(b) to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request" – the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

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

"Restricted Driving Permit" or "RDP" – a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Returned Check" – a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with IVC Section 7-205 or 7-208.

"Schedule A-3" – a schedule of liabilities.

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

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in IVC Section 6-208.1.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Supervision History Record" – a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with IVC Section 6-204(d).

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

"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with IVC Section 6-306.7.

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

"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].

"Unsatisfied Judgment Suspension" – a suspension in accordance with IVC Section 7-303 or 7-313.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

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

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with IVC Section 6-306.5.

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

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

Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (Type Action) and used as a source of information. In the absence of statutory amendment, this Section shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out in subsections (c) and (d).
 - 1) Classification for convictions of traffic offenses:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Type Action 68: Record history item only
Type Action 82: Conviction
Type Action 83: Immediate action (no points assigned)
Type Action 85: Conviction (no points assigned)
Type Action 87: Conviction (points assigned)
Type Action 89: Withdrawal (no points assigned)
Type Action 93: Immediate action bond forfeiture (no points assigned)
Type Action 94: Immediate action conviction (no points assigned)
Type Action 95: Bond forfeiture (no points assigned)
Type Action 96: Conviction (no points assigned)
Type Action 97: Bond forfeiture (points assigned – moving violation)
Type Action 99: Conviction (points assigned – moving violation)

- 2) Description of Offense: The code used to describe the offense is composed of the IVC Chapter and/or Section number, the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], the Illinois Controlled Substances Act [720 ILCS 570], the Liquor Control Act of 1934 [235 ILCS 5/Art. VI], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1), will be a single digit code to identify the specific law that will be as follows:

- 0 – Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 – Illinois Vehicle Code
- 2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit that shall be a "2"
- 4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the IVC [625 ILCS 5/Ch. 4, Art. I]
- 6 – The Illinois Driver Licensing Law
- 7 – Chicago Municipal Ordinance
- 8 – Foreign state and other (all out-of-state convictions to be considered are to be coded exactly as Illinois Vehicle Code

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

violations with the exception of the first digit, which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out in this Part.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).
- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of IVC Section 6-206(a)(2) , as well as the number of points that should be assigned to those convictions, which in turn determines the length and/or type of such action.
 - A) A thorough review of literature relating to the general concept of point systems utilized by other states.
 - B) A specific review of point systems and ranges of point assignments utilized by other states.
 - C) An exhaustive and detailed review of the current Illinois point system.
 - D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.
- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

be assigned points but will be entered on the record as Type Action -93- bond forfeiture immediate action; or Type Action -94- conviction immediate action.

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
3-707(c-1)	707301	3 707 C1	Convicted of driving without liability insurance
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/Ch. 4, Art. I]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/Ch. 4, Art. I]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law (prior to 1-1-08)
6-107.1(b)	107102	6 107.1B	Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew Act [720 ILCS 555/1 and 2])
6-110(a-1)	110101	6 110 A-1	Violation of nighttime driving restrictions
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-206.1(a)4	206012	6-206.1-A4	Failure to install a BAHD
6-206.2(a)	206201	6 206.2 A	Operating a vehicle without interlock device when one is required
6-206.2(a-5)	206215	6 206.2 A-5	Allowing an unauthorized person to blow into an interlock device
6-206.2(c)	206203	# 206 02c	Tamper with or circumvent a BAIID

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit that has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State
6-302(a)1	302101	# 302101	Present false information in an application. For driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)5	303405	6-303(D-5)	Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code or a similar provision of a local ordinance
6-507(a)2	507102	# 507 A2	Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL)
6-507(a)3	507103	# 507 A3	Driving without the proper commercial driver's license classification or endorsements
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, cancelled, nor while subject to disqualification or while subject to or in violation of an

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"out-of-service" order

6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, cancelled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
8-101	008000	8000	Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peace officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peace officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501(b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision
11-501(c)	501300	# 11-0501 C	A violation of Section 11-501(c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 2 felony
11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the violation the person was

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			transporting a person under the age of 16 (felony)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony)
11-501(c-5)7	501357	# 0501 C5(7)	Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony)
11-501(c-6)1	501361	# 0501 C6(1)	Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more
11-501(c-6)2	501362	# 0501 C6(2)	Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more
11-501(c-6)3	501363	# 0501 C6(3)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony)
11-501(c-6)4	501364	# 0501 C6(4)	Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony)
11-501(d)	501400	# 0501 D	A violation of Section 11-501(d)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) for the third or subsequent time
11-501(d)1B	501412	# 0501D1B	Such person committed a violation

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			of Section 11-501(a) while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a), was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)
11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of another person when the violation of Section 11-501(a) was a proximate cause of death
11-501(d)1G	501417	# 0501D1G	Committed a violation of Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			11-501(a) and the driver did not possess a valid driver's license or permit
11-501(d)1H	501418	# 0501D1H	Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy
11-503(b)1	503201	# 0503B1	Reckless driving, bodily harm to a child or school crossing guard
11-503(c)	050303	# 050303	Aggravated reckless driving
11-503(d)	050304	# 0503 04	Aggravated reckless driving, great bodily harm to a child or school crossing guard
11-504	050400	# 0504 00	Drag racing
11-506(a)	050601	#050601	Street racing
11-907(c)	090763	# 0907 P3	Failure to yield to a stopped emergency vehicle resulting in property damage
11-907(c)	090773	# 0907 I3	Failure to yield to a stopped emergency vehicle resulting in personal injury
11-907(c)	090783	# 0907 D3	Failure to yield to a stopped emergency vehicle resulting in death
11-908(a)1	090811	1 908 A1	Failure to yield and proceed with due caution upon entering a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			construction zone when workers are present
11-1301 3a-1	301311	# 13013A1	Unauthorized use of handicap placard or device
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device
11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or device
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
11-1425(b)	142520	# 1425b	Failure to have space to drive

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

through railroad crossing

12-215(g)	221507	# 2215 07	Conviction of Section 12-215 without lawful authority to stop
-----------	--------	-----------	--

CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel
16K-15	161115	16K-15	Conviction for violation of theft of motor fuel
18-3	0018003	18 3	Conviction of vehicular hijacking

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm
THE LIQUOR CONTROL ACT OF 1934 *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-20	006020	6-20	Violation of Section 6-20
6-20(a)	060201	6-20A	Violation of Section 6-20(a) of the Liquor Control Act
6-20(c)	060203	6-20C	Violation of Section 6-20(c) of the Liquor Control Act
6-20(d)	060204	6-20D	Violation of Section 6-20(d) of the Liquor Control Act
6-20(e)	060205	6-20E	Violation of Section 6-20(e) of the Liquor Control Act

CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
704(a)	070401	704 01	Conviction for violation of Section 4(a) concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of Section 4(c) concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) concerning the possession of

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

ILLINOIS
CONTROLLED
SUBSTANCES
ACT

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing heroin

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II that is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) concerning the possession of any other amount of a controlled or counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
2103	021003	21 03	Violation of the Drug Paraphernalia

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Control Act [720 ILCS 600]
concerning the sale of instruments
used for illegal drug use or abuse

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335-14a1	014101	14A1	To possess, display, or cause to be displayed any cancelled or revoked identification card
335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof
335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or cancelled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			identification card by the Secretary of State
335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement
335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification card
335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			person to make application for the purpose of obtaining a fictitious identification card
335-14bb2	014221	14BB2	To knowingly possess, display or cause to be displayed any fraudulent identification card
335-14bb1	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			device capable of defrauding another
335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement
335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
335-14ca1	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card
335-14ca3	014313	14CA3	Make false affidavit, swear or affirm falsely

c) Illinois Vehicle Code

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

The following point assigned violations will be entered on the driving record as Type Action -97- Bond forfeiture or Type Action -99- conviction

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
6-107(e)	107005	6 107 05	Violation of Graduated Driver's License (GDL) restrictions on passengers	10
6-107(f)	107006	6 107 06	Violation of GDL restrictions on passenger seat belt/child restraints	10
6-107(g)	107007	6 107 07	Violation of GDL restrictions on number of passengers	10
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
6-507(a)(1)	507101	6 507 A1	Driving without a commercial driver's license (CDL) in possession (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-308	030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50
11-403	040380	# 0403 H0	Failure to stop and exchange information or give aid after motor vehicle collision – fatality	50
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-505	050500	# 0505 00	Squealing or screeching tires	10
<u>11-507</u>	<u>050700</u>	<u># 0507 00</u>	<u>Supervising minor driver while under the influence</u>	<u>20</u>
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit (a serious violation if committed in a commercial motor vehicle)	50

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

<u>11-601.5(a)</u>	<u>060151</u>	<u># 06015A</u>	<u>30-39 MPH above limit (a serious violation if committed in a commercial motor vehicle)</u>	<u>50</u>
<u>11-501.5(b)</u>	<u>060152</u>	<u># 06015B</u>	<u>40 or more MPH above limit (a serious violation if committed in a commercial motor vehicle)</u>	
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone	20
11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			limit on Illinois Tollway	
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-703(d)	070304	# 0703 04	Improper passing of bicycle or pedestrian	20
<u>11-703(e)</u>	<u>070305</u>	<u># 0703 05</u>	<u>Driving too close to, toward, or near a bicyclist, pedestrian or person riding a horse or driving an animal drawn vehicle</u>	<u>20</u>

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			serious traffic violation if committed in a commercial motor vehicle)	
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or	15

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			maintenance area	
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
| 11-1002(a)	100201	# 1002 01	Failure to <u>stop and/or</u> yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
| 11-1002.5	100250	# 1002 50	Failure to <u>stop and/or</u> yield to a pedestrian at crosswalk in school zone	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train, <u>railroad track equipment</u> or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(a)2	120112	# 1201 A2	Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing	20
11-1201(a-5)	120115	# 1201 A5	For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train <u>or railroad track equipment</u> (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(d-1)	120141	# 1201 D1	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			clearance (serious traffic violation if committed in a commercial motor vehicle)	
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1202	120020	# 1202	Failure to stop before driving onto crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1426.2g	142627	# 14262g	Operating a low speed vehicle without a valid license	15
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers	5

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

or semi-trailers

12-301	230100	# 2301 00	Defective brakes	20
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone	10
12-610.1b	261010	# 2610 1b	Driving under age 19 using a wireless phone	
<u>12-610.1e</u>	<u>261015</u>	<u># 2610 1e</u>	<u>Using a wireless phone in a school or construction zone</u>	<u>15</u>
<u>12-610.2b</u>	<u>261022</u>	<u># 2610 2b</u>	<u>Using an electronic communications device to compose, send or read a message</u>	<u>20</u>
12-610.5b	261052	# 2610 5b	Unlawful use of registration plate covers	5
12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

The following point assigned violations will be entered on the driving record as Type Action -97- bond forfeiture or Type Action -99- conviction

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-201	201000	7 201 00	Disregarding official traffic control device	20
7-202	202000	7 202 00	Disregarding traffic control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10
7-211	211000	7 211 00	Improper traffic lane usage	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1-10 MPH above limit	5
7-212.03	212003	7 212 03	11-14 MPH above limit	15
7-212.05	212005	7 212 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			motor vehicle)	
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5
7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Driving wrong way on one-way street	5
7-220	220000	7 220 00	Driving wrong way on one-way street – restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for	10

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			pedestrian	
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane – bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs – prohibited right or left turn	10

e) Illinois Vehicle Code

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

The following violations will be entered on the driving record as Type Action - 95- bond forfeiture or Type Action -96- conviction with no point value:

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-506(b)	050602	# 0506 B	Vehicle owner permitting street racing
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-604.1	260401	# 260401	Driving while using prohibited video devices

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

12-613(a)	261301	# 2613 A	Violation of possession and use of radar or laser jamming devices
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 16
25/4b	250402	25 04B	Unrestrained – age 8 but under age 19 [625 ILCS 25]

f) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago
 The following violations will be entered on the driving record as Type Action - 95- bond forfeiture or Type Action -96- conviction with no point value:

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a funeral procession

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral procession
7-342.1	342001	7 342 01	Violation of seat belt ordinance
7-347	347000	7 347 00	Spotlight violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

g) Case Review

- 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in this Part.
- 2) Driver control action shall be entered upon the driver's record by classification (Type Action).

A) Classification for driver control actions:

Type Action 01	Mandatory Revocation
Type Action 02	Discretionary Revocation
Type Action 03	Discretionary Suspension
Type Action 04	Safety Responsibility Suspension
Type Action 05	Financial Responsibility Suspension
Type Action 06	Unsatisfied Judgment Suspension
Type Action 07	Mandatory Suspension
Type Action 08	Cancellation of License
Type Action 09	Mandatory Suspension
Type Action 17	Statutory Summary Suspension
Type Action 18	Vehicle Emissions Suspension
Type Action 45	Cancellation/Suspension/Denial of School Bus Permit
Type Action DN	Denial of License and/or Privileges

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Type Action DQ	Discretionary/Mandatory Disqualification
Type Action FR	Family Financial Responsibility Suspension
Type Action IV	Invalidation of License
Type Action MC	Mandatory Conviction Suspension
Type Action OS	Out of Service Law Enforcement History Item
Type Action ZT	Zero Tolerance Suspension

B) Description of driver control action:
 The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code that provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

in Section 4-102

6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peace officer
6-205(a)12	205112	6 205 A12	Violation of Section 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	205113	6 205 A13	A second or subsequent violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
6-205(a)14	205114	6 205 A14	Conviction of Section 11-506(a) or a similar provision of a local ordinance relating to street racing
<u>6-205(a)15</u>	<u>205115</u>	<u>6 205 A15</u>	<u>A second or subsequent conviction of driving while the person's driver's license, permit or privilege was revoked for reckless homicide or a similar out-of-state offense</u>
<u>6-205(a)16</u>	<u>205116</u>	<u>6 205 A16</u>	<u>Conviction of any offense regulating the movement of traffic that was the proximate cause of death of any person</u>
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in IVC Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(b)3	205203	6 205 B3	Committing a gang-related offense involving a motor vehicle or driver's license
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act (prior to 1-1-08)
6-206(a)13	206113	6 206 A13	Violation of nighttime driving restrictions (effective 1-1-08)
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under IVC Section 6-301 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peace officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)23	206123	6 206 A23	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense that is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24-month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (effective 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (prior to 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201
6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle Code within 2 years of the date of the previous violation
6-206(a)42	206142	6 206 A42	Has committed a violation of Section 11-1301.3(a-1)
6-206(a)43	206143	6 206 A43	Supervision for violation of Section 6-20 of the Liquor Control Act
6-206(a)44	206144	6 206 A44	Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36
6-206(a)44	206145	6 206 A44	Committed perjury or submitted false documents at a formal hearing
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
<u>6-206.1(J)</u>	<u>206010</u>	<u>6 206.1 J</u>	<u>Violation of the requirements of the monitoring device driving permit (MDDP)</u>
6-206.1(L)	206012	6 206.1 L	<u>Convicted or received court supervision of violation listed in Section 6-206.1(c-1) or de-installed MDDP without authorization</u> BAHD violation increase in suspension period

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

j) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-205.2	205002	6 205 02	Theft of motor fuel
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
11-1425(d)	142540	1 1425 D	Failure to have space to drive through railroad crossing
13A 112(b)	311122	13A 112 B	Vehicle Emissions Suspension

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

13B 55(b) 132552 13B 55B Vehicle Emissions Suspension

k) Safety Responsibility Suspension – Type Action 04

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

l) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time

UNIFIED CODE OF CORRECTIONS *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
730/5	5-6-3.1(m)		Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation

m) Unsatisfied Judgment Suspension – Type Action 06

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n) Cancellation – Type Action 08

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-108(4)	108004	6 108 04	Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a]
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition that is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-201(a)9	201109	6 201 A9	Convicted of a sex offense as defined in the Sex Offender Registration Act
6-201(a)11	201111	6 201 A11	Refused or neglected to appear at a driver services facility to have a license corrected
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
6-206.1(a)4	206014	6 206.1 A4	Failure to install BAIID
6-206.1(c-1)	206013	6 206.1 C-1	De-installed BAIID without prior authorization from Secretary of State

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card
335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose
335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced
335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes
335 13(b)10	013210	335-13 B10	Not a disabled person as defined in Section 4A of the Illinois Identification Card Act
335 13(b)11	013211	335-13 B11	The holder failed to appear at a Driver Services Facility for the re-issuance of an

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

identification card

- o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1
6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit

- p) Denial – Type Action DN

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-103(18)			Denial of driver's license and/or driving privileges pursuant to Section 6-103(18)
6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c)
6-107(d)			Denial of driver's license pursuant to Section 6-107(d)
6-108.1			Denial of driver's license pursuant to Section 6-108.1

- q) Discretionary/Mandatory Disqualification –Type Action DQ

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/non-commercial motor vehicle with alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Section 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offenses using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6-514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-highway grade crossing
6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

			period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's CMV privileges imposed by USDOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	514134	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, disqualified or cancelled
6-514(a)3v	514135	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide

r) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-702	702000	7 702 00	Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court
7-703			Individuals who are 90 days or more delinquent in court ordered child support payment

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

7-704.1

Individual certified by Illinois Department of Healthcare & Family Services of delinquency of child support payments

s) Invalidation – Type Action IV

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-301.3

Invalidation of driver's license or permit pursuant to Section 6-301.3

t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-515

515000

6 515

24 hour out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as Type Action -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A24	Driving under the influence of medication not intended to intoxicate
A33	Illegal possession of drugs (controlled substances)
A60	Underage conviction of drinking and driving at .02 or higher BAC
A61	Underage Administrative Per Se – drinking and driving at .02 or higher BAC
B63	Failed to file future proof of financial responsibility

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- B64 Failed to file insurance certification
- B65 Failed to file medical/certification disability information
- B74 Failed to show insurance certification
- B78 Failed to show non-commercial driver's license (includes Instruction Permit)
- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make required payment of fines and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly due to drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E33 Defective HAZMAT safety devices
- E37 Defective tires
- E50 Failure to use equipment as required
- E53 Failure to use HAZMAT safety devices as required
- E54 Failure to use headlight dimmer as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M09 Failure to obey railroad crossing restrictions
- M13 Failure to obey school crossing guard
- M32 Following emergency vehicle unlawfully

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

M33	Following fire equipment unlawfully
M43	Ran off road
M47	Improper lane or location – in bicycle lane
M55	Improper lane or location – on rail or streetcar tracks
M80	Inattentive, careless or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
N02	Failure to yield right of way to animal rider or animal-drawn vehicle
N41	Failure to cancel directional signals
N44	Giving wrong signal
N80	Coasting (operating with gears disengaged)
N84	Unsafe operation
S97	Operating at erratic or suddenly changing speeds
U02	Resisting arrest
U04	Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U21	Illegal operation of emergency vehicle

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

W80 Failed employer-directed drug test

W81 Refusal to submit to an employer-directed drug test

v) The following violations will not be assigned points but will be entered on the driving record as Type Action -82- conviction immediate action:

ACD
CODE

DESCRIPTION OF OFFENSE

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC <u>of at least .04 but not greater than .079</u> at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detailed field required)
A12	Refuse to submit to test for alcohol – Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A90	<u>Admin Per Se for BAC at or over .10</u> DUI at .10 Admin
A91	<u>Admin Per Se for BAC at _____ (detail field required)</u>
A94	<u>Admin Per Se for BAC of at least .04 but not greater than .079</u> DUI at .04

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~Admin~~

- A98 DUI at .08 Admin
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B27 Driving while license out-of-service order is in effect (for violations not covered by B19)
- D06 Misrepresentation of identify or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (including DL, CDL, and Instruction Permit) (Serious violation)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D27 Violate limited license conditions (Serious violation)
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- S95 Speed contest (racing) on road open to traffic

w) The following violations will not be assigned points but will be entered on the driving record as Type Action -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- B06 Leaving scene of an accident before police arrive – fatal accident
- B07 Leaving scene of an accident before police arrive – personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
- B20 Driving while license withdrawn
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- B56 Driving a CMV without obtaining a CDL (Serious violation)
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- D78 Perjury about the operation of a motor vehicle
- M23 Failure to have space to drive through railroad crossing
- U01 Fleeing or evading police or roadblock
- U03 Using a motor vehicle in connection with a felony (not traffic offense)
- U07 Vehicular homicide
- U08 Vehicular manslaughter (Serious violation)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- U09 Negligent homicide while operating a CMV
- U10 Causing a fatality through the negligent operation of a CMV
- U27 Vehicular feticide (first degree)
- U28 Vehicular feticide (second degree)

x) The following violations will not be assigned points but will be entered on the driving record as Type Action -85- conviction:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E23	Use of radar or laser detector prohibited by law
E34	Defective lights
E54	Failure to use headlight dimmer as required
F02	Child or youth restraint not used properly as required
F04	Seat belt not used properly as required
M30	Following improperly
M56	Improper lane or location – on fire hose
N05	Failure to yield right of way to funeral procession, procession or parade

y) The following point assigned violations will be entered on the driving record as Type Action -87- conviction:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
A26	Drinking alcohol while operating a vehicle	25
A31	Illegal possession of alcohol	25
A35	Possession of open alcohol container	25
B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive – property damage accident	25
B14	Failure to reveal identity after fatal or personal injury accident	50
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes	20
E36	Defective school bus equipment	5

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

E51	Failure to use brakes	20
E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
M05	Failure to obey land markings or signal	20
M08	Failure to obey police or peace officer	10
M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane (Serious violation)	20
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down at a railroad crossing and check tracks are clear	20
M21	Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

M22	Failure to stop as required before driving onto railroad-highway grade crossing	20
M24	Fail to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance	20
M25	Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.	20
M31	Failure to leave sufficient distance for overtaking by other vehicles (Serious violation)	20
M34	Following too closely (Serious violation)	20
M40	Improper lane or location (Serious violation)	20
M41	Failure to keep in proper lane (Serious violation)	20
M42	Improper or erratic (unsafe) lane changes (Serious violation)	20
M44	Improper lane or location – crossover (Serious violation)	20
M45	Improper lane or location – crosswalk (Serious violation)	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane (Serious violation)	20
M49	Improper lane or location – in human occupant violator or restricted lane (Serious violation)	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median (Serious violation)	20
M57	Improper lane or location – oncoming traffic lane (Serious violation)	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

M58	Improper lane or location – road shoulder, ditch, or sidewalk (Serious violation)	20
M60	Improper lane or location – slower vehicle lane	20
M61	Improper lane or location – straddling center line(s) (Serious violation)	20
M62	Improper lane or location – traveling in turn (or center) lane (Serious violation)	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking (Serious violation)	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side (Serious violation)	20
M74	Passing on hill or curve (Serious violation)	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited (Serious violation)	20
M77	Passing with insufficient distance or visibility (Serious violation)	20
M84	Reckless driving (Serious violation)	55
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

N07	Failure to yield right of way to overtaking vehicle (Serious violation)	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary/roundabout/circular intersection	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way (Serious violation)	5
N61	Driving wrong way at rotary/roundabout/circular intersection	5
N62	Driving wrong way on divided highway (Serious violation)	5
N63	Driving wrong way on one way street or road (Serious violation)	5
N70	Driving on wrong side (Serious violation)	20
N71	Driving on wrong side of divided highway (Serious violation)	20
N72	Driving on wrong side of undivided street or road (Serious violation)	20
N82	Improper backing	10
N83	Improper start from a parked position	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S14	11-14 mph over speed limit	15
S15	Speeding 15 mph or more over the speed limit (detail optional) (Serious violation)	20

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

S16	16-20 mph over speed limit (detail optional) (Serious violation)	20
S21	21-25 mph over speed limit (detail optional) (Serious violation)	20
S26	26-30 mph over speed limit (detail optional) (Serious violation)	50
S31	31-35 mph over the speed limit (detail optional) (Serious violation)	50
S36	36-40 mph over the speed limit (detail optional) (Serious violation)	50
S41	41 mph or more over the speed limit (detail optional) (Serious violation)	50
S51	01-10 mph over speed limit (detail optional)	5
S71	21-30 mph over speed limit (detail optional) (Serious violation)	20
S81	31-40 mph over speed limit (detail optional) (Serious violation)	50
S91	41 mph or more over speed limit (detail optional) (Serious violation)	50
S92	Speeding – speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions (Serious violation)	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

U31 Violation resulting in fatal accident (Serious violation) 20

z) The following withdrawals will not be assigned points but will be entered on the driving record as Type Action -89- withdrawal:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A31	Illegal possession of alcohol
A33	Illegal possession of drugs (controlled substances)
A35	Possession of open alcohol container

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- A41 Driver violation of ignition interlock or immobilization device
- A50 Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
- A60 Underage convicted of drinking and driving at .02 or higher BAC
- A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
- A90 DUI at .10 Admin
- A94 DUI at .04 Admin
- A98 DUI at .08 Admin
- B01 Hit and run – failure to stop and render aid after accident
- B02 Hit and run – failure to stop and render aid after accident – fatal accident
- B03 Hit and run – failure to stop and render aid after accident – personal injury accident
- B04 Hit and run – failure to stop and render aid after accident – property damage accident
- B05 Leaving accident scene before police arrive
- B06 Leaving accident scene before police arrive – fatal accident
- B07 Leaving accident scene before police arrive – personal injury accident
- B08 Leaving accident scene before police arrive – property damage accident
- B14 Failure to reveal identity after fatal or personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- B20 Driving while license withdrawn
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B27 Driving while license out of service order is in effect
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit)
- B56 Driving a CMV without obtaining a CDL
- B61 Failed to file accident report
- B63 Failed to file future proof of financial responsibility
- B64 Failed to file insurance certification
- B65 Failed to file medical certification/disability information
- B74 Failed to show insurance certification
- B78 Failed to show non-commercial driver's license (includes Instruction Permit)
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make required payment of fines and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D70 Driver's view obstructed

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly because of drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- D78 Perjury about the operation of a motor vehicle
- E01 Operating without equipment as required by law
- E02 Operating without brakes as required by law
- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E05 Operating without lights as required by law
- E06 Operating without school bus equipment as required by law
- E23 Use of radar or laser detector prohibited by law
- E31 Defective brakes
- E33 Defective HAZMAT safety devices
- E34 Defective lights
- E36 Defective school bus equipment
- E37 Defective tires
- E50 Failure to use equipment as required
- E51 Failure to use brakes
- E53 Failure to use HAZMAT safety devices as required

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- E55 Failure to use lights as required
- E56 Failure to use school bus safety equipment as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- E71 Brakes used improperly
- F02 Child or youth restraint not used properly as required
- F03 Motorcycle safety equipment not used properly as required
- F04 Seat belt not used properly as required
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing, or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M05 Failure to obey lane markings or signal
- M08 Failure to obey police or peace officer
- M09 Failure to obey railroad highway traffic control device
- M10 Failure to obey railroad traffic control device
- M11 Failure to obey restricted lane

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- M12 Failure to obey safety zone
- M13 Failure to obey school crossing guard
- M14 Failure to obey sign or traffic control device
- M15 Failure to obey stop sign
- M16 Failure to obey traffic signal or light
- M17 Failure to obey traffic signal
- M18 Failure to obey warning light or flasher
- M19 Failure to obey yield sign
- M20 Failure to slow down at a railroad crossing and check tracks are clear
- M21 Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
- M22 Failure to stop as required before driving onto railroad-highway grade crossing
- M23 Failure to have sufficient space to drive completely through the highway crossing
- M24 Failure to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
- M25 Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
- M30 Following improperly
- M31 Failure to leave sufficient distance for overtaking by other vehicles
- M32 Following emergency vehicle unlawfully

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- M33 Following fire equipment unlawfully
- M34 Following too closely
- M40 Improper lane or location
- M41 Failure to keep in proper lane
- M42 Improper or erratic (unsafe) lane changes
- M43 Ran off road
- M44 Improper lane or location – crossover
- M45 Improper lane or location – crosswalk
- M46 Improper lane or location – entrance/exit ramp or way
- M47 Improper lane or location – in bicycle lane
- M48 Improper lane or location – in occupied lane
- M49 Improper lane or location – in human occupant violator or restricted lane
- M50 Improper lane or location – limited access highway
- M51 Improper lane or location – median
- M55 Improper lane or location – on rail or streetcar tracks
- M56 Improper lane or location – on fire hose
- M57 Improper lane or location – oncoming traffic lane
- M58 Improper lane or location – road shoulder, ditch or sidewalk
- M60 Improper lane or location – slower vehicle lane

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- M61 Improper lane or location – straddling center line(s)
- M62 Improper lane or location – traveling in turn (or center) lane
- M70 Improper passing
- M71 Passing in violation of posted sign or pavement marking
- M72 Passing in violation of opposite directions restriction
- M73 Passing on wrong side
- M74 Passing on hill or curve
- M75 Passing school bus displaying warning not to pass
- M76 Passing where prohibited
- M77 Passing with insufficient distance or visibility
- M80 Inattentive, careless, or negligent driving
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- M84 Reckless driving
- N01 Failure to yield right of way
- N02 Failure to yield right of way to animal rider or animal drawn vehicle
- N03 Failure to yield right of way to cyclist
- N04 Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- N05 Failure to yield right of way to funeral procession, procession or parade
- N06 Failure to yield right of way to other vehicle
- N07 Failure to yield right of way to overtaking vehicle
- N08 Failure to yield right of way to pedestrian (includes handicapped or blind)
- N09 Failure to yield right of way to school bus
- N20 Failure to yield right of way at crosswalk
- N21 Failure to yield right of way at rotary/roundabout/circular intersection
- N22 Failure to yield right of way at stop sign
- N23 Failure to yield right of way at traffic sign
- N24 Failure to yield right of way at traffic signal
- N25 Failure to yield right of way at unsigned intersection
- N26 Failure to yield right of way at yield sign
- N30 Failure to yield right of way when warning displayed on other vehicle
- N31 Failure to yield right of way when turning
- N40 Failure to use signal or improper signal
- N41 Failure to cancel directional signals
- N42 Failure to signal intention to pass
- N43 Failure to signal lane change
- N44 Giving wrong signal
- N50 Improper turn

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn
N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary/roundabout/circular intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N82	Improper backing
N83	Improper start from parked position
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

S14	11-14 mph over speed limit
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed-limit (detail optional)
S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S51	01-10 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S96	Speed less than minimum
S97	Operating at erratic or suddenly changing speeds
S98	Speeding or freeway (wasting fuel)
U01	Fleeing or evading police or roadblock

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

U02	Resisting arrest
U03	Using motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U21	Illegal operation of emergency vehicle
U27	Vehicular feticide (first degree)
U28	Vehicular feticide (second degree)
U31	Violation resulting in fatal accident
W00	Withdrawal, non-ACD violation
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W09	Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13	Parental consent withdrawn
W14	Physical or mental disability

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- W15 Physician's or specialist's report recommended
- W20 Unable to pass DL test(s) or meet qualifications
- W30 2 serious violations within 3 years
- W31 3 serious violations within 3 years
- W40 The accumulation of two or more major offenses
- W41 An additional major offense after reinstatement
- W45 Suspended for driving a CMV while disqualified for previous violations in a CMV
- W50 The accumulation, within 10 years, of two out-of-service general violations
- W51 The accumulation of two out-of-service order violations within 10 years when the second is while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
- W52 The accumulation of three or more out-of-service order violations within 10 years
- W60 Accumulation of two railroad-highway grade crossing violations within a three year period
- W61 Accumulation of three or more railroad-highway grade crossing violations in a three year period
- W70 Imminent hazard
- W72 Suspended pending final disposition
- W80 Failed employer-directed drug test
- W81 Refusal to submit to an employer-directed drug test

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

**Section 1040.46 Suspension or Revocation for Fatal Accident and Personal Injury
Suspensions or Revocations**

- a) The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury that has been designated as a Type A injury and the injured party was transported to a hospital. No action shall be taken in a personal injury case if the only Type A injury indicated was for the individual convicted of the traffic violation. Fatal accidents that occur on or after January 1, 2011 shall not be subject to subsections (a) through (g), but shall be subject to subsection (h).
- b) Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation for which no points are assigned. The points shall be assigned in the following manner:
 - 1) Five points shall be added to a person's point total for a Type A injury to a maximum of four persons. Five additional points shall be assigned for each Type A injury for the fifth and each subsequent Type A injury. Fifteen points shall be added to a person's total for each fatality arising from the accident.
 - 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 shall be added to the person's point total.
 - 3) Ten points shall be added to the person's point total for each previous two-month suspension entered in accordance with IVC Section 6-206(a)(2). Fifteen points shall be added to the person's point total for any other previous non-alcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two years prior to or one year subsequent to the accident. Miscellaneous suspensions shall not be counted as prior or subsequent suspensions.
 - 4) Ten points shall also be added to the person's point total for each

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

conviction of reckless driving in violation of IVC Section 11-503, speeding in excess of 25 miles per hour over the speed limit in violation of IVC Section 11-601(b), or operating a motorcycle on one wheel in violation of IVC Section 11-1403.2 issued within two years prior to or one year subsequent to the accident.

- 5) Five points shall be added to the person's point total for any traffic-related conviction issued within two years prior to or one year subsequent to the accident with the following exceptions:
 - A) No conviction associated with a previous suspension or revocation shall be used.
 - B) Only the most serious conviction resulting from the accident under review shall be used.
- c) For accidents involving no fatality, if a person accumulates zero to 39 points the Department shall take no action. Forty to 49 points shall result in a three-month suspension. Fifty to 59 points shall result in a 6-month suspension and 60 to 74 points shall result in a 12-month suspension. Seventy-five or more points shall result in a revocation.
- d) For accidents involving a fatality, if a person accumulates zero to 29 points, the Department shall take no action. Thirty to 39 points shall result in a six-month suspension and 40 to 49 points shall result in a nine-month suspension. Fifty to 59 points shall result in a 12-month suspension. If a person accumulates 60 or more points, that person's driving privileges shall be revoked.
- e) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who, as a result of a fatal or personal injury accident, is convicted of passing a stopped school bus in violation of IVC Section 11-1414 shall have his/her driving privileges revoked.
- f) In accordance with IVC Section 6-206(a)(4), any suspension or revocation imposed shall start no later than six months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

g) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 shall have his/her driving privileges revoked under the applicable IVC Section.

h) Any person who is convicted of an offense regulating the movement of traffic with an arrest date on or after 1-1-11 that resulted in proximate death of any person shall have his/her driving privileges revoked under the applicable IVC Section.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Campaign Financing
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.10	Amendment
100.20	Amendment
100.40	Amendment
100.50	Repealed
100.60	Amendment
100.70	Amendment
100.75	New
100.80	Amendment
100.85	New
100.90	Amendment
100.110	Amendment
100.120	Amendment
100.125	Amendment
100.130	Repealed
100.140	Amendment
100.150	Amendment
100.160	Amendment
100.170	Amendment
100.175	New
100.180	Amendment
- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code [10 ILCS 5/Art.9] and authorized by Section 9-13 and 9-15
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures to implement the provisions of Public Act 96-832 that made numerous changes to the Illinois Campaign Finance Act. Specifically, this rulemaking implements the provisions of PA 96-832 that established four new political committee categories, established election cycles that determine the time frame in which receipt of political contributions is limited, established such contribution limits, established a quarterly reporting system, defined and required the reporting of independent expenditures, changed the Schedule A-1 reporting requirement (both in terms of the threshold amount required to be reported and the deadline for reporting that set forth civil penalties for failing to abide by the contribution limits and reporting requirements),

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

established procedures for the auditing of political committees and established an on-line database of founded campaign finance complaints.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: To implement the provisions of Public Act 96-832
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments on this proposed rulemaking in writing within 45 days after publication of this Notice to:

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

217/557-9939
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Any candidate for public or party office or any ballot measure that exceeds \$3000 in a 12 month period or any political committee already on file with SBEL will be required to file reports on a quarterly basis as well as complying with contribution limits based upon the type of committee (new designation). These committees also will face mandatory random audits as selected by the SBEL.
 - C) Types of Professional skills necessary for compliance: Accounting or bookkeeping experience

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agenda because: It was an oversight on the Part of SBEL and, in the future, the Board intends to comply with all provisions for publication on the regulatory agendas.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 100

CAMPAIGN FINANCING

Section

100.10	Definitions
100.20	Official Forms
100.30	Forwarding of Documents (Repealed)
100.40	Vacancies in Office – Custody of Records
100.50	Multiple Filings by State and Local Committees (Repealed)
100.60	Filing Option for a Federal Political Committee
100.70	Reports of Contributions and Expenditures
100.75	Limitation on Campaign Contributions
100.80	Report Forms
100.85	Independent Expenditures
100.90	Provision Circumvention
100.100	Proof of Identification; Application for Inspection and Copying (Repealed)
100.110	Loans by One Political Committee to Another
100.120	Receipt of Campaign Contributions
100.125	Receipt by Mail of Quarterly Pre-Election and Semiannual Reports of Campaign Contributions and Expenditures
100.130	Reporting by Certain Nonprofit Organizations (Repealed)
100.140	Prohibited Contributions – State Property
100.150	Electronic Filing of Reports
100.160	Good Faith
100.170	Sponsoring Entity
100.175	Audit Findings for Political Committees
100.180	Business Entity Registration Procedures
100.185	Assessment of Civil Penalties

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006; amended at 31 Ill. Reg. 7142, effective May 1, 2007; emergency amendment at 33 Ill. Reg. 332, effective January 1, 2009, for a maximum of 150 days; emergency expired May 30, 2009; emergency amendment at 33 Ill. Reg. 9809, effective June 29, 2009, for a maximum of 150 days; emergency expired November 25, 2009; amended at 34 Ill. Reg. 274, effective December 15, 2009; amended at 34 Ill. Reg. 10521, effective July 9, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 100.10 Definitionsa) General Definitions

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

"Board" means the Illinois State Board of Elections.

"Election Code" or "Code" means 10 ILCS 5.

"File", "Filed" or "Filing" means:

The statement, report or document being filed is in apparent and substantial conformity with the requirements of the Election Code. Apparent and substantial conformity requires that the filing contain the following:

The signature of the person making the filing;

Completion of all applicable sections of the report; and

Attachment of all appropriate schedules.

Inadvertent error or omission of a de minimus nature in the completion of a report, statement or document shall not be deemed to be a "willful

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

failure to file or a willful filing of false or incomplete information" under Section 9-26 of the Election Code.

"Immediate Family" means the spouse, parent or child of the public official, candidate or any other person referred to in this Part. A parent shall include a stepparent or adoptive parent. A child shall mean a biological, adopted or stepchild.

"Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

"Public Office" means, among other things, an elective office. The term includes the political party offices of state central, county, ward, township and precinct committeeman.

"Signature" or "Signed", as used in Article 9 and this Part, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.

"Submit" or "Submitting", as used in Section 9-11 of the Election Code, means actually filing a report with the Board through the following methods:

uploading a report electronically or, if accomplished at a Board office or with the assistance of Board staff, the committee representative is present and/or authorizing the report filing;

using the U.S. Postal Service, overnight delivery, or any other delivery service;

hand delivering a report to the Board; or

faxing a Schedule A-1 to the Board.

With the exception of the chairman or the treasurer, the person submitting the report on behalf of the committee must list himself or herself as having submitted the report.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

b) Definitions Interpreting Specific Sections of the Election Code1) Assets

A) Reference: This definition of assets interprets or applies to Section 9-5 of the Election Code.

B) An asset is an item of property, other than cash or services, of any kind, tangible or intangible, that has either a fair market or salvage value in excess of \$150.

2) Candidate

A) Reference: This subsection (b)(2) interprets or applies to Section 9-1.3 of the Election Code.

B) "Candidate", as that term is defined in Section 9-1.3 of the Election Code, shall include, but not be limited to:

i) A person who circulates or authorizes the circulation of nominating petitions on his or her behalf for public office;

ii) An individual who receives contributions or makes expenditures or gives consent for any other person to receive contributions or make expenditures for the purpose of bringing about his or her nomination for election or re-election to any office;

iii) Any judicial incumbent who qualifies for retention.

3) Contributions and Anything of Value

A4) Reference: This subsection (b)(3) Part interprets or applies Sections 9-1.4, 9-1.5, ~~9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15 and 9-1.12~~ of the Election Code [10 ILCS 5/9-1.4, 9-1.5, ~~9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15~~9-1.12].

B2) The term "anything of value", as used in Sections 9-1.4, 9-1.5 and

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

9-1.12 of the Election Code, ~~means any item, thing~~~~includes all things, services~~ or goods, regardless of whether ~~they may be~~ valued in monetary terms according to ascertainable market value.

C3) "Anything of value" ~~that~~~~which~~ does not have an ascertainable market value may be reported by describing the ~~item~~, thing, ~~services~~ or goods contributed; however, nothing in this subsection ~~(b)~~(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.

D4) Interest, other investment income, earnings or proceeds, and refunds and returns shall not be reported as a contribution, but shall be reported as a receipt according to this subsection (b)(3). For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held, they shall be identified by name and quantity of security or instrument on each ~~quarterly~~~~semi-annual~~ report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.

E5) In addition to the items expressly excluded in the Election Code, the ~~term~~~~term~~ "anything of value" and "contribution" shall not be deemed to include:

iA) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;

iiB) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other periodical publication;

iiiC) Any ~~regular~~ publication by a membership ~~association~~~~organization~~, ~~labor union~~ or corporation to its

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

officers, employees, members, ~~or~~ stockholders, or members of the immediate families of these persons, so long as the membership ~~association~~organization or corporation is not organized primarily for the purpose of influencing the nomination for election, ~~or~~ election, or retention of any candidate, or supporting or opposing any question or questions of public policy; ~~However, publications of an extraordinary or special nature to support or oppose a candidate or candidates or a question or questions of public policy would constitute a campaign contribution or expenditure;~~

- ivD) The occasional use of real property of a person or whoever, as defined in Section 9-1.6 of the Election Code, and as defined in Section 100.10(g) of this Part, for the purpose of conveying information to officers, employees, members or stockholders of an association or a corporation, and the immediate~~their~~ families of these persons~~a person or whoever as defined in Section 9-1.6 of the Election Code and as defined in Section 100.10(b) of this Part~~, including but not limited to the use of the premises for the purpose of a candidate communicating directly with officers, employees, members or stockholders and the immediate families of these persons~~their families~~;
- vE) Unrealized appreciation or loss of value of investments during the period they are held.

- F) A loan of money from a bank, credit union, or other financial institution to a candidate or public official, or his or her political committee, shall not be listed as a contribution from that institution. However, the loan must still be reported on political committees' quarterly reports. Security for a loan, if provided by a person other than the candidate or the candidate's political committee, does qualify as a contribution and shall be reported as having come from the person who provided it.
- G) Independent expenditures are not contributions, as that term is defined in Section 9-1.4 of the Election Code. Independent

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

expenditures are those made for the purpose of electioneering communication, as that term is defined in Section 9-1.14, or that expressly advocates the election, nomination or defeat of a candidate and that is not made in cooperation, concert or consultation with, or at the request or suggestion of, the public official or candidate. Communications that expressly advocate the election, nomination or defeat of a candidate are those that unequivocally state in the communication that the candidate ought to be elected, nominated or defeated. These communications typically contain the terms "vote for", "elect" or, in the case of expressly advocating the defeat of a candidate, "vote against", "vote no", "defeat", etc.

- H) "Clearly identifiable candidate" means the candidate's name (first name and surname) but does not necessarily have to include the candidate's middle name or middle initial. A clearly identifiable candidate can also be one that is described in such a way as to exclude any other candidate so as to leave no doubt in the mind of the person being communicated to as to whom the communication is referring. For example: "The Democratic Party's candidate for Mayor", "Congressman Jones", or "the former Republican candidate for Congressman who was defeated at the most recent General Election". A clearly identifiable candidate can also be described by use of a photograph or other visual image or likeness.
- I) A communication by a corporation, a limited liability company, or an association to its members or stockholders and executive or administrative personnel, or the immediate families of these persons, is not a contribution. For purposes of this Part, a corporation is one that is registered with the Business Services Division of the Illinois Secretary of State or is similarly registered with any other state in compliance with that state's laws or that operates as or holds itself out as a corporation so that it would be required to register with the Illinois Secretary of State, regardless if it has taken affirmative action to so register. For purposes of this Part, an association is defined broadly to include any group of persons or entities that have a common purpose and that have an organizational structure with an existing membership roster and governing by-laws or other similar rules. An association includes

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

those that are both for-profit and not-for-profit (however the entity does not necessarily have to be organized under the laws of this or any other state) and includes a labor union as that term is defined in subsection (a).

J) A voter registration campaign or other Get Out The Vote (GOTV) activity is not deemed to be "anything of value" or a "contribution", so long as the campaign or activity makes no mention of any clearly identified candidate, public question, political party, group or combination of these entities.

b) Assets

- 1) ~~Reference: This definition of asset interprets or applies to Section 9-5 of the Election Code.~~
- 2) ~~An asset is an item of property, other than cash or services, of whatever kind, tangible or intangible, that has either a fair market or salvage value in excess of \$150.~~

e) Candidate

- 1) ~~Reference: This subsection (e) interprets or applies Section 9-1.3 of the Election Code.~~
- 2) ~~"Candidate" as that term is defined in Section 9-1.3 of the Election Code [10 ILCS 5/9-1.3] shall include, but not be limited to:~~
 - A) ~~A person who circulates or authorizes the circulation of nominating petitions on his behalf for public office;~~
 - B) ~~An individual who receives contributions or makes expenditures or gives consent for any other person to receive or make expenditures with a view to bringing about his nomination for election or re-election to any office;~~
 - C) ~~Any judicial incumbent who qualifies for retention.~~

d) Filing

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) ~~To constitute a "filing" as used in the Election Code and this Part, the statement, report or document must be in apparent and substantial conformity with the requirements of the Election Code. "Apparent and substantial conformity" requires that the filing contain the following:~~
 - A) ~~The signature of the person making the filing;~~
 - B) ~~Completion of all applicable sections of the report; and~~
 - C) ~~Attachment of all appropriate schedules.~~
- 2) ~~Inadvertent error or omission of a de minimus nature in the completion of report, statement or document shall not be deemed to a "willful failure to file or a willful filing of false or incomplete information" pursuant to Section 9-26 of the Election Code.~~
- 4) Person or Whoever
 - A) Reference: This subsection (b)(4) interprets or applies Section 9-1.6 of the Election Code.
 - B) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code shall include, but not be limited to, all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, etc.
- 5) Political Committee
 - A) Reference: This subsection (b)(5) interprets or applies Sections 9-1.8 and 9-1.9 of the Election Code.
 - B) A person or whoever, as defined in Section 9-1.6 of the Election Code and in subsection (b)(4), does not qualify as a political committee pursuant to Article 9 of the Election Code by simply making a contribution from his or her personal income or profits, regardless of the amount of the donations. If an entity, other than a natural person, makes an expenditure or expenditures in aggregate

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

within a 12 month period in excess of \$3,000 supporting or opposing public officials or candidates, then the entity qualifies as a political committee.

- C) If a person or whoever solicits or receives funds for political purposes , he or she would, in fact, become a political committee and would have to comply with all provisions of Article 9 of the Election Code. The provisions of this subsection (b)(5) shall not apply to those persons who accept contributions from at least 5 individuals as provided in Section 9-6 of the Code.
- D) Political committees shall include candidate committees, political party committees, political action committees and ballot initiative committees, as those terms are defined in Section 9-1.8 of the Election Code. Candidates who form a new political party under Section 10-2 of the Code are considered political party committees, and groups of candidates who run as either independents under Section 10-3 of the Code, or as non-partisan candidates by virtue of the office being non-partisan pursuant to statute, shall be considered candidate committees. In all cases except political party committees, political committees are limited to those that accept contributions or make expenditures in an aggregate amount exceeding \$3,000 on behalf of or in opposition to candidates, or, in the case of a ballot initiative committee, in support of or opposition to questions of public policy.
- i) For purposes of Section 9-1.8 of the Election Code, caucuses established by either 5 or more members of the same caucus in the Senate, or 10 or more members of the same caucus in the House of Representatives, shall include any caucus declared by its membership to be a caucus. If the number of caucus members of a given caucus committee decreases below the designated threshold (5 Senate/10 House members), the caucus committee shall become a political action committee, as that term is defined in Section 9-1.8 of the Code, and be subject to the contribution limits pertaining to political action committees established in Section 9-8.6(d), unless the caucus committee either fills the vacancy or dissolves within 5

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

business days after the date the vacancy occurred.

- ii) For purposes of Section 9-1.9 of the Code, a judicial candidate running for retention subsequent to his or her first retention candidacy following the candidate's election shall be subject to the election cycle established in Section 9-1.9(3), except that the period shall begin on January 1 following the candidate's retention (as opposed to his or her election) and extending to the day the candidate files his or her next declaration to seek retention and the period beginning after that day and extending to December 31 following the candidate's retention election. This judicial retention election cycle is subject to the fundraising restrictions contained in Canon 7 of Rule 67 of the Rules of the Illinois Supreme Court (committees established to support judicial candidates may not solicit contributions more than 1 year preceding the election in which the candidate is seeking judicial office or retention thereto, and no later than 90 days following such election).

- E) If an entity forming a political action committee under Section 9-2(d) is not a clearly identifiable trust, partnership, committee, association, corporation or other organization, but rather a group of persons lacking any formal organizational structure, the name of the political committee shall include the name (first and last) of the person or persons responsible for its formation or its continuing operation.

- F) The name of a ballot initiative committee must include a brief description of the question or questions and whether the committee is organized to support or oppose the question or questions. The name shall not exceed 70 characters (based on U.S. Post Office restrictions applicable to mailing labels) and shall include keywords that would provide a reasonable person with a general understanding of the subject matter of the question or questions and whether the committee was formed to support or oppose the question or questions.

- 6e) Statement of Organization

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- A4) Reference: This subsection (b)(6) provision interprets Section Sections 9-3 and 9-7.5 of the Election Code ~~[10 ILCS 5/9-3 and 9-7.5]~~.
- B2) A committee officer must, in filling out the Form D-1, use the name that appears on his or her birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.
- C) The prohibition contained in Section 9-3(d)(iii) of the Election Code against making contributions from a ballot initiative committee to a candidate or candidates for nomination for election, election or retention to public office shall not include refunds of contributions to the candidate so long as the refund does not exceed the amount the candidate originally contributed.
- D) For the purpose of this subsection (b)(6), the term "person" contained in the definition of "sponsoring entity" shall not include a political committee.
- f) ~~Person or Whoever~~
- 1) ~~Reference: This subsection (f) interprets or applies Section 9-1.6 of the Election Code.~~
- 2) ~~The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code shall include, but not be limited to, all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, unless any of these groups, other than labor unions, are nonprofit organizations as defined in subsection (i) and Section 100.130.~~
- g) ~~Political Committee~~
- 1) ~~Reference: This subsection (g) interprets or applies Section 9-1.9 of the~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~Election Code.~~

- ~~2) A person or whoever, as defined in Section 9-1.6 of the Election Code [10 ILCS 5/9-1.6] and as defined in subsection (b) does not qualify as a political committee pursuant to Article 9 of the Election Code by simply making a contribution from his or her personal income or profits regardless of the amount of the donations.~~
- ~~3) If a person or whoever solicits or receives funds for political purposes or acts as a conduit for political funds, he or she would, in fact, become a political committee and have to comply with all provisions of Article 9 of the Election Code.~~

h) Signature

- ~~1) Reference: This subsection (h) interprets or applies to Sections 9-4, 9-7.5, 9-12 and 9-14 of the Election Code. 2) The term "signature" or "signed", as used in Article 9 of the Election Code, and as used in the rules and regulations implementing the Election Code, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.~~
- ~~i) "Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.~~
- ~~j) "Nonprofit Organization" means any organization that is organized on a nonprofit or not for profit basis that is on file or should be on file with the Business Service Division of the Illinois Secretary of State as required by the General Not For Profit Corporation Act of 1980 [805 ILCS 105], a not for profit corporation as defined under section 501 of the Internal Revenue Code (26 USC 501), organization as defined in section 527 of the Internal Revenue Code (26 USC 527), or organization registered with the Charitable Trust Bureau of the Attorney General's Office (see 760 ILCS 55). Nonprofit organization also applies to any organization that operates as or holds itself out as a nonprofit organization such that it would be required to register with the appropriate regulating authority, regardless if it has taken affirmative action to obtain proper recognition.~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~Nonprofit organization also applies to any out-of-state organization meeting its state's requirements.~~

- k) ~~"Original Source of Money" means a contributor who makes a contribution directly to the nonprofit organization as defined in Section 9-1.4 of the Election Code.~~

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

Section 100.20 Official Forms

- a) Reference: This Section interprets or applies Sections ~~9-7.5, 9-10(a)~~ and 9-15(1) of the Election Code.
- b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports, except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

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

Section 100.40 Vacancies in Office – Custody of Records

Reference: This Section interprets or applies Sections 9-2, 9-5, 9-7, ~~9-7.5, 9-10, 9-13~~ and 9-15 of the Election Code.

- a) Death
Upon the death of the treasurer of a committee, the candidate or, if ~~thesuch~~ candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and ~~so~~ amend the Statement of Organization (Form D-1) within 10 days after the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) **Removal from Office**
In the case of a single candidate related committee whose officers were originally named by the candidate, the candidate shall have the right to remove any and all officers of his or her committee, provided thesueh removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for thehis candidate related committee. If a candidate removes from office any or all officers of thehis committee, all records related to the committee shall be maintained by the candidate. If former officers request, the candidatehe shall allow them access to records and provide reasonable opportunity to make copies.
- c) **Resignation**
If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he or she shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.
- d) **Inability to Sign**
All reports shall be verified, dated and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a letter within 30 days afterof the filing indicating that thesueh substituted signature is authorized and the treasurer accepts responsibility as if he or she had signed. The substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a nonfiling.
- e) **All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer, or candidate shall have any proprietary or possessory interest in thesueh documents in derogation of the rights of the committee itself.**
- f) **If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within 10 days**

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

following ~~thesuch~~ change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.

- g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a turnover order.
- h) A committee ~~thatwhich~~ fails to preserve ~~theits~~ records and accounts required by Section 9-7 of the Election Code, or by this Part, for the periods required by statute or rule may be required to reconstruct its records and accounts if doing so is necessary to the audit of its records. If a committee is required to reconstruct its records, it must pay all of the costs and charges, including bank or accountants fees, for the reconstruction of the records.

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

Section 100.50 Multiple Filings by State and Local Committees (Repealed)

- a) ~~Reference: This Section interprets or applies Sections 9-3 and 9-10 of the Election Code.~~
- b) ~~A political committee that acts as both a State political committee and local political committee shall file each original Statement of Organization, Form D-1, as required by Sections 9-3 and 9-4 of the Election Code, and any other appropriate reports with the State Board of Elections, and shall file a copy of each and any other appropriate reports with the county clerk, except that political committees that file their reports electronically need not file copies of their D-2 reports, as required by Sections 9-11, 9-12, 9-13 and 9-14 of the Election Code, with the county clerk if the county clerk is participating in the electronic filing waiver program. A county clerk is eligible to participate in this program if he or she has a system that can access electronically and duplicate the reports that are on file with the State Board of Elections. Political committees, however, must continue to file copies of their D-1 Statement of Organization forms and any written correspondence with the county clerk.~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- e) ~~When determining their filing obligations, it is the responsibility of political committees to verify whether the county clerk is participating in the electronic filing waiver program.~~
- d) ~~Any State committee that elects to support or oppose any local candidate or a question of public policy and exceeds an aggregate amount of \$3000 for local candidates or a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is now a State and local committee and shall comply with all local filing requirements. In the event the State and local committee ceases to support local candidates, it shall file an amended D-1 indicating that it is now a State political committee and shall submit a letter informing the county clerk that it will no longer be active in that county.~~
- e) ~~Any local committee that elects to support or oppose any State candidate or a question of public policy and exceeds an aggregate amount of \$3000 for State candidates or \$3000 for a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is now a State and local committee and shall comply with all State filing requirements. In the event the State and local committee ceases to support State candidates, it shall file an amended D-1 indicating that it is now a local political committee and shall submit a letter to the State Board of Elections informing the Board that it will no longer be active statewide.~~

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

Section 100.60 Filing Option for a Federal Political Committee

- a) Reference: This Section interprets or applies Section 9-15 of the Election Code.
- b) Any "person" or "whoever", as defined by Section 9-1.6 of the Election Code, qualifying as a political committee under Article 9 of the Election Code, and filing Federal Election Commission reports may choose to comply with the provisions of Article 9 of the Election Code by so indicating on a Statement of Organization (Form D-1) filed with the State Board of Elections, ~~county clerk, or both, as the case may be.~~
- c) A political committee may choose to file reports pursuant to this Section, either by amendment or for the first time, by stating on Part 5 of the Statement of Organization (Form D-1) the following: "Campaign financing reports will be filed

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

pursuant to Section 100.60, Campaign Financing Regulations, State Board of Elections."

- d) Pursuant to the state filing waiver program (2 USC 439), a federal political committee also qualifying as a ~~State~~ political committee under Article 9 of the Election Code shall not file a copy of all Federal Election Commission reports with the State Board of Elections.
- e) ~~A federal political committee also qualifying as a local political committee under Article 9 of the Election Code shall simultaneously file a copy of all Federal Election Commission reports with the local county clerk.~~
- ef) This Section shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by Article 9 or in support of or in opposition to a question of public policy.

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

Section 100.70 Reports of Contributions and Expenditures

- a) Reference: This Section interprets or applies Sections ~~9-6, 9-10, 9-13, and 9-119-14~~ of the Election Code.
- b) For purposes of determining the amount of contributions of \$1,000 or more required to be filed on a Schedule A-1 form in excess of \$500 under Section 9-10(~~cb-5~~) of the Election Code, all contributions received during a quarterly reporting period between the last date of the period covered by the last report filed prior to the election and the election from a single person, as that term is defined in Section 9-1.6, shall be aggregated and treated as one. In order to determine whether the report shall be filed within 2 business days rather than 5 business days after receipt, any contribution of \$1,000 or more in aggregate that is received within 30 days prior to an election shall be reported within 2 business days. The requirement to file a Schedule A-1 Report with 2 business days shall only apply to those committees organized to support or oppose candidates, public officials or a public question that is on the ballot at that election, committees that spend in excess of \$500 on a public official, candidate or public question that is on the ballot at that election, or committees organized to support or oppose a candidates who has filed a declaration of intent to be a write-in candidate at that election.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code or to require the itemization of expenditures not otherwise required to be itemized under Article 9 ~~of the Election Code.~~
- d) Quarterly~~Pre-Election~~ and A-1 Reports
- 1) Every active political committee must file ~~quarterly~~a pre-election report and A-1 reports, as required by ~~Section~~Sections 9-10(b) ~~and 9-10(b)(5)~~ of the Election Code, ~~in conjunction with every next election unless:~~
- 2) Every active political committee must file Schedule A-1 reports, as required by Section 9-10(c) of the Election Code when a contribution or contributions in aggregate of \$1,000 or more from a single source are received within a single quarterly reporting period.
- A) The reports must be filed within 2 business days after receipt if the contribution is received within 30 days prior to an election and:
- i) The political committee is, by the terms of its Form D-1 Statement of Organization, organized to support or oppose a candidate or a public question on the ballot at the next election; or
- ii) The political committee makes expenditures in excess of \$500, including expenditures for in-kind contributions and electioneering communications, on behalf of or in opposition to any candidate or public question on the ballot at an election.
- B) All other A-1 reports must be filed within 5 business days after receipt.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- A) ~~the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and~~
- B) ~~the political committee does not make expenditures in excess of \$500, including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election.~~
- 2) ~~An active political committee that meets the requirements of subsections (d)(1)(A) and (B) shall be deemed a nonparticipating political committee and may file, in lieu of a pre-election report, a Statement of Non-Participation for the next election (see Section 9-10 of the Election Code).~~
- e) A committee that, having determined that it will not participate in an election, subsequently filed a Statement of Non-Participation, makes an expenditure in excess of \$500 or expends or has expended an aggregate amount in excess of \$500 on behalf of or in opposition to a candidate or candidates or on behalf of a question or questions of public policy that will appear on the ballot at the next election shall ~~file a pre-election report within five days after making the expenditure, or if the expenditure that triggers the requirement to file a pre-election report is made during the five days immediately prior to the election, within 24 hours after making the expenditure.~~ In addition to filing a pre-election report, the committee shall timely file a Schedule A-1 for each contribution exceeding \$500, beginning with the date of that expenditure, report contributions of \$1,000 or more in aggregate received, as defined in Section 9-10(d) of the Election Code, by the chairman, treasurer or candidate, within 30 days prior to the election, within 2 business days after receipt by that person~~the expenditure that triggered the obligation to file a pre-election report was made.~~
- f) The authorization of persons to collect contributions on behalf of a political committee (see Section 9-6(a) of the Election Code) shall be in writing; shall state that the person is empowered to accept contributions on behalf of the committee; and shall include the signature of the officer or candidate granting the authorization. The authorization shall be provided to the person prior to acceptance of any contributions on behalf of the committee.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section 100.75 Limitation on Campaign Contributions

A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation for the specified primary election with the Board. The Statement shall be filed with the Board no earlier than July 1 immediately prior to the first day candidates may begin circulating nominating petitions and ending on the day before the date candidates may begin circulating nominating petitions for that primary election. The Statement shall include a verification signed by the chairperson and the treasurer of the committee and shall state that:

- a) The committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the specified general primary election or consolidated primary election.
- b) The political party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee accepting the contributions does not make contributions to a candidate or candidates to be nominated at the primary election.
- c) Failure to abide by the requirements of subsections (a) and (b) shall deem the political party committee to be in violation of Article 9 and subject to a fine of no more than 150% of the total contributions and/or coordinated expenditures made by the committee in violation of that Article.
- d) For political committees referred to in Section 9-1.8 (candidate, political party and political action), any contribution or transfer received in violation of Section 9-8.5(a) through (d) shall be disposed of within 15 days by:
 - 1) Returning the contribution or transfer, or an amount equal to the contribution or transfer, to the contributor or transferor; or
 - 2) Donating the contribution or transfer, or an amount equal to the contribution or transfer, to a charitable organization.
- e) If a political committee fails to dispose of the contribution or transfer as provided in subsection (d):

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) The contribution or transfer shall escheat to the State's General Revenue Fund within 30 days after the expiration of the 15 day period provided in subsection (d); and
 - 2) The political committee shall be deemed to be in violation of this Section and be subject to a civil penalty not to exceed 150% of the total amount of the contribution.
- f) When considering the amount of the civil penalty to be imposed, the Board will consider all relevant factors, including, but not limited to, the following:
- 1) Whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly or intentionally;
 - 2) Whether any attempt was made by the committee to return the contribution or transfer; and
 - 3) Past violations of Article 9 of the Election Code. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
- g) When a contribution is determined to have been received by a political committee in violation of Section 9-8.5(a) through (d), the Board will send notice of violation to the chairman and the treasurer of each political committee, together with an order assessing a civil penalty calculated in accord with this subsection (g). The notice of violation and order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of violation shall state that the Board has assessed a civil penalty that will be final unless the committee shows cause as to why the penalty should not be assessed. The provisions of 26 Ill. Adm. Code 125.425 relating to procedures to appeal civil penalty assessments shall apply to penalties assessed under this Section.
- h) For purposes of adjusting the amounts of contribution limitations under Section 9-8.5(g) of the Election Code, the Board will base the adjustments on the Consumer Price Index for All Urban Consumers – US City Average (Not Seasonally

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Adjusted), as provided by the United States Department of Labor. Adjustments shall be calculated:

- 1) On January 1, or the first business day following January 1, of each odd-numbered year, whichever comes first;
 - 2) As a percent change, rounded to the nearest tenth, in the index point level of the 24 month period immediately preceding the most current month for which data is available. The change will then be applied to the existing contribution limits as of December 31 of the year immediately preceding the adjustment and rounded to the nearest \$100.
- i) For purposes of Section 9-8.5(h), contributions or loans from a public official or a candidate, or a public official's or candidate's immediate family, to the public official's or candidate's political committee shall not be subject to the contribution limits found in Section 9-8.5.

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

Section 100.80 Report Forms

- a) Reference: This Section interprets or applies Sections 9-10 and 9-119-13, 9-14 and 9-16 of the Election Code.
- b) All reports submitted by political committees pursuant to Article 9 of the Election Code~~the Act~~ shall either be typed or printed legibly in black ink.
- c) Computer sheets filed in lieu of forms or schedules shall not exceed 8½" x 14". They shall be rejected if not camera ready.

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

Section 100.85 Independent Expenditures

- a) When determining whether a natural person making an independent expenditure or expenditures has exceeded the \$3,000 threshold triggering the requirement to file a written disclosure with the Board, the phrase "a public official or candidate" shall also include a slate of candidates. An independent expenditure made by a natural person shall be reported if the expenditure exceeds \$3,000, regardless of

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

how many public officials or candidates are supported or opposed by the expenditure. The report shall list the total amount expended and the names of all the public officials and candidates covered by the expenditure. The natural person shall not prorate the amount of the expenditure based on the number of covered public officials or candidates.

- b) An expenditure or expenditures in excess of \$3,000 made by an entity supporting or opposing a public official or candidate shall cause that entity to establish as a political committee regardless of how many public officials or candidates are supported or opposed by the expenditure. The entity shall not prorate the amount of the expenditure based on the number of covered public officials or candidates when determining whether it has to organize as a political committee.
- c) After the filing of the initial written disclosure, each time an additional independent expenditure in excess of \$150 is made in support of or in opposition to the public official or candidate, an additional written disclosure shall be filed within 2 business days, until the natural person has not made any independent expenditures in support of or opposition to that public official or candidate for a period of 12 months.
- d) The written disclosure must include:
- 1) If a natural person, the name, address, occupation and each employer of the natural person.
 - 2) The name and address of the public official, candidate, or each candidate listed on the slate of candidates.
 - 3) The date and amount of each independent expenditure.
 - 4) The nature/description of each independent expenditure.

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

Section 100.90 Provision Circumvention

- a) Reference: This Section interprets or applies Section 9-26 of the Election Code.
- b) The State Board of Elections will view any attempt to circumvent the clear

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

intentions of the Act by means of subterfuge as violations of [Article 9 of the Election Code](#)~~the Act~~.

- e) ~~Examples of such circumvention would be:~~
- 1) ~~A person or whoever organizes ten separate committees and then directs the treasurers of those committees not to accept or expend more than \$3000;~~
 - 2) ~~A candidate sets up multiple committees for the primary purpose of avoiding the itemization requirements of the Act;~~
 - 3) ~~A person or whoever organizes a committee to elect Joe Doe for State Senator. He then terminates the committee and organizes a new committee called the All Illinois Committee to Elect Joe Doe for State Senator and has as his primary purpose the intent to raise campaign funds in this manner to avoid disclosure of contributors.~~

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

Section 100.110 Loans by One Political Committee to Another

- a) If a political committee lends or donates funds to a second political committee while the lending or donating ~~committee~~~~committees~~ owes the State Board of Elections a civil penalty assessed under the provisions of Section ~~9-7.5, 9-10, 9-23, or 9-26~~ of the Election Code ~~[10 ILCS 5/9-7.5, 9-10, 9-23, 9-26]~~, the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.
- b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section ~~9-7.5, 9-10, 9-23, or 9-26~~ of the Election Code ~~[10 ILCS 5/9-7.5, 9-10, 9-23, 9-26]~~, any political committee formed within 24 months from the date of the final order imposing a civil penalty assessment on the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- c) A political committee that seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.
- d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated under the Election Code, or if a civil penalty has been assessed by Board staff and the process of going out of existencesuch a proceeding is begun or about to begin, the political committee must first pay the civil penalty; or, if it lacks sufficient funds to pay the civil penalty in full, pay to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon payment of the civil penalty, either in full or in part, ~~as the case may be,~~ shall the committee be permitted to exit the reporting system established by Article 9 of the Illinois Election Code ~~[10 ILCS 5/Art. 9].~~

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

Section 100.120 Receipt of Campaign Contributions

- a) Every person or political committee ~~that which makes any expenditure in excess of \$50 on behalf of a candidate or political committee, or~~ contributes goods or services ~~in excess of \$50 directly to a committee or indirectly to another on behalf of a committee,~~ shall ~~provide~~ certify to the treasurer of the political committee, within five business days after making the contribution, a detailed account of the contribution, including ~~The certificate shall include~~ the name and address of the person or political committee making the contribution; expenditure; ~~the name and address of the entity to whom the expenditure was made; the amount of ascertainable market value of the expenditure;~~ a description and of the market value of the goods or services; and the date on which the contribution; expenditure was made. The ascertainable market value of goods and services assigned by the contributor; donor in the certificate, or, if the contributor fails to provide the information to the recipient committee ~~there is no certificate,~~ by the recipient committee, shall be prima facie correct unless rebutted by clear and convincing evidence.
- b) An entity defined by Section 9-1.6 of the Election Code or a political committee as defined by Sections 9-1.7, 9-1.8 ~~or 9-1.9~~ of the Election Code shall

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

acknowledge, to the donor, receipt of any ~~such~~ notice it receives ~~under~~ conforming to the requirements of subsection (a) ~~of this Section~~. No committee shall retain an in-kind contribution it has knowingly received unless it also receives the information from the contributor certificate required by subsection (a) ~~of this Section~~ unless return of the contribution is impossible. If the contributor donor of the expenditure does not comply with subsection (a) ~~of this Section~~ and if the in-kind contribution cannot be returned, the beneficiary political committee shall nonetheless have the responsibility to report ~~the~~ such in-kind contributions or expenditures from the contributor donor if it actually knows or reasonably should have known from the facts available to it that an in-kind contribution had been made in its behalf.

c) A monetary contribution is any contribution other than a gift of goods or services. The receipt date of the contribution is determined as follows:

1) A monetary contribution to a political committee is deemed to have been received on the date the contribution was deposited in a bank, financial institution or other repository of funds for the committee.

2) If not deposited into a bank, financial institution or other repository of funds, a monetary contribution is deemed to have been received as follows:

A) A cash contribution that is not deposited into a bank, financial institution or other repository of funds is deemed to be received on the date that the cash is given to any employee or agent of the committee.

B) A contribution in the form of a business check, personal check, money order, or cashier's check that is not deposited into a bank, financial institution, or other repository of funds is deemed to be received on the date the check is cashed and the cash becomes available to the committee. A contribution by credit card or other ~~implement~~ used for processing a monetary contribution that was deposited in a bank, financial institution or other repository of funds for the committee is deemed to be received on the date the committee received notice of the deposit.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- d) A contribution of goods or services (in-kind contributions) possession of which is not actually obtained by the recipient committee is deemed received on the date the public official, candidate or political committee received the notification of contribution of goods or services as required under Section 9-6(b) of the Election Code and subsection (a) of this Section. If no notification has been received, the in-kind contribution is deemed received on the date the candidate, chairman or treasurer of the recipient committee, or the public official, obtains knowledge of the in-kind contribution. A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed.
- e) ~~A cash contribution to a political committee is deemed to have been received on the date the contribution was actually received by the candidate, Chairman or Treasurer of the committee or the public official. A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed. An in-kind contribution of goods or services, possession of which is not actually obtained by the recipient committee, shall be deemed to be received 2 days after the date the certificate required by subsection (a) of this Section is received, or if no certificate has been received, 2 days after the date information comes into the possession of the candidate, Chairman or Treasurer of the recipient committee or the public official from which the person receiving the information knows or should reasonably know of the in-kind contribution.~~

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

Section 100.125 Receipt by Mail of ~~QuarterlyPre-Election and Semiannual~~ Reports of Campaign Contributions and Expenditures

- a) ~~QuarterlyPre-election and semiannual~~ reports of campaign contributions and expenditures must be received by the Board within the filing periods set forth in Section 9-10 of the Election Code. Subject to subsections (b) and (c) of this Section, if the reports are filed by mail and received by the Board after the filing deadline, they shall be considered delinquent and subject to penalties as provided in Section 9-10 ~~of the Election Code~~ and 26 Ill. Adm. Code 125.425. However, pursuant to Section 9-10(b) ~~and (c) of the Election Code~~, if the envelope containing the reports ~~bears~~ contains a postmark showing that the envelope was

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

mailed at least 72 hours prior to the due date, the reports shall be considered timely filed, regardless of when received in the office of the State Board of Elections.

- b) If the envelope containing ~~either of the quarterly report~~ Reports named in subsection (a) of this Section is not received by the Board, the envelope is received but does not have a postmark printed by the United States Postal Service, or if the postmark is illegible, the report will either be deemed to have not been received or be deemed to have been received on the date the envelope officially arrives in the office of the State Board of Elections. However, if the political committee is assessed a civil penalty for failing to file or delinquent filing ~~either of the report reports~~ and, as part of the committee's appeal of the civil penalty assessment, it is alleged by the treasurer, chairman or candidate on a signed and notarized affidavit verifying that the report was mailed more than 72 hours prior to the filing deadline, and this is the first time the committee has made this claim as part of its appeal, the presumptive date of receipt will be rebutted by the testimony contained in the affidavit and the report will be deemed to have been timely received.
- c) When the committee raises the defense described in subsection (b) as part of its appeal for any subsequent civil penalty assessments, the appeal affidavit shall be accompanied by a certificate issued by the United States Postal Service showing the date on which the envelope was deposited with the United States Postal Service. The Board shall not consider this defense as valid in the absence of the certificate.
- d) When a political committee raises the defense described in subsection (b) at any time after an appeal has been granted pursuant to subsection (b), that defense ~~will shall~~ be denied without consideration by the Board unless a certificate, issued by the United States Postal Service, verifying the date upon which the transmitting envelope was deposited with the United States Postal Service, is attached to the appeal affidavit. If the certificate is attached to the appeal affidavit, the Board ~~will shall~~ hear and determine the appeal as it deems appropriate.

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

Section 100.130 Reporting by Certain Nonprofit Organizations (Repealed)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- a) ~~A nonprofit organization is required to submit financial reports to the State Board of Elections if it:~~
- 1) ~~is not a labor union;~~
 - 2) ~~has not established a political committee; and~~
 - 3) ~~accepts or spends more than \$5000 in any 12-month period in the aggregate:~~
 - A) ~~supporting or opposing candidates for public office or questions of public policy that are to appear on a ballot at an election; and/or~~
 - B) ~~for electioneering communications.~~
- b) ~~Except as provided in subsection (d), each nonprofit organization required to register under Section 9-7.5 of the Election Code [10 ILCS 5/9-7.5] shall file pre-election reports of contributions and semi-annual reports of contributions and expenditures at the same times, covering the same reporting periods and containing the same information regarding contributors and recipients of expenditures as required of political committees pursuant to Section 9-10 of the Code. Nonprofit organizations shall be subject to the same civil penalties as political committees for the delinquent filing or non-filing of the reports as set forth in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. Each nonprofit organization:~~
- 1) ~~must file all required reports with the State Board of Elections;~~
 - 2) ~~is not required to report donations of more than \$500 on a Schedule A-1 within the 30-day period prior to an election; and~~
 - 3) ~~shall designate a chairman and treasurer who shall constitute the principal officers as required in Section 9-7.5(a)(3) of the Election Code.~~
- e) ~~Nonprofit organizations may cease filing disclosure reports with the Board if they:~~
- 1) ~~have filed two consecutive semi-annual reports in which they have not made any contributions or expenditures that supported or opposed any~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- ~~candidate or referenda, or made any electioneering communications;~~
- ~~2) have determined they will no longer make any contributions or expenditures to support or oppose any candidate or referenda, or for electioneering communications; and~~
 - ~~3) have submitted a letter informing the State Board of Elections that they will no longer function as a nonprofit political organization as defined in Section 9-7.5 of the Election Code.~~
 - ~~d) To comply with the specific reporting provisions of Section 9-7.5(b) of the Election Code, nonprofit organizations may establish a separate nonprofit political committee whose exclusive function is to receive or make contributions and/or make expenditures to support or oppose candidates or questions of public policy. To facilitate this option, nonprofit organizations shall create a separate segregated fund in which contributions shall be deposited or made as defined in Section 9-1.4 of the Election Code and from which expenditures shall be dispersed as defined in Section 9-1.5 of the Election Code. If a nonprofit organization chooses this option, the disclosure of any deposits of money into the segregated fund shall report the original source of the money and not the name of the nonprofit organization.~~
 - ~~e) Reports containing the information required by statute shall be submitted on forms designed and supplied by the State Board of Elections or upon computer-generated forms conforming to those designed by the State Board of Elections. Pursuant to Section 9-28 of the Election Code, each nonprofit organization that exceeds the threshold of \$10,000 must continue to report electronically until it dissolves.~~

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

Section 100.140 Prohibited Contributions – State Property

- a) Upon receipt of a notice of violation of Section 5-35 of the State Officials and Employees Ethics Act [5 ILCS 430/5-35], the State Board of Elections may assess a penalty not to exceed 100% of the value of the contribution giving rise to the violation. In determining whether to assess a penalty and the amount of a penalty, the Board ~~will~~shall consider any mitigating or aggravating factors contained in the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

notice, including but not limited to the number of past violations of [Article 9 of the Election Code](#)~~the Act~~, the amount of the contribution and whether, in the Board's view, the violation was ~~unintentional~~ [unintentional](#) or willful.

- b) Persons against whom a penalty has been assessed by the Board may appeal the penalty. The provisions of 26 Ill. Adm. Code 125.425 governing the appeal procedures for violations of Article 9 ~~of the Election Code~~ [\[10 ILCS 5/9\]](#) shall apply to appeals of penalties assessed under this Section.

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

Section 100.150 Electronic Filing of Reports

- a) The State Board of Elections will make software available to committees required to report electronically under [Section 9-28 of the Election Code](#)~~10 ILCS 5/9-28~~.
- b) Once a committee exceeds the threshold that requires it to report electronically, it must continue ~~hereafter~~ to report electronically until it dissolves, whether or not its accumulation, receipts or expenditures fall beneath the levels set by statute for mandatory electronic filing.
- c) Once a committee is required to file its reports electronically under Section 9-28 ~~of the Election Code~~, it must continue to file all reports (~~semiannual, amended semiannual, pre-election, amended pre-election, final, amended final, Schedule A-1~~) electronically, except as follows:
- 1) A paper report shall be considered a timely filing if it is received by the Board on or before the filing deadline, provided that it covers the initial reporting period during which the mandatory electronic filing threshold is exceeded and that the report is filed electronically within 30 days after receipt of notice from the Board that this report was required to have been filed electronically. If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.
 - 2) A paper report shall be considered a non-filing if the committee has previously received the notification referred to in subsection (c)(1). If the report is not filed electronically by the filing deadline, it shall be

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

considered as having never been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue until such time as it is filed electronically.

- 3) A paper report shall be considered a timely filing if at least one previous report was required to have been filed electronically and the committee had never been notified by the Board that it was required to electronically file its reports, provided that the report is filed electronically within 30 days after the notification referred to in subsection (c)(1). If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.
- 4) A paper report shall be considered a timely filing if it is received on or before the filing deadline and the committee has never exceeded the \$10,000 threshold requiring the electronic filing of its reports, regardless of whether the committee filed previous reports electronically.
- 5) If a committee is assessed a civil penalty for delinquent filing a report required to be filed electronically and, in the course of its appeal, raises the defense that computer related issues (including, but not limited to, software, firewalls, system failures) prohibited the timely filing of an electronic report, the Board may consider that defense when determining the final outcome of the appeal.
- 6) The electronic filing requirement established in this Section shall not apply to Reports of Independent Expenditures required to be filed by natural persons pursuant to Section 9-8.6, as those persons are not necessarily political committees.

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

Section 100.160 Good Faith

- a) For purposes of this Section, "contributor" includes the terms "lender" and "endorser". A committee acts in good faith under Section 10-ILCS 5/9-7.5, 9-11 of the Election Code, 9-12, 9-13, and 9-14 if:
 - 1) its written solicitation for funds includes a clear written request for the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

name of the contributor's employer and the occupation of the contributor;

- 2) in the event it receives a contribution lacking the name of the contributor's employer and the occupation of the contributor in circumstances in which the information is required, it makes at least one effort to obtain the missing information; and
 - 3) in the event its request for information is unanswered, the committee includes in its report the best and most current information it may have from whatever source, including its own records and earlier reports, about the name of the contributor's employer and the occupation of the contributor.
- b) The request shall appear in a clear and conspicuous manner on any response material contained in the solicitation.
 - c) An effort to obtain missing information must be in writing, or be made orally and documented by writing, and must be made on or before the close of the reporting period in which the contribution or loan was received. The request must clearly ask for the missing information and must contain no other language except thanks to the contributor or lender for the contribution or loan. If the request is in writing, it must be accompanied by a pre-addressed return postcard or envelope.
 - d) If the name of the employer of a contributor that is required to be reported under Article 9 of the Election Code is unknown at the time the contribution must be reported and a good faith effort has been made to secure that information, the contribution may be reported without the information. However, if the omitted information subsequently becomes known to the committee, the report that omits the information must be amended to add the information.
 - e) For the purpose of this Section, "employer" includes all natural and non-natural persons, including but not limited to corporations, partnerships and unincorporated associations.

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

Section 100.170 Sponsoring Entity

- a) A sponsoring entity is a person that contributes not less than 33% of the total

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

funding of any political committee at any time during a ~~quarterlysemi-annual~~ reporting period following the 30th day after the committee has filed its statement of organization.

- b) Person includes natural persons, corporations, partnerships, ~~political committees~~ and unincorporated associations.
- c) Total funding means the sum of the funds available at the beginning of the reporting period and the total receipts for the ~~quarterlysemi-annual~~ reporting period.
- d) Total receipts means any contributions as defined in Section 9-1.4 of the Election Code that are received by the committee.
- e) Each political committee shall ~~disclose the name and address of any sponsoring entity on the committee's Statement of Organization~~ include in its name the name of any sponsoring entity.
- f) If, at any time during a ~~quarterlysemi-annual~~ reporting period, a committee that has not previously identified a sponsoring entity receives 33% of its total funding during that ~~quarterlysemi-annual~~ reporting period from a single person, the committee must amend its Statement of Organization to identify the sponsoring entity.
- g) ~~A political committee, the name of which includes the name of the candidate supported by the committee, the name of an established political party as that term is used in Article 7 of Election Code, or the name of a new political party as that term is used in Article 10 of the Election Code satisfies the requirements of this Section without the need for further statement of sponsoring entity in the name of the committee.~~
- h) ~~A political committee is not a sponsoring entity if it is organized by an established political party as that term is used in Section 10-2 of the Election Code, a partisan caucus of either house of the General Assembly, the Speaker or Minority Leader of the House of Representatives or the President or Minority Leader of the Senate in their official capacities (see Section 9-3 of the Election Code).~~
- gi) The name of the sponsoring entity shall be the full name of the person, and not an acronym.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- hj)** A committee is required to identify its sponsoring entity so long as it receives not less than 33% of its total funding from a single person. A committee may amend its Statement of Organization to delete the ~~name of its~~ sponsoring entity from its Statement of Organization~~name~~ if, for ~~4~~two consecutive ~~quarterly~~semi-annual reporting periods, it fails to receive not less than 33% of its total funding from a single person.
- ik)** If, at any time during a ~~quarterly~~semi-annual reporting period, a committee that has identified a sponsoring entity receives not less than 33% of its total funding from a different single person than the person identified as its sponsoring entity, it shall amend its Statement of Organization to include ~~in its name~~ the name and street address of the new sponsoring entity.
- j)** If a committee receives support from ~~2~~two or more persons, each one of which would independently of the other meet the definition of a sponsoring entity, ~~the name of~~ the committee's Statement of Organization~~committee~~ shall include all ~~those~~such persons.

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

Section 100.175 Audit Findings for Political Committees

- a)** The Board may order a political committee to conduct an audit of its financial records based upon criteria outlined in Section 9-13(b) of the Election Code. These criteria are limited to a situation in which:
- 1)** there is a discrepancy between the committee's ending and beginning balances contained in 2 or more successive reports;
 - 2)** there is a failure to account for a previous investment or loan in a subsequent report or reports; and
 - 3)** there is a willful pattern of nonreconciliation of contributions received from or expenditures made from one political committee to another political committee, such that the reported amounts of the one committee do not correspond with the reported amounts of the other committee.
- b)** Conditions Precedent to Requirement for an Audit

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Prior to ordering an audit, the Board will send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the Form D-1 Statement of Organization as being supported by the committee a notice in the form of a pre-audit letter stating that the Board intends to order the committee to conduct an audit based upon reasons outlined in the letter.
- 2) Prior to conducting an audit, the committee will be afforded an opportunity for a closed preliminary hearing to give reasons why the committee should not be ordered to conduct an audit, and the committee will be given an opportunity to correct the deficiencies or omissions that gave rise to the issuance of the pre-audit letter. At the conclusion of the closed preliminary hearing, a recommendation will be issued stating whether grounds exist to order the audit.
- 3) If, after the closed preliminary hearing, the Board determines that there are insufficient grounds upon which to order an audit, no further action will be taken.
- 4) If, after the closed preliminary hearing, the Board determines that there are sufficient grounds upon which to order an audit, the committee will be ordered to conduct an audit as provided in Section 9-13 of the Election Code.
- 5) The procedures contained in 26 Ill. Adm. Code 125, Subparts A and B shall apply to the closed preliminary hearing to the extent that they are not inconsistent with the provisions of Section 9-13.

c) Selection of Committees for Auditing

- 1) In each calendar year, the Board shall randomly select no more than 3% of the registered political committees to conduct an audit. No later than December 31 of the year preceding the selection, the Board will decide, based on staff recommendations, what percentage of political committees will be selected for audits in the year of the selection. The selection:
 - A) shall be made no later than the first business day in February; and

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- B) shall be made from all political committees on file with the Board whose status is active at the time of the random selection.
- 2) The method of selection shall be the same method that the Board uses to select the 5% of the total number of precincts in a given election authority jurisdiction for the purposes of conducting a post-election retabulation as provided in Sections 24A-15, 24B-15 and 24C-15 of the Election Code. Once a committee has been selected to conduct an audit based on the random selection provided in subsection (c)(1), the Board shall send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the Form D-1 as being supported by this committee, a notice that the committee has been selected to conduct an audit. The provisions in subsection (b) relating to the closed preliminary hearing shall not apply to committees that have been randomly selected to conduct an audit; however, the committee may be excused from conducting an audit pursuant to subsection (h).
- d) Auditor
- 1) A political committee that has been ordered to conduct an audit pursuant to subsection (a) shall hire an entity qualified to perform the audit, i.e., a licensed certified public accountant (CPA) or other person qualified to perform an audit. The auditor shall:
- A) have the proper training and experience to perform a financial analysis of campaign finance committees;
- B) have the ability to render an independent opinion as to the accuracy and verifiability of campaign finance reports; and
- C) not have contributed to the political committee during the 4 year period immediately preceding the order of the audit.
- 2) If the person selected by the committee to perform an audit is not a CPA, the committee shall, prior to the person conducting the audit, submit to the Board for approval the person selected. The committee shall include with the submission any information regarding the qualifications of the person to perform an audit that would inform the Board of the qualifications. The committee may appear before the Board to argue the selected person's

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

qualifications. The Board shall provide written notice to the committee stating whether the selected person is approved and, if not approved, the reasons for denial of approval. If the Board does not approve of the person selected, the committee shall, within 10 business days after the date of the nonapproval notice, select another person to conduct the audit and submit that person for Board approval in accordance with this subsection (d).

- e) Any audit ordered by the Board shall include and cover all financial records required to be maintained by the committee as provided in Section 9-7 of the Election Code. The audit shall be conducted in such a way as to ensure compliance with the contribution limitations set forth in Section 9-8.5 and the reporting requirements set forth in Sections 9-3 and 9-10. The records shall include any and all financial records in the possession or under the control of the committee or the financial institution in which the committee's funds are held, including, but not limited to:
- 1) Bank statements;
 - 2) Deposit slips;
 - 3) Internal registers or ledgers; and
 - 4) Records maintained and stored in any type of electronic medium.
- f) The audit shall only cover the 2 year period immediately preceding the order of the audit or the period of time since the committee was last ordered to conduct an audit, whichever is shorter. However, if any portion of these time periods covers a time in which the contribution limits provision of Article 9 of the Election Code was not in effect, those limits shall not be included in the scope of the audit.
- g) If the Board determines that the committee is in violation of Sections 9-3, 9-8.5 or 9-10, it may assess a penalty for non-compliance consistent with the penalty provisions contained in those Sections and 26 Ill. Adm. Code 125.425. However, no additional penalty shall be imposed by the Board for any violation found as a result of a Board ordered audit if the Committee has previously been assessed a penalty for that violation.
- h) Excused from Audit

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Any political committee, other than a state central committee or a county central committee, ordered by the Board to conduct an audit whose chairman, treasurer or candidate on whose behalf the committee was formed, that states under oath, in a signed and notarized affidavit, that the committee lacks the financial means to hire a CPA or other qualified person may, in lieu of conducting an audit, dissolve as a political committee and file a final report with the Board within 10 business days following the date of the notice of audit. The committee must remain dissolved for a period of at least 4 years.
- 2) If the committee fails to dissolve within 10 business days after the date of the notice of audit, the Board staff shall contact the committee within 2 business days and inform it that the option of excusing itself from conducting an audit will not be available to the committee unless it dissolves within 5 business days after being informed. If the committee does not dissolve within the 5 business days, the committee shall be required to conduct the audit under the provisions of Section 9-13 of the Code and Section 100.175 of this Part.
- 3) In order to-be excused from conducting an audit, the committee must have a funds balance that does not exceed the cost of hiring a CPA or other qualified person, such cost being typical for the county in which the committee is located. The committee must submit with its affidavit a written cost estimate from at least one CPA or other qualified person located in the county in which the chairman, treasurer or candidate resides. The provisions of subsection (d) pertaining to restrictions on CPAs or other qualified persons chosen to conduct an audit shall also apply to the CPA or other qualified person whose fee is used as a basis to determine the financial ability of the committee to pay the cost of a CPA or other qualified person.
- 4) If a political committee dissolves as a result of its financial inability to conduct an audit, as provided in subsection (h)(1), and then reactivates during the 4 year period it was required to remain dissolved, as a condition of its reactivation, within 60 days after reactivation, the committee must conduct an audit covering the 2 year period immediately prior to the committee's dissolution.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

Section 100.180 Business Entity Registration Procedures

- a) This Section and Section 100.185 are adopted to comply with Public Act 95-971, as amended by Public Act 96-848. Any business entity whose existing State contracts, whose bids and proposals on State contracts or whose bids and proposals on State contracts combined with the business entity's existing State contracts in aggregate annually total more than \$50,000 shall register with SBEL in accordance with Section 9-35 of the Election Code [10 ILCS 5/9-35]. Those business entities that wish to submit a bid or proposal on a State contract must register with SBEL prior to submitting their bid or proposal. SBEL will provide a certificate of registration upon successful completion of the registration process.
- b) Definitions
 - 1) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", "affiliated person", and "executive employee" shall have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37] (Procurement Code).
 - 2) The term "annually", as used in Section 20-160 of the Procurement Code, when referring to the aggregation of State contracts, shall mean the calendar year in which the contracts are bid on or awarded.
 - 3) Unless otherwise indicated, any time frame involving a certain number of days shall refer to business days. Business days shall be those days in which the office of SBEL is open to the public for a minimum of 7 hours.
 - 4) The term "political committee" shall mean any political committee required to file as such under the provisions of Article 9 of the Election Code (campaign disclosure law), regardless of whether the committee has filed a Statement of Organization pursuant to Section 9-3 of the Election Code.
 - 5) The term "minor child" shall mean any affiliated person who has not attained 18 years of age as of the time of registration of the business entity with which the person is affiliated.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- e) ~~Upon the establishment of a fully functional and statutorily compliant electronic registration system, business entities will be required to submit their registration forms electronically consistent with Section 9-35 of the Election Code. Within 60 days after the establishment of the electronic system, all business entities that have submitted their registrations via e-mail attachment or on paper shall re-submit their registration electronically. SBEL will send notice to all such entities informing them that the electronic system has been established and setting a date on which the 60 day period is to begin. This re-registration requirement shall also affect any business entity that had previously registered with SBEL, but that is no longer required to be registered. At the time of re-submission, SBEL shall provide to the business entity an electronic certificate of registration.~~
- cd) Business entities shall register on a secure website provided by SBEL by first creating an on-line account. SBEL will verify the authenticity of that account at the time of registration.
- de) Registration Procedures
- 1) The following information must be supplied at the time of, and for the purpose of listing in, the registration:
 - A) The name and address of the business entity. The address shall be the office designated by the entity as its principal office or its headquarters.
 - B) The name and address of each affiliated entity of the business entity, including a description of the affiliation. The address shall be that of the principal office or headquarters of the affiliated entity.
 - C) The name and address of each affiliated person of the business entity, including a description of the affiliation. (Every affiliated person or persons within a business entity that is required to register electronically must be listed on the registration form. If there are no affiliated persons, the person whose position within the business entity comes closest to meeting the definition of affiliated person shall be listed on the registration form. The electronic registration system will not accept a blank entry where a

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

name is required.) The name and address of a minor child who must be disclosed on the business entity's registration by virtue of the fact that such person falls under the definition of affiliated person shall not be posted on the SBEL website.

- D) The Federal Employer Identification Number (FEIN), if the business has obtained such a number. If the business does not have a FEIN, an Illinois Business Tax Number (IBT) must be provided. If the business has neither of these numbers, it must provide an identifying number unique to that business that is capable of verification by SBEL. A sole proprietorship may use a social security number as a unique identifier if it does not have a FEIN or an IBT.

- 2) Registration shall be accomplished in one of the two following methods:

- A) A web-based program through which information may be entered, saved and transmitted upon completion. Changes may be made by accessing the program, making the changes, and submitting those changes to SBEL via the program contained on SBEL's website.
- B) A format, provided by SBEL, designed specifically for large business entities through which data may be submitted in lieu of completion of the web-based option. Though this method is geared toward larger business entities, any business entity may choose to use this method.

| ef) The Board shall provide a certificate of registration to the business entity upon registration and upon any change of information submitted by the entity. The certificate shall be electronic and accessible to the business entity through the SBEL website and shall be password protected.

- 1) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after registration, to each affiliated entity and each affiliated person listed by the registrant.
- 2) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

first class mail, e-mail or hand delivery within 10 days after the addition of any affiliated entity or affiliated person whose identity is required to be disclosed, to that affiliated person or entity. The delivery of the registration certificate to a minor child who is an affiliated person shall be accomplished by providing it as described in this Section to either parent or the legal guardian of the minor child. The business entity shall document in writing the date of submission of the certificate of registration to the appropriate entities and persons.

- 3) Any business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution, in writing at the time of the contribution, that the business entity is registered with SBEL under Section 20-160. The business entity shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.
- 4) Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution that it is affiliated with a business entity registered with SBEL under Section 20-160 and the business entity with which it is affiliated. The notification shall be in writing and shall occur at the time the contribution is made to the committee. The affiliated entities or persons shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.
- 5) In the determination of a complaint alleging a failure to comply with any notification requirement contained in this subsection (ef), the failure of a party responsible for providing the required notification to submit written documentation of compliance shall create a rebuttable presumption of noncompliance against that party.

fg) Pursuant to 30 ILCS 500/20-160, each bid submitted to and every contract executed by the State on or after January 1, 2009 shall contain:

- 1) A certification by the bidder or contractor that either:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- A) the bidder or contractor is not required to register as a business entity with SBEL pursuant to this Section; or
 - B) the bidder or contractor has registered as a business entity with SBEL and acknowledges a continuing duty to update the registration; and
- 2) A statement that the contract is voidable under Section 50-60 of the Procurement Code as a result of the bidder's or contractor's failure to comply with Section 20-160 of the Procurement Code.

| **gh)** A business entity whose aggregate bids and proposals on State contracts annually total more than \$50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the contract is awarded. Any change of information, including but not limited to changes in affiliated entities or affiliated persons, must be reported to SBEL within 5 business days following the change or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(a)).

| **hi)** A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contract or for a period of 2 years following the expiration or termination of the contract, whichever is longer.

- 1) Any change in information, including but not limited to changes in affiliated entities or affiliated persons, shall be reported to SBEL on a quarterly basis within 10 business days following the final day of January, April, July and October of each year (see Section 100.185(c)).
- 2) If a business entity required to register under Section 20-160(d) of the Procurement Code has a pending bid or proposal on a State contract, then any change in information shall be reported to SBEL within 5 business days or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(c)).

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- ij)** Pursuant to 30 ILCS 500/20-160, a copy of the business entity's certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register. The chief procurement officer of the State agency shall not accept a bid or proposal unless:
- 1) the certificate of registration is submitted to the agency with the bid or proposal; or
 - 2) a statement that the bidder or contractor is not required to register as a business entity with SBEL is submitted to the agency with the bid or proposal.
- jk)** A registration, and any changes to a registration, must include the business entity's verification of accuracy.
- kl)** The requirements of this Section apply regardless of the method of source selection used in awarding the contract.
- lm)** SBEL will keep and maintain the paper registrations filed in accordance with P.A. 95-1038 and the emergency rules enacted by SBEL in its principal office in Springfield for a period of 3 years following the creation of the electronic registration system [on August 1, 2009](#). The public may view these paper registration submissions of business entities at SBEL's principal office in Springfield during normal business hours. Copies of registrations of business entities submitted to SBEL shall also be available for public inspection at SBEL's principal office in Springfield. The searchable database provided for in Section 9-35 of the Election Code shall be accessible to the public at all times following its creation.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
125.5	Amendment
125.10	Amendment
125.15	Amendment
125.20	Amendment
125.30	Amendment
125.40	Amendment
125.50	Amendment
125.55	Amendment
125.60	Amendment
125.70	Amendment
125.75	Amendment
125.80	Amendment
125.90	Amendment
125.95	Amendment
125.100	Amendment
125.110	Amendment
125.115	Amendment
125.130	Amendment
125.135	Amendment
125.140	Amendment
125.150	Amendment
125.160	Amendment
125.170	Amendment
125.175	Amendment
125.180	Amendment
125.190	Amendment
125.192	Amendment
125.195	Amendment
125.197	Amendment
125.199	Amendment
125.210	Amendment
125.220	Amendment
125.230	Amendment
125.235	Amendment

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

125.245	Amendment
125.252	Amendment
125.253	Amendment
125.254	Amendment
125.262	Amendment
125.265	Amendment
125.270	Amendment
125.272	Amendment
125.310	Amendment
125.320	Amendment
125.330	Amendment
125.340	Amendment
125.350	Amendment
125.360	Amendment
125.370	Amendment
125.380	Amendment
125.390	Amendment
125.410	Amendment
125.420	Amendment
125.425	Amendment
125.430	Amendment
125.440	New Section
125.445	New
125.520	Amendment
125.530	Amendment
125.550	Amendment
125.610	Amendment
125.620	Amendment
125.630	Amendment
125.640	Amendment
125.660	Amendment
125.680	Amendment
125.710	Amendment
125.720	Amendment
125.730	Amendment
125.740	Amendment
125.810	Amendment
125.820	Repeal
125.840	Amendment

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code [10 ILCS 5/Art.9] and authorized by Section 9-15
- 5) A Complete Description of the Subjects and Issues Involved: Sections 125.420, 125.425, 125.445 and 125.520 establish procedures to implement the provisions of Public Act 96-832, which made numerous changes to the Illinois Campaign Finance Act. Specifically, this rulemaking implements the provisions regarding assessments of penalties on quarterly reports and creates a new data base regarding founded complaints. Other amendments update the Part to reflect current statute and rule style.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: To implement the provisions of Public Act 96-832.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments on this proposed rulemaking in writing within 45 days after publication of this Notice to:

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

217/557-9939

- 13) Initial Regulatory Flexibility Analysis:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Any candidate for public or party office or any ballot measure that exceeds \$3000 in a twelve month period or any political committee already on file with SBEL will be required to file reports on a quarterly basis and if delinquent will be assessed civil penalties.
- C) Types of Professional skills necessary for compliance: Accounting, bookkeeping or legal experience if appearing before the Board
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was an oversight on the part of SBEL and, in the future, the Board intends to comply with all provisions for publication on the regulatory agenda.
- 15) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section

125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Officer Examiner
125.95	Authority of Hearing Officer Examiner
125.100	Disqualification of Hearing Officer Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 125.197 Admission of Business Records in Evidence
125.199 Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section

- 125.210 Applicability
125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of ~~Hearing Officer~~[Examiner](#) – Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing – Procedures – Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section

- 125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing ~~Officer~~[Examiner](#)
125.340 Notice of Hearing
125.350 Discovery Procedures
125.360 Subpoenas
125.370 Transcript of Proceedings
125.380 Official Record
125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section

- | 125.410 Hearing ~~Officer's~~[Examiners](#) Report
- 125.420 Order of the Board; Civil Penalties
- 125.425 Civil Penalty Assessments
- 125.430 Enforcement Actions in the Circuit Court
- 125.440 Reconsideration
- | [125.445](#) [Public Database of Founded Complaints](#)

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

Section

- 125.510 Applicability (Repealed)
- 125.520 Staff Review and Enforcement of Reporting Requirements
- 125.530 Compliance Conference
- 125.540 Staff Initiated Complaint (Repealed)
- 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section

- 125.610 Applicability
- 125.620 Adoption of Rules
- 125.630 Rulemaking Hearings
- 125.640 Notice of Hearing
- 125.650 Conduct of the Hearing
- 125.660 Examination of Witness
- 125.670 Record
- 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section

- 125.710 Advisory Opinions
- 125.720 Reconsideration of Advisory Opinions
- 125.730 Public Availability of Advisory Opinion
- | 125.740 Conflict Between this Part and the [IAPA/APA](#)

SUBPART H: MISCELLANEOUS PROVISIONS

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section

125.810 Ex Parte Communications

125.820 Effective Date ([Repealed](#))

125.830 Interpretation

125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. 6337, effective April 3, 2006; amended at 30 Ill. Reg. 10266, effective June 1, 2006; amended at 31 Ill. Reg. 16738, effective December 14, 2007; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section 125.5 Applicability

This Subpart A shall apply to the practices and procedures of the State Board of Elections, and all proceedings conducted by the Board under Subpart A. This Part is not intended to apply to State Electoral Board hearings, or to proceedings under Subpart B of this Part (closed preliminary hearings) where any provisions of Subpart B makes a more specific or contradictory provision to anything contained in Subpart A.

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

Section 125.10 Definitions

As used in [this PartSubparts A-H of these Rules](#), the following terms shall have the meanings

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

specified:

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

~~a)~~ "Board" means the State Board of Elections;

~~f)~~ "Complainant" means a party initiating a proceeding under Article 9~~the Act~~ by the filing of a complaint; ~~and~~

"Election Code" or "Code" means 10 ILCS 5.

~~e)~~ ~~File~~~~file~~, ~~Filed~~~~filed~~; or ~~Filing~~~~filing~~ means, with respect to reports, statements and documents required to be filed with the State Board of Elections or the appropriate election authority:

~~1)~~ delivery to the principal office of the State Board of Elections, Springfield, Illinois, or the appropriate election authority by the close of business of the prescribed filing date; ~~or;~~

~~2)~~ delivery to the permanent branch office of the State Board of Elections, Chicago, Illinois, by the close of business of the prescribed filing date; ~~or;~~

~~3)~~ deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

~~b)~~ "General Counsel" means the person designated and appointed as General Counsel of the Board, or any individual acting in his or her stead in the event of:

~~1)~~ a vacancy in the position of General Counsel; ~~or~~

~~2)~~ the absence, incapacity, or unavailability of the General Counsel.

~~d)~~ "Act" means ~~the Campaign Financing Act (The Election Code, Article 9), and all amendments thereto;~~

~~e)~~ "Party" means an individual~~individual(s), trust~~~~trust(s), partnership~~~~partnership(s), committee~~~~committee(s), corporation~~~~corporations(s),~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~association~~ ~~association(s)~~, public or private ~~organization~~ ~~organization(s)~~ or ~~group~~ ~~group(s)~~ of persons of any character, or any governmental agency, entitled or required to participate in any hearing or proceeding.

~~g)~~ "Respondent" means a party against whom a complaint is directed.

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

Section 125.15 Board Offices and Business Hours

- a) The principal office of the State Board of Elections is located at Springfield, Illinois, and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:00 a.m. to 4:30 p.m.
- b) The permanent branch office of the State Board of Elections is located at Chicago, Illinois; and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:30 a.m. to 5:00 p.m.
- c) When the last day for the filing of nominating petitions and/or objections to nominating petitions as required by the Election Code is a Saturday, Sunday, or holiday, ~~then the~~ Board offices shall remain open from 8:30 a.m. to 5:00 p.m. on that day.
- d) ~~On~~ ~~However, on~~ the day of any election, or at any other time, the offices of the Board may be kept open any such additional time ~~as the Board~~ deems shall deem necessary to carry out its duties.

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

Section 125.20 Documents Pertaining to Hearings

- a) All documents, including but not limited to complaints, notices and motions, permitted or ~~not~~ required to be filed with the Board in connection with any proceeding before the Board shall be filed with the office of the General Counsel.
- b) All documents permitted or required to be filed with the office of the General Counsel may be ~~so~~ filed either:
 - 1) by personal delivery to the Board's principal office located in Springfield,

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Illinois; or the Board's permanent branch office located in Chicago, Illinois; or

- 2) by mail, postage prepaid with the United States Postal Service, ~~and~~ addressed to the General Counsel at the Board's principal office or permanent branch office in Chicago.
- c) All documents filed by mail ~~pursuant to Section 125.20~~ shall be deemed filed as of the date and time ~~the~~~~when~~ ~~such~~ documents are actually received by the office of the General Counsel. If ~~that~~~~said~~ office customarily and regularly utilizes a time-date stamp for the recording of the receipt of ~~such~~ documents, the time and date stamp impression affixed to any ~~such~~ filed document shall be prima facie evidence that ~~the~~~~such~~ document was filed on the date and at the time shown by ~~the~~~~such~~ stamp ~~impression~~.

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

Section 125.30 Form of Documents

- a) All documents filed with the office of the General Counsel shall be stamped or printed with the docket number and the title of the proceeding in connection with which they are filed. Upon the filing of a complaint, the office of the General Counsel shall assign a docket number to the complaint and proceeding, and all documents thereafter filed pertaining to that particular complaint or proceeding shall include the docket number first assigned. Except as otherwise provided, ~~eight~~(8) copies of all documents shall be filed with the office of the General Counsel. When the Board or the General Counsel waives the necessity of filing ~~eight~~(8) copies of documents, ~~that~~~~such~~ waiver shall be binding. Documents shall be printed or typewritten or reproduced from a printed or typewritten copy on unglazed white paper.
- b) Reproduction may be made by ~~carbon~~ or copying machines or any other process that produces legible black on white copy. At least one copy of each document shall be signed by the party filing or by his ~~or~~ her authorized representative or attorney. The first document filed by a party in any proceeding shall bear the address and telephone number of the party or of his ~~or~~ her attorney or representative and the designation of ~~the~~~~such~~ address shall be deemed to be consent by the filing party to have a copy of all documents filed or to be filed ~~later~~~~thereafter~~ served upon the party at ~~the~~ designated~~such~~ address.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

Section 125.40 Service of Documents

Except as provided in Section 125.240, whenever ~~this Part requires these Rules require~~ any document to be served upon a party or other person, service shall be complete when the document is served by abode service as provided in the Civil Practice Law [735 ILCS 5/2-203(a)], in person upon the party or his or her attorney or designated representative, or deposited for mailing with the United States Postal Service, postage prepaid, registered or certified, addressed to the party at his or her last known address.

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

Section 125.50 Computation of Time

Computation of any period of time expressed in days and prescribed by ~~this Part these Rules~~ shall begin with the first day following the day on which the act or event initiating ~~the such~~ period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or State legal holiday. Computations of any period of time expressed in hours and prescribed by ~~this Part these Rules~~ shall begin ~~sixty (60)~~ minutes after the act or event initiating ~~the such~~ period of time occurs, and shall run until the end of the last ~~60 sixty~~-minute period; provided, however, that all ~~60 sixty~~-minute periods falling within a Saturday, Sunday or State legal holiday shall be excluded in computing the period of time.

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

Section 125.55 Time of Notices

Whenever this Part requires a notice to be given within a period of time, ~~that requirements such requirements~~ shall be construed to mean that notice shall be received by the party entitled to ~~the such~~ notice; provided however, that evidence that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received by the party entitled to ~~the such~~ notice.

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

Section 125.60 Appearances

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- a) Any person entitled to participate in Board proceedings may appear as follows:
- 1) A natural person may appear in his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both;
 - 2) A business, unincorporated association, or nonprofit, or government organization may appear by any bona fide officer, employee, or representative, or may be represented by an attorney licensed and registered to practice in the State of Illinois, or both.
- b) The Board is not authorized to permit attorneys not licensed in the State of Illinois to appear in its proceedings. However, attorneys licensed in states other than Illinois may apply to the Illinois Supreme Court for the right to practice before the Board. The title of the pleading should be "Motion to Appear Pro Hac Vice Before an Administrative Agency" and should be directed to the Clerk of the Illinois Supreme Court. The moving attorney must provide written confirmation of his or her successful admission to the Board's Hearing Officer~~hearing officer~~ prior to entering an~~his~~ appearance in any Board proceeding~~Proceeding~~.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Board, together with proof of service on all parties or their respective attorneys.

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

Section 125.70 Non-legal Assistance

Any party involved in any proceeding conducted pursuant to this Part shall have the right to the presence and participation of additional persons, in addition to, or instead of, an attorney, in order to provide technical assistance and consultation. The Hearing Officer~~Examiner~~ may, at his or her discretion, restrict the number of ~~such~~ additional persons who may attend and participate in the proceedings.

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

Section 125.75 Parties

- a) The person initiating a proceeding shall be designated the complainant. Any adverse party shall be designated the respondent.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) Misnomer of a party is not a ground for dismissal, but the name of any party may be corrected at any time.
- c) If a complete determination of a controversy cannot be had without the presence of other parties, the Board may direct them to be brought in. If a person not a party has an interest ~~which~~ the order may affect, the Board, on its own initiative or on application, may direct ~~the person~~ ~~him~~ to be made a party. Service of process and subsequent pleadings shall be had as directed by the Board.

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

Section 125.80 Answer

Any respondent may file a written answer to a complaint prior to, or at the time of, any proceeding or hearing, but shall not be required to file an answer. The failure to file an answer shall not be deemed an admission of any allegation in the complaint nor a consent to the requested relief. An answer may include affirmative defenses and jurisdictional objections. An answer shall be filed with the Hearing ~~Officer~~Examiner, and at least one copy of the same shall be signed by the respondent or his ~~or her~~ attorney and shall contain ~~thereon~~ evidence of service as ~~herein~~ provided in this Subpart. At least one copy of ~~thesuch~~ answer shall be served upon all other parties to the proceeding, in accordance with Section 125.40, and the General Counsel.

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

Section 125.90 Qualifications of Hearing ~~Officer~~Examiner

Whenever possible a person appointed Hearing ~~Officer~~Examiner for an adjudicatory proceeding conducted pursuant to this Part shall be a licensed attorney. Unless all parties to the proceeding so stipulate, the ~~Hearing Officer~~Examiner who conducted the closed preliminary hearing shall not conduct the public hearing. Closed preliminary hearings are deemed non-adjudicatory by this Part and by Section 125.245.

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

Section 125.95 Authority of Hearing ~~Officer~~Examiner

The Hearing ~~Officer~~Examiner has the authority to conduct and preside over an adjudicatory hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

all notice requirements, and to ensure the development of a clear and complete record. He or she shall have all powers necessary to conduct a fair and impartial hearing, including, but not limited to, the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by depositions if necessary, and in general conduct the proceedings, according to recognized principles of administrative law and the provisions of this Part;
- c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- d) Rule upon offers of proof and receive relevant evidence;
- e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;
- f) Dispose of procedural requests or similar matters;
- g) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part;
- h) In connection with a public hearing on a complaint, render proposed Findings of Fact and Conclusions of Law and make recommendations~~Recommendations~~ for a final order of the Board;
- i) Enter any order that further carries out the purpose of this Part;
- j) Issue subpoenas and rule upon objections to subpoenas and discovery orders;
- k) Consider and rule upon all motions presented in the course of the proceedings.

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

Section 125.100 Disqualification of Hearing Officer~~Examiner~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Any party to a hearing may file a timely written request for disqualification of a Hearing ~~Officer~~Examiner, setting forth ~~therein~~ the nature of the personal bias, prejudice, or other disqualification of ~~the~~ presiding Hearing ~~Officer~~Examiner, and ~~the~~such Hearing ~~Officer~~Examiner shall be ~~thereupon~~ disqualified. When a Hearing ~~Officer~~Examiner is disqualified, or it becomes impractical for him or her to continue, another presiding Hearing ~~Officer~~Examiner shall be appointed in the manner provided for initial appointment, unless it is further shown that substantial bias or prejudice will result from the appointment. A Hearing ~~Officer~~Examiner may at any time voluntarily disqualify himself or herself. A request for disqualification shall be considered timely if made within ~~3~~three days after receipt of the notice of the appointment of the Hearing ~~Officer~~Examiner by the party requesting the disqualification and at least 24 hours prior to the commencement of the hearing or pre-hearing conference. ~~However by the Hearing Examiner; provided, however, that~~ in the case of a complaint filed within 60 days preceding the date of an election in reference to which the complaint is filed, ~~the~~such request shall be considered timely only if verbal notice of the request is given to the General Counsel within ~~8~~eight hours after the requesting party has received telegraphic or telephonic notice of the appointment of the Hearing ~~Officer~~Examiner.

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

Section 125.110 Motions

- a) Unless made orally on the record during a hearing, or unless the Hearing ~~Officer~~Examiner directs otherwise, motions shall be in writing and accompanied by any affidavits or other matters relied upon. The original copy of all motions shall be served upon the Hearing ~~Officer~~Examiner and copies shall be served upon all other parties to the proceeding and the General Counsel.
- b) A party may file a response in support of or in opposition to a motion within such time as the Hearing ~~Officer~~Examiner directs. If no response is filed, the parties shall not be deemed to have waived objections to the motion. Service of a response shall be the same as provided in subsection Section 125.110(a).
- c) No oral argument will be heard on a motion unless the ~~Hearing Officer~~hearing examiner directs otherwise.
- d) The Hearing ~~Officer~~Examiner shall rule upon all motions, except that he or she shall have no authority to make a recommendation to the Board to dismiss or decide a hearing on the merits, without granting all parties to the proceeding a right to be heard and to establish a record.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- e) Unless otherwise ordered by the Board, the filing of a motion shall not stay the proceeding or extend the time for the performance of any act.
- f) A party may participate in the proceedings without waiving any jurisdictional objection.

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

Section 125.115 Consolidation and Severance of Claims: Additional Parties

In the interest of convenience and, expeditious and complete determination of claims, the Hearing Officer~~Examiner~~ or the Board may consolidate or sever adjudicative claims involving any number of parties, and may order additional parties to be brought in pursuant to the provisions of Section 125.75(c).

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

Section 125.130 Intervention

- a) Upon timely written application, the Hearing Officer~~Examiner~~ may permit any person to intervene in a proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following conditions is met:
 - 1) ~~when~~ the applicant is so situated that he or she may be adversely affected by a final order of the Board; or
 - 2) ~~when~~ an applicant's claim or defense and the adjudicative proceeding have a question of law or fact in common.
- b) A petition for intervention shall be filed with the Hearing Officer~~Examiner~~ and a copy shall be served on each party and upon the General Counsel prior to the date set for hearing of the matters set forth in the complaint. The Hearing Officer~~Examiner~~ may ~~thereafter~~ permit intervention only upon good cause shown for the delay. The Hearing Officer~~Examiner~~ may grant ~~such~~ continuances of the hearing as justice may require.
- c) An intervenor shall have all the rights of an original party, except that the Hearing Officer~~Examiner~~ may, in his or her order allowing intervention, provide that the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

applicant shall be bound by orders previously entered, ~~that~~ the applicant shall not raise issues ~~that~~~~which~~ might more properly have been raised at an earlier stage of the proceeding, ~~that~~ the applicant shall not raise new issues or add new parties, or ~~that~~ in other respects the applicant shall not interfere with the control of the hearing, as justice and the avoidance of undue delay may require.

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

Section 125.135 Pre-hearing Conferences

- a) Upon notice by the Hearing ~~Officer~~~~Examiner~~ in any proceeding or upon request by any party, the Hearing ~~Officer~~~~Examiner~~ may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for the following purposes ~~hereinafter mentioned. The purposes for such conferences shall include:~~
- 1) ~~the~~ formulation and simplification of issues;
 - 2) ~~the~~ necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
 - 3) ~~the~~ possibility of stipulations concerning the admissibility of evidence;
 - 4) limitation~~the limitations~~ of the number of witnesses;
 - 5) ~~the~~ propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
 - 6) ~~such~~ other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) In exercising his or her ~~such~~ discretion to direct parties to appear for a conference, the Hearing ~~Officer~~~~Examiner~~ shall give due consideration to the time requirements of Section 9-21 of the Election Code.

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

Section 125.140 Settlement Pursuant to Conferences

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

At any time upon suggestion of the Hearing ~~Officer~~Examiner or upon request of any party, an opportunity shall be afforded all parties to dispose of the case by written stipulation, agreed settlement or consent order, unless otherwise precluded by law. Any stipulation, agreed settlement, or consent order shall be submitted in writing to the Board and shall become effective only if approved by the Board.

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

Section 125.150 Record of Conferences

A record of any conference held pursuant to Section 125.140 ~~hereof~~ shall be kept only if all parties to the proceeding ~~shall~~ request such a record. If ~~such~~ a request is made, the record of the conference shall be deemed a part of the record of the hearing.

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

Section 125.160 Continuances

- a) A hearing may be continued for good cause by the Hearing ~~Officer~~Examiner upon his or her own motion or upon motion of a party to the hearing after due consideration of any time limitations ~~imposed~~required by ~~the Election Code~~law or by this Part. Notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive continuances so that the hearing may be resolved expeditiously.
- b) For good cause, and only if pursuant to a written stipulation ~~among~~between all parties, a hearing may be continued for a period of time in excess of the time limits set forth in Section 9-21 of the ~~Election Code~~Aet; provided, however:
 - 1) No continuance, or series of continuances, may total more than 45 days;
 - 2) If the complaint was filed within 60 days preceding the date of an election, in no event shall the continuance extend beyond ~~2~~two days prior to the date of the election.
- c) Any request for a continuance, ~~and~~ the reasons for a continuance~~therefore~~, and any written stipulation shall be made part of the hearing record.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

Section 125.170 Order of Proceedings

The following shall be the order of all proceedings held, pursuant to Subpart C of this Part, subject to modification by the Hearing ~~Officer~~Examiner for good cause:

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint ~~or~~of answer;
- b) presentation of opening statements;
- c) complainant's case;
- d) respondent's case;
- e) complainant's case in rebuttal;
- f) statements from interested citizens, if authorized by the Hearing ~~Officer~~Examiner;
- g) complainant's closing statement, which may include legal argument;
- h) respondent's closing statement, which may include legal argument; and
- i) ruling on any reserved motions.

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

Section 125.175 Failure of Party to Appear

Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing ~~Officer~~Examiner shall not deter the hearing from proceeding unless the Hearing ~~Officer~~Examiner shall, for good cause, ~~orders~~order a continuance.

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

Section 125.180 Evidence

- a) Except with respect to matters of privilege, the rules of evidence as applied in

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

civil cases in courts of this State shall not be strictly applied to hearings under this Part. Admissibility of evidence shall be liberally interpreted in order to present all matters ~~that~~^{which} are or may be relevant to the issues affecting the parties.

- b) The Hearing ~~Officer~~^{Examiner} shall exclude immaterial, irrelevant and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing ~~Officer~~^{Examiner} shall admit ~~that~~^{such} evidence.
- d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matters of the hearing.

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

Section 125.190 Examination of Adverse Party or Agent

Upon the hearing of an adjudicatory action, any party ~~to the action~~^{thereto} or any person for whose immediate benefit the action is prosecuted; or defended, or the officers, directors; or managing agents of any party to the action, may be called and examined, as if under cross-examination, at the instance of any adverse party. The party calling for the examination ~~is not precluded thereby but~~ may rebut the testimony ~~thus~~ given by counter testimony and may impeach the witness by proof of prior inconsistent statements.

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

Section 125.192 Participation by Board Members and Staff

- a) Any Board member or staff member of the Board may be designated by the Board to participate in hearings conducted under this Part; and ~~pursuant thereto~~, may interrogate witnesses, raise points of law and have all rights of an interested party. ~~The~~^{Such} Board member or staff member shall not have the authority to rule on objections, motions or petitions, ~~or to~~ overrule the Hearing ~~Officer~~^{Examiner} during the hearing, or otherwise ~~to~~ usurp the authority of the Hearing ~~Officer~~^{Examiner} conferred under this Part.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) ~~The~~Such Board or staff members shall not be subject to any rule or motion adopted during the hearing excluding witnesses, but shall be permitted to participate in all hearings as a representative of the Board even if also a witness.

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

Section 125.195 Hostile Witnesses

If the Hearing ~~Officer~~Examiner in an adjudicatory hearing determines that a witness is hostile or unwilling, the witness may be examined by the party calling ~~the witness~~him as if under cross-examination. The party calling a witness, upon a showing that he ~~or she~~ called the witness in good faith and is surprised by ~~the witness~~his testimony, may impeach the witness by proof of prior inconsistent statements.

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

Section 125.197 Admission of Business Records in Evidence

Any writing or record, whether in the form of any entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, except as otherwise privileged, shall be admissible as evidence of the act, transaction, occurrence, or event, if made in the regular course of any business, and if it was the regular course of the business to make ~~the~~such a memorandum or record at the time of ~~the~~such an act, transaction, occurrence, or event or within a reasonable time ~~afterwards~~thereafter. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but shall not affect its admissibility. The term "business", as used in this ~~Section~~Rule, includes business, profession, occupation and calling of every kind, and shall specifically include campaigns for nomination or election or campaigns in support of or opposition to any referendum or question of public policy.

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

Section 125.199 Compelling Appearance at Hearing

The appearance at an adjudicatory hearing of a party or a person who is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear. If the party or person is a non-resident of the State, the Hearing ~~Officer~~Examiner shall provide by order ~~such~~ terms and conditions in connection with his ~~or her~~ appearance at the hearing as are just, including payment of his ~~or her~~ reasonable expenses. The

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

notice also may require production at the hearing of documents or tangible things.

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

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section 125.210 Applicability

The rules in this Subpart shall apply to closed preliminary hearings conducted pursuant to Section 9-21 of the Election Code~~Campaign Financing Act~~.

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

Section 125.220 Commencement of Proceeding

A proceeding to adjudicate an alleged violation of Title 9 of the Election Code~~the Act~~ shall be commenced by the filing of a complaint in accordance with Section 125.20.

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

Section 125.230 Form of Complaint

All complaints shall conform to Section 125.30, and shall contain the following:

- a) The complaint shall be directed to and state the name of the person, candidate, or the chairman or treasurer of a political committee against whom the complaint is directed;
- b) The complaint shall state the provisions of the Election Code~~Act~~ or rules ~~that~~Rules which are alleged to have been violated;
- c) The complaint shall state the time, place and nature of the alleged offense; and
- d) The complaint shall be verified, dated and signed by the complainant, in substantially the following manner:

Verification

"I declare that this complaint (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

is a true and correct complaint as required by Article 9 of ~~the~~The Election Code. I understand that the penalty for willfully filing a false complaint shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed six months, or both fine and imprisonment."

(Date of filing)

(Signature of person filing the complaint)

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

Section 125.235 Board Members as Complainants

- a) Nothing in this Part shall prohibit a member of the Board from filing a complaint in his or her individual capacity.
- b) After filing the complaint, the complaining member shall decline to be present at or participate in any Board decision affecting ~~the~~said complaint or the proceedings pertaining to ~~the~~said complaint.
- c) In all other respects, the provisions of this Part shall apply to situations in which~~where~~ a member of the Board is a complainant.

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

Section 125.245 Appointment of ~~Hearing Officer~~Examiner – Order of Closed Preliminary Hearing

- a) Complaints may be filed by Board members, Board staff, or private persons in accordance with Section 9-20 of the Election Code~~Act~~.
- b) In accordance with the time constraints stated in Section 9-21 of the Election Code, the Executive Director shall appoint a Hearing Officer~~an Examiner~~, who shall be a licensed attorney or a Board employee of the classification Election Specialist III or higher, who possesses at least two years experience as an Election Specialist of any rating, and the Director of the Division of Campaign Disclosure shall enter an order directing a closed preliminary hearing be held on the complaint, designating the time and place of the hearing.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- c) The ~~Hearing Officer~~Examiner may be the Director of the ~~Division of~~ Campaign Disclosure ~~Division~~ or any person designated by the Executive Director.
- d) A copy of ~~the~~such order shall be served on the complainant, if different from the Board or its staff, and upon the respondent. ~~The~~Such order shall have attached a copy of the complaint.
- e) The order shall contain a recitation that the respondent may be represented by counsel at the closed preliminary hearing.

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

Section 125.252 Scope of Preliminary Hearing – Procedures – Evidence

The closed preliminary hearing is not an adjudication, but shall be an inquiry to elicit evidence on ~~the question~~ whether the complaint was filed on justifiable grounds, and ~~hashaving~~ some basis in fact and law.

- a) The closed preliminary hearing shall be conducted by the ~~Hearing Officer~~Examiner.
- b) Minutes of the closed preliminary hearing shall be kept by the Board staff and signed by the ~~Hearing Officer~~Examiner. A party may record the proceedings by employing his or her own court reporter, or otherwise recording the hearing. Minutes of the closed preliminary hearing shall be made available to any party upon request.
- c) The closed preliminary hearing need not be strictly adversarial in nature;
 - 1) Any person offering evidence, written or oral, shall affirm to the ~~Hearing Officer~~Examiner that his or her evidence is true to the best of his or her information and belief;
 - 2) Evidence may be submitted in narrative form;
 - 3) The ~~Hearing Officer~~Examiner shall not be bound to follow rules of evidence acceptable in an Illinois court of record, but may admit and rely upon for his or her recommendation ~~such~~ evidence or information of a type commonly relied upon by reasonably prudent men in the conduct of

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

their affairs, as provided by Section ~~10-40(a)12~~ of the Illinois Administrative Procedure Act [~~5 ILCS 100/10-40(a)~~](~~Ill. Rev. Stat. 1987, ch. 127, par. 1012~~);

- 4) The complainant bears the burden of introducing ~~such~~ evidence or information sufficient under subsection (c)(3); for the Board to conclude that the complaint has been filed on justifiable grounds;
 - 5) The complainant will ordinarily present evidence or information supporting ~~the~~its complaint first in order. The complainant will present his ~~or her~~ case first, except when convenience to the ~~Hearing Officer~~Examiner or the respondent requires the respondent to proceed first. The consent, in such cases, of the complainant will be required. The respondent may then present any information or evidence; and
 - 6) The ~~Hearing Officer~~Examiner may ask the complainant or respondent any questions relevant to the charges of the complaint. Any question is relevant if it has the possibility of eliciting an answer ~~that~~which tends to make the ultimate fact of justifiable grounds more or less likely.
- d) At the close of the hearing, the ~~Hearing Officer~~Examiner shall summarize his or her conclusions concerning the evidence and information represented and draft a recommendation to the Board addressing ~~the questions~~ whether the complaint was filed on justifiable grounds. The ~~Hearing Officer~~Examiner shall also attach to the minutes any documents tendered to the Board during the hearing, and submit his ~~or her~~ recommendation and the minutes to the Board for their consideration. ~~The Hearing Officer~~He shall send a copy to the General Counsel.
 - e) The ~~Hearing Officer~~Examiner shall have no authority to rule on any questions of law raised by the complainant or respondent, but shall note in the minutes all such matters for the Board's disposition.
 - f) At any time before the ~~Hearing Officer~~Examiner submits ~~the~~his recommendation and minutes, the complainant and respondent may settle the matters between them, subject to the approval of the Board. If the Board or a member of its staff is the complainant, the ~~Hearing Officer~~Examiner shall have the authority to enter into a stipulation for settlement pursuant to Section 125.254 of this Part, ~~which stipulation shall be~~ subject to Board approval.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

Section 125.253 Responsibilities of the General Counsel

- a) Upon receipt of a copy of the recommendation of the Hearing Officer~~Examiner~~ and the minutes, the General Counsel shall:
- 1) Review the minutes for questions of law and evidence;
 - 2) Offer ~~his~~ remarks and recommendations on all matters of law noted in the minutes;
 - 3) Comment upon matters of evidence when that~~When such~~ comment would assist the Board in understanding the recommendation of the Hearing Officer~~Examiner~~, or the recommendation is against the manifest weight of the evidence or otherwise subject to dispute, ~~comment upon matters of evidence~~; and
 - 4) Transmit ~~his~~ remarks and recommendations to the Board in accordance with the time constraints stated in Section 9-21 of the Election Code.
- b) If no question of law or fact requires the General Counsel's comment or recommendation, he or she shall so note without further remark.

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

Section 125.254 Stipulated Settlement

- a) Whenever a closed preliminary hearing is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the ~~Act, the~~ Election Code, or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order approved by the Board. ~~However~~Provided however, if the committee has previously failed to comply with the requirements of the ~~Act, the~~ Election Code or ~~any rule of the Board~~, ~~then~~ any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the ~~Act, the~~ Election Code, or rules ~~of the Board~~ shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed. "Repeated failures" means more than one.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) Any written stipulation or agreed order issued pursuant to this Section shall include a provision known as the "Standing Order" provision, as referred to in Section 125.420, requiring that all subsequent reports, statements or filings required by ~~Article 9the Act must~~ be made within the time limits set forth in ~~Article 9the Act~~, and that any failure or refusal to comply with filing deadlines ~~willshall~~ result in the imposition of the ~~following~~ civil penalties ~~stated in accordance with~~ Section 125.425. Any ~~Standing Ordersuch standing order~~ provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.
- c) Any person who fails or refuses to comply with the terms of a ~~Standing Orderstanding order~~ provision shall be notified by the Board, by service as set forth in Section 125.425, that the Board ~~willshall~~ issue an order imposing a civil penalty in accordance with the schedule set forth in this ~~PartRule. TheSuch~~ person shall be afforded an opportunity to appear at the next regularly scheduled or special Board meeting and to show cause why ~~thesuch a~~ civil penalty shall not be imposed. For purposes of this subsection ~~(b)~~, cause shall consist of proof that the report was submitted on time, as evidenced by a date stamp on the received document or other evidence submitted to the Board.
- d) Any civil penalties imposed pursuant to this Section may be enforced and collected in accordance with Section 125.430.
- e) In approving any stipulation or agreed order under this Part, the Board shall consider, but not be limited to, any evidence offered and noted by the ~~Hearing OfficerExaminer or Hearing Examiner~~ of the following factors:
- 1) A party's history of compliance with the ~~Act, the~~ Election Code, or rules of the Board;
 - 2) Any evidence of respondent's ignorance of a material fact ~~thatwhich~~ led to the conduct ~~thatwhich~~ was the source of the complaint;
 - 3) The degree of cooperation exhibited by the respondent with Board staff ~~or;~~ the Hearing ~~Officer; Examiner or Examiner~~ and;
 - 4) Factors in mitigation or factors in aggravation of the circumstances complained of in the complaint.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

Section 125.262 Board Determination

- a) After the submission of the recommendations of the Hearing Officer~~Examiner~~, the minutes, and the recommendations of the General Counsel, if any, the Board shall determine whether the complaint was filed on justifiable grounds. If the Board determines that the complaint was filed on justifiable grounds, and if the respondent is unwilling to take ~~such~~ action ~~as is~~ necessary to correct the violation or refrain from the conduct giving rise to the violation, it shall order a public hearing to be conducted in accordance with ~~the provisions of~~ Subpart C of this Part.
- b) The Board may consider and discuss the Hearing Officer's~~Examiner's~~ recommendation through a conference telephone call begun in open session and continued in executive session in lieu of an in-person meeting, and ~~that such~~ consideration and discussion shall be deemed part of the closed preliminary hearing process. Any action on the Hearing Officer's~~Examiner's report~~ recommendations must be taken in open session; or, if taken as part of the telephonic conference call, that portion of the conference call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board. ~~That and that~~ portion of the broadcast call shall be open to the media and public.

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

Section 125.265 Judicial Review

Judicial review of a final order of the Board entered or effected pursuant to Section 125.262 shall be in accordance with Section 9-22 of the Election Code~~Act~~.

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

Section 125.270 Record of Preliminary Hearing on Appeal Administrative Review

Upon appeal from a final order of the Board dismissing a complaint following a closed preliminary hearing, minutes and documentary evidence received during the preliminary hearing, together with the recommendation of the Hearing Officer~~Examiner~~, the recommendation of the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

General Counsel, if any, and the final order of the Board, shall constitute the record on administrative review pursuant to the Administrative Review Law [735 ILCS 5/Art. III]~~Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.~~ A party that has caused a verbatim transcript of the closed preliminary hearing to be made, ~~he, at his election,~~ may, at that party's election, submit that transcript for inclusion in the record on administrative review. Legal counsel for the Board shall be instructed to seek leave of the Court to file the record on administrative review "in camera" with the Court having jurisdiction over the review. Any public inspection or release ~~thereof~~ may be subject to order of that Court. Before the record is filed, the Hearing Officer~~Examiner~~ shall notify the parties that the record has been prepared, shall receive corrections from any parties, shall examine the record for accuracy, and then shall certify that it is a true and accurate record of the hearing.

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

Section 125.272 Order of Public Hearing

- a) In the event that the Board orders a public hearing, the Board shall, as Section 9-21 of the Election Code requires, appoint a Hearing Officer~~Examiner~~ to conduct a public hearing on the complaint and shall immediately serve upon all parties a written Notice of Appointment of the Hearing Officer~~Examiner~~, stating the name, business address and telephone number of the Hearing Officer~~Examiner~~, together with a copy of the Board's order after the closed preliminary hearing. If the complaint is filed within ~~sixty (60)~~ days preceding the date of an election in reference to which the complaint is filed, the General Counsel also shall promptly give telephonic or telegraphic notice of the appointment to all parties and that, ~~which~~ notice shall be deemed supplementary to the written Notice of Appointment.
- b) The Hearing Officer~~Examiner~~ shall, in accordance with the time constraints stated in Section 9-21 of the Election Code, designate a time and place for the public hearing and shall serve a written Notice of Hearing upon all parties, stating the time and place of ~~the such~~ hearing. If the complaint is filed within ~~sixty (60)~~ days preceding the date of an election in reference to which the complaint is filed, the Hearing Officer~~Examiner~~ also shall promptly give telephonic notice of the hearing to all parties, which ~~notice~~ shall be deemed supplementary to the written Notice of Hearings.
- c) The Notice of Hearing shall contain a statement that the respondents ~~have~~respondent(s) has the right to be represented by legal counsel in any

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

proceeding conducted by the State Board of Elections, including public hearing proceedings.

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

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section 125.310 Applicability

~~This~~The rules in this Subpart ~~applies~~apply to all public adjudicative hearings ordered by the Board.

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

Section 125.320 Initiation of Hearing

- a) Hearings conducted pursuant to Subpart C shall be initiated once the Board has determined that a complaint alleging a violation of ~~Article 9the Act~~ has been filed upon justifiable grounds and further determines that ~~a hearing~~sueh is necessary under ~~the provision of~~ Section 125.262(a)~~of this Part~~.
- b) Hearings may also be initiated ~~by the Board~~ when, in the exercise of its discretion, ~~the Board~~# determines there are reasonable grounds to believe that a violation of any other election law may have occurred.
- c) The Board may determine that any adjudicative hearing shall be held before the Board. In the absence of ~~that~~sueh determination, an adjudicative hearing shall be conducted by a Hearing ~~Officer~~Examiner.
- d) Any hearing before the Board shall be conducted in the same manner as provided for the calling and conduct of hearings by a Hearing ~~Officer~~Examiner, except that, after the conclusion of ~~a~~sueh hearing, the Board shall issue its final order without the necessity of written comment ~~from~~by the General Counsel.

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

Section 125.330 Appointment of Hearing OfficerExaminer

In all public adjudicative hearings to be conducted by a Hearing OfficerExaminer, the General

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Counsel shall appoint the Hearing ~~Officer~~Examiner and shall serve notice of the appointment upon all parties in accordance with Section 125.40. The notice shall state the name, office address, and telephone number of the person appointed as Hearing ~~Officer~~Examiner. The General Counsel shall also provide to the parties ~~such~~ telephonic or telegraphic notice of the appointment of a Hearing ~~Officer~~Examiner as the circumstances of the proceeding may warrant.

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

Section 125.340 Notice of Hearing

In adjudicative hearings, the Hearing ~~Officer~~Examiner shall, after receipt of notification of ~~his~~ appointment, designate a time and place for the public hearing, within any time limits as may be prescribed by law. The Hearing ~~Officer~~Examiner shall serve notice of the time and place of hearing upon all parties in accordance with Section 125.40.

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

Section 125.350 Discovery Procedures

a) Discovery procedures may be ordered by the Hearing ~~Officer~~Examiner upon the written request of any party, or upon his ~~or her~~ own motion, ~~when~~where necessary to expedite the proceedings, to insure a clear and concise record, to insure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing, and ~~when~~where the allowance of ~~such~~ discovery procedures will not interfere with or impair the time requirements applicable to the proceeding.

1) Discovery may consist of the following:

A)~~1)~~ production of documents or things;

B)~~2)~~ depositions;

C)~~3)~~ written interrogatories; and

D)~~4)~~ requests for admissions of fact.

2) The Hearing ~~Officer~~Examiner may restrict or deny ~~such~~ discovery ~~when~~where necessary to prevent undue delay or harassment.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) The Hearing ~~Officer~~Examiner shall order the following discovery upon written request of any party:
- 1) a list of witnesses who are known to the party, and who have knowledge of relevant facts;
 - 2) a list of any expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing.
- c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Part may be examined regarding any matter, not privileged, ~~that which~~ is relevant to the subject matter of the pending case, or ~~that which~~ may lead to the discovery of ~~such~~-relevant information.
- d) Except as otherwise provided, all depositions and written interrogatories taken pursuant to this Section shall be for purposes of discovery only. ~~The~~Such depositions and interrogatories may be used for purposes of impeachment, as admissions, or as any affidavit could be used. Upon application to the Hearing ~~Officer~~Examiner either before or after the taking of ~~the~~such deposition or the filing of written interrogatories and upon a showing that at the time of the hearing the party deposed or interrogated will not be available due to death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing ~~Officer~~Examiner may order that the deposition or interrogatories be used as evidence in the hearing.
- e) Upon transcription of a deposition, it shall be made available to the deponent for examination, unless his or her signature is waived at the deposition. Any changes in form or substance ~~that which~~ the deponent desires to make shall be entered upon the deposition by the officer taking the ~~deposition, same~~ with a statement of the reasons given by the deponent making ~~the changes~~them. The deposition shall then be signed by the deponent unless he or she is ill, ~~or~~ cannot be found or refuses to sign, in which event the officer's certificate shall state the reason for the omission of the signature.

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

Section 125.360 Subpoenas

- a) Upon application to the Hearing ~~Officer~~Examiner by any party, or upon the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

request of the Hearing ~~Officer~~ Examiner, the General Counsel may issue a subpoena in the name of the Board for attendance at a deposition or hearing, which may include a command to produce books, papers, documents or tangible things designated in the subpoena ~~therein~~ and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by Section 125.350. The Hearing ~~Officer~~ Examiner, upon motion, and in any event at or before the time specified in the subpoena for compliance ~~therewith~~, may quash or modify the subpoena if it is unreasonable or oppressive.

- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed:
- 1) to attend and give testimony at the time and place ~~therein~~ specified; and/or
 - 2) to produce books, papers, documents or tangible things designated in the subpoena ~~therein~~ at the time and place ~~therein~~ specified.
- c) A subpoena duces tecum may be limited to the production of documents and not require personal attendance of the person to whom it is directed.
- d) The party requesting the issuance of a subpoena shall tender with the request ~~therewith~~ a check reimbursing the witness for the round trip cost of travel between the ~~witness's~~ witness's place of residence and the place where his or her presence is requested. Reimbursement shall be equal to that provided by statute for civil costs in the Circuit ~~Courts~~ Court of Illinois.

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

Section 125.370 Transcript of Proceedings

All proceedings at public hearings shall be recorded by a certified court reporter but need not be transcribed unless requested by a party, who shall pay for the transcription of the portion requested, except as otherwise provided by the Board or by law. Any transcript will be retained through and including the time allotted for appeal, rehearing or other manner of review prior to final deposition as provided by the Board or by law. Before the transcript is filed, the Hearing ~~Officer~~ Examiner shall notify the parties that the transcript has been produced, shall receive corrections from any person, shall examine the transcript for accuracy, and, ~~then~~ within a reasonable time, shall certify that it is a true and correct transcript of the hearing. Only after

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

[that](#)sueh certification may the transcript be made available for public inspection.

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

Section 125.380 Official Record

The transcript and the record offered in connection with the hearing shall constitute the official record. The record in a public hearing shall include:

- a) pre-hearing records, if any;
- b) all pleadings (including all complaints, answers, notices, motions, briefs and rulings);
- c) evidence received;
- d) a statement of matters officially noticed;
- e) offers of proof, objections and rulings;
- f) Findings of fact, Conclusions of Law and Recommendations of the Hearing [Officer](#)~~Examiner~~.

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

Section 125.390 Briefs and Oral Argument

The parties may submit written briefs to the Hearing [Officer](#)~~Examiner~~ or [the](#) Board, as the case may be, within ~~five (5)~~ days after the close of the hearing, or within such other time as is consistent with the responsibility for decision as required by law. Upon request at the time of submission of briefs or on its own motion, the Board or the Hearing [Officer](#)~~Examiner~~ may permit oral argument by the parties.

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

SUBPART D: FINAL ORDERS

Section 125.410 Hearing [Officer's](#)~~Examiners~~ Report

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Upon the conclusion of the hearing held pursuant to ~~Subpart C~~ ~~Section 125.310 et seq.~~, the Hearing ~~Officer~~ ~~Examiner~~ shall issue ~~ahis~~ written report ~~that~~ ~~which~~ shall include ~~findings of fact,~~ ~~conclusions of law~~ ~~Findings of Fact,~~ ~~Conclusions of Law~~ and ~~recommendations~~ ~~Recommendations~~. This report shall be prepared as soon as possible after the conclusion of the public hearing and shall be transmitted to the Board, with a copy to the General Counsel.

- a) Findings of Fact shall be based exclusively on the evidence presented at the hearing, including any matters officially noticed. Conclusions of ~~law~~ ~~Law~~ and ~~recommendations~~ ~~Recommendations~~ shall be based upon a consideration of the record as a whole.
- b) The General Counsel, after receipt of the Hearing ~~Officer's~~ ~~Examiner's~~ report, shall promptly submit ~~his~~ comments or opinion on the Hearing ~~Officer's~~ ~~Examiner's~~ report to the Board.

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

Section 125.420 Order of the Board; Civil Penalties

- a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Section 9-21 of the Election Code [10 ILCS 5/9-21], the Board shall review the reports submitted by the Hearing ~~Officer~~ ~~Examiner~~ and the General Counsel, and any objections, briefs or memoranda filed by any party to the hearing, and shall issue its final order within the time specified in Section 9-21 of the Election Code [10 ILCS 5/9-21]. If the hearing was extended by stipulation or order of the Hearing ~~Officer~~ ~~Examiner~~ pursuant to Section 125.160, then the Board decision shall be issued:
 - 1) within 36 hours ~~after~~ ~~of~~ the Hearing ~~Officer's report,~~ ~~Examiner's Report~~ if the complaint was filed within 60 days prior to an election and related to ~~that~~ ~~sueh~~ election; or
 - 2) within 60 days in all other instances.
 - A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion, if the Board determines supplemental testimony will provide ~~heretofore~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

undiscovered relevant testimony.

- B) The Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or consent order through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of ~~thesueh~~ conference call. The call shall be broadcast over speaker phone or other similar device at both the permanent and branch offices of the Board and ~~thesueh~~ broadcast shall be open to the media and public. The entire conference shall also be recorded by a certified court reporter.
- b) Whenever the Board determines a person to be in violation of any provision of ~~Article 9the Aet~~ or any regulation adopted ~~under Article 9thereunder~~, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct ~~thesueh~~ violation or otherwise comply with ~~Article 9the Aet~~ or ~~the~~ regulation within such time as the Board may specify, but not within less than 15 business days.
- c) The Board shall also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it ~~willshall~~ impose a civil penalty, not to exceed ~~\$5,000-\$~~, on any person who fails or refuses to comply with ~~thesueh~~ final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.
- d) Standing Orders
- 1) Any final order, written stipulation, agreed settlement or consent order issued shall include a provision, referred to as a "Standing Order" provision, requiring that all subsequent reports, statements or filings required by ~~Article 9the Aet~~, during the period the ~~Standing Orderstanding order~~ provision is in effect, must be made within the time limits set forth in ~~Article 9the Aet~~, and that any failure or refusal to comply with ~~thosesueh~~ filing deadlines shall result in the imposition of civil penalties by the Board in an amount not to exceed \$5,000.
- 2) Any ~~sueh~~ "Standing Order" shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order. This

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

"Standing Order" provision shall not apply to final orders rendered for delinquent filings under Section 9-10 of the Election Code ~~[10 ILCS 5/9-10]~~.

- e) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Election Code, any rule adopted under the Code~~thereunder~~, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of false or incomplete information required by the Election Code and such willful failure to file or willful filing of false and incomplete information may possibly constitute a criminal violation of the Election Code pursuant to Section 9-26 of the Election Code ~~[10 ILCS 5/9-26]~~.
- f) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.
- g) All parties to the proceeding shall be notified promptly of any and all orders and exact copies of ansueh order shall be personally delivered or mailed by certified or registered mail to each attorney of record.

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

Section 125.425 Civil Penalty Assessments

- a) ~~As used in this Section, "authorizing candidate" means any candidate who has, at any time during the reporting period for the report in question or prior to that reporting period, filed with the committee an authorization in accordance with Section 9-8 of the Election Code [10 ILCS 5/9-8].~~
- ab) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Documents are deemed received by the Board as of the date date-stamped by Board staff on the documents submitted.
- be) If a report is or continues to be delinquent, it is subject to a civil penalty as set out in subsection (d)(e) of this Section.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- ~~cd~~) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send a notice of delinquency to the chairman and the treasurer of each delinquent ~~State, State and local, and local~~ political committee, together with an ~~order~~Order assessing a civil penalty calculated in accord with subsection ~~(d)~~(e). The notice of delinquency and ~~order~~Order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection ~~(e)~~(f) why the penalty should not be assessed.
- ~~de~~) The Board will calculate the civil penalty as follows:
- 1) If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a ~~quarterly~~semi-annual report, the political committee shall be assessed a fine of \$25 per business day for the first violation, \$50 per business day for the second violation, and \$75 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000.~~ However, the civil penalty for any committee shall not exceed ~~\$1000~~\$500 for a first time offense involving a filing that is less than 10 days late.
 - 2) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a ~~quarterly~~semi-annual report, the political committee shall be assessed a fine of \$50 per business day for the first violation, \$100 per business day for the second violation, and \$200 per business day for the third and each subsequent violation, to a maximum of \$5000. ~~If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000.~~ However, the civil penalty for any committee shall not exceed ~~\$1000~~\$500 for a first time offense involving a filing that is less than 10 days late.
 - 3) In the situation described in subsection (d)(1) or (d)(2), no civil penalty shall be assessed against a committee if the report is mailed and postmarked at least 72 hours prior to the filing deadline.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 4) When considering the amount of the civil penalty to be imposed, the Board shall consider all relevant factors, including, but not limited to:
- A) Whether, in the Board's opinion, the violation was committed inadvertently, negligently, knowingly or intentionally; and
- B) Past violations of Article 9 of the Election Code by the committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
- 3) ~~If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000 or less, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and each subsequent violation, to a maximum of \$5000. If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. However, the civil penalty for any committee shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.~~
- 4) ~~If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and each subsequent violation, to a maximum of \$5000. If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be \$10,000. However, the civil penalty shall not exceed \$500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~the date of the election for which the report has been filed.~~

- 5) If the delinquently filed report is a Schedule A-1 (report of contributions ~~of \$1000 or more~~exceeding \$500 received during the 30-day period prior to an election), in the final disposition of any appeal of a penalty assessed by the Board for the delinquency ~~on or after November 19, 2003 (the effective date of Public Act 93-0615)~~, the Board will consider assessing a civil penalty as follows:
- A) In the case of a willful or wanton violation, the Board ~~shall~~may: i) ~~grant the appeal (no civil penalty assessment);~~ ii) ~~determine that a violation occurred and~~ impose a penalty of no less than 10% ~~and not~~ more than ~~150%~~100% of the total amount of the contributions that were delinquently reported; ~~or~~
- iii) ~~determine that a violation occurred, but decline to assess a penalty.~~
- B) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(A), the Board shall consider ~~all relevant factors, including, but not limited to,~~ the following factors:
- i) ~~whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;~~
- ii) the number of days the contribution was reported late; and
- iii) past violations of Sections 9-3 and 9-10 of the Election Code by the committee (filing requirement for the Statement of Organization, pre-election reports, Schedule A-1s and semi-annual reports). Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
- C) In the case of negligent or inadvertent violations, the Board may:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- i) impose a fine not to exceed 50% of the total amount of the delinquently reported contributions; or
 - ii) waive the fine.
- D) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(C), the Board shall consider the following factors:
- i) Whether the political committee made an attempt to disclose the contribution and any attempts to correct the violation;
 - ii) Whether the violation was attributed to a clerical or computer error;
 - iii) The amount of the contribution;
 - iv) Whether the violation arose from a discrepancy between the date the contribution was reported transferred by a political committee and the date the contribution was received by a political committee;
 - v) The number of days the contribution was reported late; and
 - vi) Past violations of Sections 9-3 and 9-10 of the Election Code by the political committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.
- 6) If the delinquently filed report is a Statement of Organization (form D-1), the Board shall assess a civil penalty of ~~\$5025~~ for each business day that the report remains unfiled after its due date, ~~except that, if the committee is supporting a candidate running for statewide office or supporting a~~

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~statewide referendum or a State Constitutional Amendment, the civil penalty will be \$50 per business day. The penalties shall not exceed \$5,000 (\$10,000 for statewide candidates, referenda or State Constitutional Amendment).~~

~~e) f)~~ In addition to the civil penalties provided for in Section 9-10(b) and ~~(cb-5)~~ of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section 9-23 of the Election Code and this subsection ~~(e)~~. The Board will calculate civil penalties in accord with subsection ~~(d)~~~~(e)~~. A committee that violates both Section 9-10 of the Election Code and an ~~order~~~~Order~~ of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an ~~order~~~~Order~~ of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board ~~order~~~~Order~~ notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) or ~~(cb-5)~~ for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board ~~order~~~~Order~~ under Section 9-23 may:

- 1) submit, within 30 calendar days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit, in the form provided by the Board, stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board ~~order~~~~Order~~, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or
- 2) submit, within 30 calendar days after the mailing of the assessment notice, a request for hearing and appeal affidavit, in the form provided by the Board, stating the reasons for the late filing or violation of the Board ~~order~~~~Order~~, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

authorized to administer oaths, or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure ~~[735 ILCS 5/1-109]~~; or

- 3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.

~~f)~~ Post-Appeal Hearing Defense or Evidence

- 1) Any defense and any accompanying evidence upon which the appeal is based that is presented to the Board following an appeal hearing, either by personal appearance before or a written appeal submitted to a Hearing ~~Officer~~ Examiner, shall be limited to the defense and evidence that was presented at the appeal hearing. The defense and evidence shall include, but not be limited to, interpretation of statute and rules, consideration of written or oral testimony tendered at the appeal hearing and consideration of documentary evidence tendered at the hearing.
- 2) Any defense and accompanying evidence that was not known, and could not reasonably be expected to have been known, by the respondent at the time of the appeal hearing may be presented to the Board. The Board may, upon motion or on its own motion, remand the defense and evidence back to the original Hearing ~~Officer~~ Examiner, or may submit it to a new Hearing ~~Officer~~ Examiner for consideration. If an issue exists as to the applicability of this exception, the Board shall rule upon the issue immediately after presentation of the disputed defense and evidence. The respondent in the case shall be given an opportunity to demonstrate to the Board that the disputed defense and evidence was not known at the time of the appeal hearing and the respondent should not have been expected to have been aware of the defense and evidence at the time of the appeal hearing.
- 3) Nothing in this Part shall be construed to prevent the respondent from being represented by counsel at the presentation before the Board when the counsel did not represent the respondent at the appeal hearing. Counsel shall be licensed to practice law in the State of Illinois as required by Section 125.60 of this Part.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- ~~g)~~h) If a political committee or organization required to report under the provisions of Article 9 of the Election Code that is subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board ~~order~~Order if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.
- ~~h)~~i) Notwithstanding any provision of this Section to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board ~~order~~Order when the committee or organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. The stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board ~~orders~~Orders occur. Violation of Article 9 of the Election Code or a Board ~~order~~Order will cause the civil penalty otherwise stayed to become immediately due and may expose the committee or organization to further liability in accord with this Section.
- ~~i)~~j) For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning the first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.
- ~~j)~~k) Notwithstanding any other provision of this Section:
- 1) if an active political committee or organization is assessed no more than one civil penalty under Section 9-10 during a two year period, it shall, after two years have lapsed following the assessment, be considered as never having violated Section 9-10. For a single violation, the two year period begins to run with the mailing of the assessment letter. If an active political committee or organization is assessed more than one civil penalty and has paid all assessed civil penalties, it shall be considered for assessment purposes as not having violated that Section if it is assessed no other civil penalty during a two year period following receipt of payment by the Board;

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 2) if a committee or organization is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during the two year period beginning with the date of the assessment letter, or the final Board ~~order~~Order if the assessment is appealed and the appeal is denied, any successor committee or organization shall be considered, for assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty;
- 3) if a committee or organization is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee or organization has not paid the civil penalties, any successor committee or organization that subsequently pays all civil penalties due shall be considered as never having violated Section 9-10 if, for two years from the date of receipt of payment by the Board, the successor committee or organization is assessed no other civil penalty.

~~k)~~ Upon notice by the Hearing ~~Officer~~Examiner or upon request by any party, the Hearing ~~Officer~~Examiner may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for purposes including, but not limited to:

- 1) the formulation and simplification of issues;
- 2) the necessity or desirability of amending the assessment notice for the purpose of clarification or correction;
- 3) the possibility of stipulations concerning material facts;
- 4) the limitations of the number of witnesses;
- 5) other matters as may aid in the simplification of evidence and the disposition of the proceeding.

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

Section 125.430 Enforcement Actions in the Circuit Court

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- a) Whenever the Board, pursuant to Sections 9-21 and 9-23 of the Election Code Act, has issued an order directing a person determined by the Board to be in violation of Article 9 the Act or any rule or regulation adopted under that statute hereunder to cease or correct asueh violation or otherwise comply with Article 9, the Act and the Board imposes a civil penalty for failure or refusal to comply with its sueh order within the specified time, the Board shall enforce thesueh civil penalty by filing with the Circuit Court a petition for an order to enforce collection of the penalty.
- b) The Board may also petition the Circuit Court to issue an order of the Court compelling compliance with an order issued by the Board, or to restrain or prohibit a person who is engaging or has engaged in acts or practices that which constitute a violation of any provisions of Article 9 the Act from engaging in thosesueh acts or practices.

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

Section 125.440 Reconsideration

Any member of the Board, or any party affected by a final order of the Board, may file a written motion to reconsider. The Sueh motion shall set forth in specific detail the grounds alleged for reconsideration and must be filed with the Board not later than 7 days after the effective date of the Board's order.

- a) Oral argument shall be permitted on thesueh motion only at the Board's discretion.
- b) The Board may consider, discuss and take action upon thesueh motion throughtru a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of thesueh conference call, the call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board, and thesueh broadcast shall be open to the media and public. The entire conference call shall also be recorded by a certified court reporter.

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

Section 125.445 Public Database of Founded Complaints

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

The public database of founded complaints required under Section 9-23.5 of the Election Code applies only to complaints that have been determined by the Board to have been filed upon justifiable grounds. The database shall not include complaints that, upon completion of a closed preliminary hearing, were determined by the Board not to have been filed upon justifiable grounds. The searchable database of founded complaints shall include, but not be limited to: case number, complainant, respondent, date the complaint was filed, Section of the Code alleged to be violated, date of public hearing, final board action and date of imposition of a penalty for violation of final board action, if any.

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

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

Section 125.520 Staff Review and Enforcement of Reporting Requirements

Prior to filing a written complaint pursuant to ~~Section~~ 9-20 of the ~~Election Code Act~~, the State Board of Elections, through its staff, ~~will~~shall:

- a) Notify in writing each political committee that has failed to file a required report, or whose report is incorrect, incomplete, inaccurate or otherwise not in compliance with the law. Notification for failure to file a quarterly report~~Pre-election Report shall be sent to all candidates on the ballot as well as all participating political committees required to file same report; for a Semiannual Report, notice~~ shall be sent to all established political committees required to file that~~such~~ report. Telephonic notice shall also be given whenever possible to an officer of the political committee.
- b) The written notice required by subsection (a) ~~above~~ shall be given by personal~~1)Personal~~ service; or First Class~~2)By first-class~~ mail. With respect to documents required that have been filed, the notice shall specify to the extent possible the deficiencies claimed in the~~such~~ reports.
- c) The notice shall also set a time, place and date for a pre-complaint conference to be held in accordance with Section 125.530~~below~~. The~~Such~~ conference must be afforded to any political committee or its chairman or treasurer, or to any other person affected, prior to a complaint being filed by or on behalf of the Board.
- d) For good cause shown, the Director~~division head~~ of the Division of Campaign

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Disclosure ~~Section~~ of the Board may extend the time for compliance for an additional ~~thirty (30)~~ days after the date of the pre-complaint conference. No further extensions of time shall be given without express Board approval, and in those cases ~~in which~~~~where~~ the reporting committee is subject to a "Standing Order" provision as provided in Section 125.420, no extensions of time shall be given.

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

Section 125.530 Compliance Conference

Whenever a compliance conference is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of ~~the Act~~, the Election Code, or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order.

~~However~~~~Provided however~~, if the campaign committee has previously failed to comply with the requirements of ~~the Act~~, the Election Code or any rule of the Board, ~~then~~ any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with ~~the Act~~, the Election Code, or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed.

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

Section 125.550 Investigations, Inquiries or Hearings

The Board, or General Counsel with prior consent of the Chairman and Vice Chairman, may undertake ~~such~~ other investigations or inquiries as may be reasonable or necessary concerning any matter covered by the Act. Once an investigation or inquiry has been so undertaken, the General Counsel shall have the authority to hire factfinders or investigators or to carry out ~~such~~ other directions ~~as~~ the Board may give. Subpoenas may be issued upon vote by the Board in order to carry out ~~the~~~~such~~ investigation, inquiry or hearing.

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

SUBPART F: RULEMAKING~~RULE-MAKING~~ AND NON-ADJUDICATIVE HEARINGS**Section 125.610 Applicability**

This~~The Sections in this~~ Subpart shall apply to all rulemaking and other non-adjudicative

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

hearings and procedures except for closed preliminary hearings under Subpart B of this Part. Hearings conducted pursuant to this Subpart shall be deemed in the nature of legislative hearings.

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

Section 125.620 Adoption of Rules

Whenever the Board proposes to adopt, amend or repeal a rule, the Board shall conduct a public hearing if it determines that this would be the most efficient way to facilitate public comment on the rulemaking or if *the agency receives a request for a public hearing within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected* [5 ILCS 100/5-40]. In all cases, the Board shall accept from interested persons all written comments pertaining to the rulemaking that are submitted during the 45 day First Notice period. If the Board finds that an emergency requires adoption of a rule, it shall proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule that shall be effective for a period of up to 150 days.

- a) Revision of Proposed Rules. After any rulemaking hearing and prior to submission of ~~Second Notice~~[second notice](#) to JCAR, the Board may revise the proposed rules in response to suggestions made at the hearing and written submissions received prior or subsequent to the hearing, without conducting a further hearing on the revisions.
- b) Notice of Final Rule. Any person heard on the original proposal, who has given his or her name and address to the Board, shall be given notice of the Board's final action.

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

Section 125.630 Rulemaking Hearings

The Board may either:

- a) hold ~~rulemaking~~[such](#) hearings itself; or
- b) designate a subcommittee of the Board, a member of the Board's staff, or a

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Hearing ~~Officer~~Examiner to hold such a hearing. Pursuant to ~~Section 26 Ill. Adm. Code~~ 125.60(b), whenever possible, any person designated as a Hearing ~~Officer~~Examiner shall be a licensed attorney in the State of Illinois.

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

Section 125.640 Notice of Hearing

- a) Notice of ~~Hearing~~hearing shall be given at least 10 days prior to the date of the hearing:
- 1) By posting the Notice on the State Board of Elections website;
 - 2) By posting the Notice at the principal and permanent branch offices of the State Board of Elections; and
 - 3) If the Board determines necessary, by public advertisement in a newspaper of general circulation in Chicago or Springfield, depending on where the hearing is to take place.
- b) The Board shall make available copies of any proposed rules and supporting statements, if any, at the time the hearing date on proposed rules is announced.

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

Section 125.660 Examination of Witness

Examination of witnesses by any member of the Board, by counsel to the Board or by a Hearing ~~Officer~~Examiner shall be permitted. Examination by any other person shall be permitted in the discretion of the party conducting the hearing. Repetitious examination may be limited.

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

Section 125.680 Report of Hearing

If a hearing is conducted by a member of the Board's staff, or by a Hearing ~~Officer~~Examiner, ~~then~~ a written report shall be submitted to the Board at its next regularly scheduled meeting. This report shall also be included in the submission of the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR). The report shall summarize the record and shall

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

include such other comments, suggestions, conclusions or recommendations as the party preparing the report deems necessary.

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

SUBPART G: ADVISORY OPINIONS

Section 125.710 Advisory Opinionsa) Request and Scope

1) An advisory opinion may be requested from the State Board of Elections by any of the following:

~~A)1)~~ a member of the Board;

~~2) any county clerk or chairman or presiding officer of an election authority or any legal representative acting on their behalf;~~

~~3) any local election official or any legal representative acting on their behalf;~~

~~B)4) With respect to any issues concerning "An Act to Regulate Campaign Financing" (Ill. Rev. Stat. 1981, ch. 46, pars. 9-1 et seq.). Any any candidate for public office or the chairman or treasurer of any campaign committee ~~that~~which is, or may be, required to file any campaign disclosure~~Campaign Disclosure~~ reports.~~

~~2) Advisory opinions under this Subpart shall be limited to issues pertaining to Section 9-8.10 of the Code.~~

b) The request must be submitted in writing to the General Counsel and shall set forth: ~~(i)~~ the specific facts, activity or transaction that the requesting party is undertaking, or intends to undertake, and ~~(ii)~~ the specific issues (including any applicable statutes or rules) on which the requesting party seeks an advisory opinion.

1) Requests presenting general questions of interpretation, hypothetical

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

questions, or ~~matters~~matter relating to activities of third parties shall not qualify as requests for an advisory opinion.

2) ~~Advisory opinions shall be limited to those issues which are deemed to be of significant overall importance in the implementation and enforcement of the Election Laws. Issues of significant overall importance shall be determined on a case by case basis and shall include but not be limited to issues which raise questions concerning the interpretation and application of election related law that may have general application to elections throughout the State and the determinations of which may serve as future precedent for similar situations and circumstances.~~ Issuance of any advisory opinion shall at all times be discretionary with the Board.

c) The General Counsel shall review all requests for advisory opinions and, if the General Counsel determines that the request is incomplete or does not otherwise qualify under ~~subsection paragraph~~ (b) ~~above~~, he ~~or she~~ shall, within 14 days ~~after~~of the receipt of ~~the~~such request, notify the requesting party and specify any deficiencies in ~~the~~such request. The requesting party may appeal any ~~such~~ determination by the General Counsel directly to the Board.

d) If the General Counsel determines that the request may qualify for an advisory opinion, or if the Board overrules the determination by the General Counsel ~~under subsection pursuant to paragraph~~ (c) ~~above~~, ~~then~~ the request shall be referred to ~~the Campaign Disclosure Division of any appropriate divisions within~~ the State Board of Elections for review and written comment. ~~The~~Such written comment shall be directed to the General Counsel, and the General Counsel shall in turn review and provide written comment on the request to the Board. The General Counsel shall also advise the legal representative of the party making the request for opinion that ~~the~~such a request has been ~~submitted~~made to the Board.

e) Board Determination

1) Within ~~sixty (60)~~ days after a request is received ~~that~~which qualifies for an advisory opinion, the Board shall issue to the requesting party either:

A) a written advisory opinion; ~~or;~~

B) a statement that the Board declines to issue an advisory opinion.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 2) An advisory opinion shall be issued only upon the affirmative vote of ~~five~~ ~~(5)~~ members of the Board.
- f) An advisory opinion rendered by the Board may be relied upon by:
- 1) the requesting party;
 - 2) ~~any~~ ~~Any~~ person involved in the specific transaction or activity with respect to which ~~the~~ ~~such~~ advisory opinion is rendered; ~~and;~~
 - 3) any person involved in any specific transaction or activity ~~that~~ ~~which~~ is indistinguishable in all its material aspects from the transaction or activity with respect to which ~~the~~ advisory opinion is rendered.
- g) Nothing contained ~~in this Section~~ ~~herein~~ shall preclude the distribution by the Board or any of its staff of information consistent with the Election ~~Code~~ ~~Laws~~, any prior opinions of the Board, and any relevant federal or state case law.
- h) A copy of each advisory opinion shall be sent to the requesting party ~~and to all election authorities. (Ill. Rev. Stat. 1981, ch. 46, par. 1-3(8)). In addition, a copy of the advisory opinion shall be sent to any legal representatives of the requesting party and the election authority or local election official which made the request for opinion.~~

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

Section 125.720 Reconsideration of Advisory Opinion

- a) The Board may reconsider an advisory opinion previously issued if the circumstances under which the opinion was issued have changed and either:
- 1) ~~The~~ ~~if~~ ~~the~~ requesting party submits a written request for reconsideration within 30 calendar days after receipt of the opinion and ~~if~~ upon the motion of a member of the Board who voted with the majority that originally approved the opinion, the Board adopts the motion to reconsider by the affirmative vote of 5 members; ~~or~~
 - 2) ~~Upon~~ ~~if~~ ~~upon~~ motion of a member of the Board who voted with the majority ~~that~~ originally adopted the advisory opinion, the Board adopts the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

motion to reconsider by an affirmative vote of 5 members.

- b) Adoption of a motion to reconsider vacates the advisory opinion to which it relates. The advisory opinion shall cease to be effective:
- 1) With respect to the party requesting ~~the~~sueh opinion, when written notice of the adoption of the motion to reconsider is given to ~~that~~sueh party;
 - 2) With respect to all other persons who might claim that ~~the~~sueh opinion applies to them pursuant to Section 125.710(f)(2)-~~above~~, upon adoption of the motion to reconsider by the Board.
- c) In the event an advisory opinion is reconsidered, action taken in good faith, and in reliance upon ~~the~~sueh opinion prior to its reconsideration, shall estop the Board from claiming any violation of Section 9-8.10 of the Election Code~~Laws~~, or of any ~~rules~~Rules or ~~regulations~~Regulations of ~~the~~this Board, to which the advisory opinion applied.

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

Section 125.730 Public Availability of Advisory Opinions

- a) When issued, each advisory opinion shall be made public and shall be sent by mail, or ~~personal delivery~~personally delivered to the requesting party.
- b) A copy of all advisory opinions shall be kept on file and shall be made available for public inspection or purchase through the Office of the General Counsel in both the Chicago and Springfield offices ~~by the Board~~. Opinions will be available for inspection during normal working hours and statutory fees will be charged for photocopying.

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

Section 125.740 Conflict Between this Part and the IAPA

In the event of any conflict between this Part and the Illinois Administrative Procedure Act [5 ILCS 100](~~Ill. Rev. Stat. 1981, ch. 127 pars. 1001 et seq.~~), the provisions of the Illinois Administrative Procedure Act shall control.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART H: MISCELLANEOUS PROVISIONS

Section 125.810 Ex Parte Communications

- a) Except in the disposition of matters ~~which~~ they are authorized by law to entertain or dispose of on an ex parte basis, ~~neither~~ members of the Board, employees of the Board ~~and~~ Hearing ~~Officers~~ ~~Examiners~~ shall not, after the commencement of any proceeding pursuant to ~~Article 9 of the Act~~ or ~~this Part~~ these Rules, communicate, directly or indirectly with any party in connection with any pending issue except upon notice and opportunity for all parties to participate.
- b) With respect to any complaint filed pursuant to Subpart B ~~of these Rules~~, the prohibition provided for in ~~subsection paragraph~~ (a) ~~of this Rule~~ shall commence with the filing of the complaint.
- c) Nothing in this ~~Section~~ Rule shall prohibit Board staff or Board members from communicating with each other, or a Hearing ~~Officer~~ ~~Examiner~~ or Board member from communicating with employees of the Board, to obtain their aid and advice on technical matters ~~that~~ ~~which~~ fall within the area of expertise of the employee consulted.
- d) [Ex parte communications may also be governed by Section 5-50 of the State officials and Employees Ethics Act \[5 ILCS 430/5-50\].](#)
- ed) The Board may institute ~~such~~ sanctions against any violator of ~~this Section~~ these provisions as it may deem appropriate and authorized by law.

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

Section 125.820 Effective Date (Repealed)

~~This Part shall take effect upon their adoption and upon the filing thereof with the Secretary of State of Illinois.~~

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

Section 125.840 Severability

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

The rules promulgated in this Part~~These Rules~~ are severable and the invalidity or unenforceability of one or more shall not affect the validity of any other rule that~~Rule which~~ may be given independent effect or application.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Raffles Conducted by Political Committees
- 2) Code Citation: 26 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
210.10	Amendment
210 APPENDIX A	Amendment
- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code [10 ILCS 5/Art.9] and authorized by Section 9-13 and 9-15
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures to implement the provisions of Public Act 96-832, which made numerous changes to the Illinois Campaign Finance Act. The proposed amendment references new designations of political committees as defined in 10 ILCS 5/9-1.8.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments on this proposed rulemaking in writing within 45 days after publication of this Notice to:

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

217/557-9939
- 12) Initial Regulatory Flexibility Analysis:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Conduct of raffles and reporting the receipts and expenditures
- C) Types of Professional skills necessary for compliance: Accounting or bookkeeping experience
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was an oversight on the part of SBEL and, in the future, the Board intends to comply with all provisions for publication on the regulatory agenda.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 210
RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section

210.10 Licensing of Raffles Conducted by Political Committees
210.APPENDIX A Application Form

AUTHORITY: Implementing and authorized by the Raffles Act [230 ILCS 15].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 6907, effective May 1, 1990, for a maximum of 150 days; emergency expired September 28, 1990; adopted at 15 Ill. Reg. 4450, effective March 16, 1991; amended at 29 Ill. Reg. 18810, effective November 7, 2005; amended at 35 Ill. Reg. _____, effective _____.

Section 210.10 Licensing of Raffles Conducted by Political Committees

- a) No raffle or other game of chance defined in and authorized by Section 8.1 of the Raffles Act [230 ILCS 15/8.1] (the Act) shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (Board).
- b) "Political committee" as used in this Part shall mean a political committee as defined by Section ~~9-1.89-1.9~~ of the Election Code [10 ILCS 5/~~9-1.89-1.9~~].
- c) No political committee, group, association, or other entity shall receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section ~~9-1.89-1.9~~ of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.
- d) Application for a license to conduct a raffle shall be made on forms provided by the Board and shall supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A.
- e) Only the chairman or treasurer of a political committee whose name is listed on the committee's D-1 statement at the time the application is filed shall sign the application for a license to conduct a raffle.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- f) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code; provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.
- g) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.
- h) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board shall hear such a complaint under the provisions of 26 Ill. Adm. Code 125.Subpart C. The complainant shall prove its case before the Board. Nothing in this Part prohibits the Board from filing a complaint, but unless it does so, the Board shall not act as an advocate for the complainant. Failure of a committee to abide by the Act and its license voids the license whether or not a complaint is filed.
- i) All receipts and/or expenditures for raffles conducted under this Section and the Act shall be reported on the report next required to be submitted by the committee after each separate raffle under Article 9 of the Election Code and on such other reports as may be required by that Article.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section 210.APPENDIX A Application Form

FORM DR

LICENSE APPLICATION TO
CONDUCT A RAFFLE

1. Name and address of political committee.

2. Type of Committee (Circle Check One) ~~State~~ _____ ~~Local~~ _____

Candidate Political Party Political Action
Committee Ballot Initiative

~~If Local, activity in which county (ies)~~ _____

~~State~~ _____ ~~Local~~ _____

~~If State & Local, activity in which county (ies)~~

3. Name and address of officers.

A. Chairman

_____ Phone Number: _____

B. Treasurer

_____ Phone Number: _____

4. Name and address of ~~individuals~~ individual(s) responsible for the conduct of the raffle.

5. Locations where ~~Location(s) which~~ raffle chances will be sold or issued.

6. First and last dates for sale of raffle chances.

7. Locations where ~~(a) Location(s) at which~~ winning chances ~~chance(s)~~ will be determined.

8. Dates ~~Date(s)~~ of determination of winning chances ~~chance(s)~~.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Date: _____

Briefly describe the prizes:

The undersigned hereby swear and affirm that _____ is organized as a political committee in Illinois as required by Article 9 of the Election Code~~Chapter 46, Article 9, Illinois Revised Statutes, An Act to Regulate Campaign Financing~~ and is eligible to receive a raffle license as prescribed by law, and further, that the above stated facts are true. We acknowledge the receipt of copies of 230 ILCS 15/8.1P.A. 86-394 and of 26 Ill. Illinois Adm. Code: ~~See~~210.10 and understand that failure to abide by the Election Code~~Aet~~ shall void any license granted to this committee.

For Office Use Only

Chairman (Signature)

Identification No. _____

Treasurer (Signature)

Date of Creation: _____

Subscribed and Sworn to before me this _____ day of _____, 2019.

Approved _____ (Date)

Notary Public

(Signature)

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act – Registered Professional Nurse and Licensed Practical Nurse
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1300.10	Repealed
1300.15	Repealed
1300.20	Repealed
1300.25	Repealed
1300.27	Repealed
1300.30	Repealed
1300.35	Repealed
1300.37	Repealed
1300.40	Repealed
1300.41	Repealed
1300.42	Repealed
1300.43	Repealed
1300.44	Repealed
1300.45	Repealed
1300.48	Repealed
1300.50	Repealed
1300.60	Repealed
1300.65	Repealed
1300.70	Repealed
1300.75	Repealed
1300.APPENDIX A	Repealed
1300.APPENDIX B	Repealed
1300.APPENDIX C	Repealed
1300.APPENDIX D	Repealed
- 4) Statutory Authority: Nurse Practice Act [225 ILCS 65]
- 5) Effective Date of Repealer: September 17, 2010
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of repealer published in Illinois Register: October 2, 2009; 33 Ill. Reg. 13581
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this repealer replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: As a result of the sunset review process, Public Act 95-639 completely rewrote the Act regulating the licensure of nurses in Illinois, including changing the name to the Nurse Practice Act. As a result of the extensive changes this entails, the current Parts 1300 (RN and LPN) and 1305 (APN) are repealed and replaced with a new Part 1300 encompassing all nurse licensure.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Department of Financial and Professional Regulation

Attention: Craig Cellini

320 West Washington, 3rd Floor

Springfield, Illinois 62786

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Nurse Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1300.10	New Section
1300.20	New Section
1300.30	New Section
1300.40	New Section
1300.50	New Section
1300.60	New Section
1300.70	New Section
1300.80	New Section
1300.90	New Section
1300.100	New Section
1300.110	New Section
1300.120	New Section
1300.130	New Section
1300.200	New Section
1300.210	New Section
1300.220	New Section
1300.230	New Section
1300.240	New Section
1300.250	New Section
1300.260	New Section
1300.300	New Section
1300.310	New Section
1300.320	New Section
1300.330	New Section
1300.340	New Section
1300.350	New Section
1300.360	New Section
1300.370	New Section
1300.400	New Section
1300.410	New Section
1300.420	New Section
1300.430	New Section
1300.440	New Section
1300.450	New Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1300.460	New Section
1300.470	New Section
1300.480	New Section
1300.APPENDIX A	New Section
1300.EXHIBIT A	New Section

- 4) Statutory Authority: Nurse Practice Act [225 ILCS 65]
- 5) Effective Date of Rules: September 17, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 2, 2009; 33 Ill. Reg. 13642
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 1300.130, the list of approved continuing education (CE) sponsors has been expanded, including specifically including sponsors approved by boards of nursing in other states. In addition, up to 5 hours of CE may be earned in skill certification courses. Numerous non-substantive changes have also been made throughout the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Public Act 95-0639, effective October 5, 2007, made significant changes to what had been titled the "Nursing and Advanced Practice Nursing Act" including significant reorganization of most of the Act. As a result of these changes and changes requested by the industry, Part 1300 has been updated and reorganized to

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

mirror the framework of the revised Nurse Practice Act. In addition, Part 1305 is repealed in this issue of the Illinois Register because the rules regarding Advanced Practice Nurses (APNs) are incorporated into this rewrite of Part 1300.

Subpart A sets forth updated definitions, includes sections regarding nursing delegation and mandatory reporting of impaired nurses, and creates a treatment program for impaired nurses. Section 1300.130 details the new continuing education requirements for all nurses. Subpart B addresses Licensed Practical Nurses (LPNs) and includes clarification regarding medication administration and new sections setting forth LPN Scope of Practice and Standards for Professional Conduct. Outdated sections regarding remedial education and minimal LPN skills are removed. Subpart C addresses registered nurses (RNs). Outdated language regarding remedial courses is removed, and the RN scope of practice language is updated to mirror statutory revisions. A new section addresses the provision of sedation by registered nurses in ambulatory surgical treatment centers. Subpart D sets forth rules specific to APNs. Language addressing APNs practicing in hospitals or surgical treatment centers is updated to reflect statutory changes, and expired grandfathering language is removed. Sections detailing the agreements between APNs and their collaborating physicians (including prescriptive authority) are updated to reflect changes in the Nurse Practice Act and the Medical Practice Act. The appendices are updated, also. The rules make numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is removed and other non-substantive, technical changes are made.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1300
NURSE PRACTICE ACT

SUBPART A: GENERAL PROVISIONS

Section	
1300.10	Definitions
1300.20	Nursing Delegation
1300.30	Fees
1300.40	Renewals
1300.50	Restoration
1300.60	Granting Variances
1300.70	Fines
1300.80	Public Access to Records and Meetings
1300.90	Unethical or Unprofessional Conduct
1300.100	Refusal to Issue a Nurse License Based on Criminal History Record
1300.110	Mandatory Reporting of Impaired Nurses
1300.120	Impaired Nurse – Disciplinary and Non-Disciplinary
1300.130	Continuing Education

SUBPART B: LICENSED PRACTICAL NURSE

Section	
1300.200	Application for Examination or Licensure
1300.210	LPN Licensure Examination
1300.220	LPN Licensure by Endorsement
1300.230	Approval of Programs
1300.240	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.250	LPN Scope of Practice
1300.260	Standards for Professional Conduct for LPNs

SUBPART C: REGISTERED NURSE

Section	
1300.300	Application for Examination or Licensure

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1300.310 RN Licensure Examination
- 1300.320 RN Licensure by Endorsement
- 1300.330 Nurse Externship
- 1300.340 Approval of Programs
- 1300.350 Standards of Professional Conduct for Registered Professional Nurses
- 1300.360 RN Scope of Practice
- 1300.370 Provision of Conscious Sedation by Registered Nurses in Ambulatory Surgical Treatment Centers

SUBPART D: ADVANCED PRACTICE NURSE

Section

- 1300.400 Application for Licensure
- 1300.410 Written Collaborative Agreements
- 1300.420 Collaboration and Consultation
- 1300.430 Prescriptive Authority
- 1300.440 APN Scope of Practice
- 1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center
- 1300.460 Advanced Practice Nursing in Hospitals or Ambulatory Surgical Treatment Centers
- 1300.470 Advertising
- 1300.480 Reports Relating to APN Professional Conduct and Capacity

- 1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse
- 1300.EXHIBIT A Sample Written Collaborative Agreement

AUTHORITY: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 50-55 of that Act.

SOURCE: Adopted at 34 Ill. Reg. 14012, effective September 17, 2010.

SUBPART A: GENERAL PROVISIONS

Section 1300.10 Definitions

The following definitions shall apply to this Part:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

"Act" means the Nurse Practice Act [225 ILCS 65].

"Address of Record" means the address recorded by the Division in the applicant's or licensee's application file or license file, as maintained by the Division's licensure maintenance unit.

"Advanced Practice Nurse" or "APN" means a person who has met the qualifications for a:

certified nurse midwife (CNM);

certified nurse practitioner (CNP);

certified registered nurse anesthetist (CRNA); or

clinical nurse specialist (CNS) and has been licensed by the Division.

All advanced practice nurses licensed and practicing in the State of Illinois shall use the title APN and may use specialty credentials after their name.

"APN Practice Pending Licensure" means practice by an APN, under a temporary permit, who is scheduled to take the National Certification Examination. This period of practice cannot exceed 6 months from date of application for the license. APN Practice Pending Licensure does not include prescriptive authority.

"Bilingual Nurse Consortium Course or Other Comparable Course Approved by the Division" means a course specifically designed to prepare a nurse trained in another jurisdiction, and for whom English is a second language, to take the Illinois required licensure examination.

"Board" means the Board of Nursing.

"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care. (Section 50-10 of the Act)

"Consultation" means the process by which an advanced practice nurse seeks the advice or opinion of another health care professional. (Section 50-10 of the Act)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act [225 ILCS 25]. (Section 50-10 of the Act)

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

"Direction" means to give authoritative instruction to another regarding tasks and/or professional responsibilities.

"Director" means the Director of the Division of Professional Regulation, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Externship" means a two-year program allowing a registered nurse who is licensed under the laws of another state or territory of the United States to practice as a nurse extern under the direct supervision of a registered professional nurse while preparing for the NCLEX-RN examination.

"Impaired Nurse" means a nurse licensed under this Act who is unable to practice with reasonable judgment, skill or safety because of a physical or mental disability, as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care. (Section 50-10 of the Act)

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60]. (Section 50-10 of the Act)

"Physician Assistant" means a person licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95]. (Section 50-10 of the Act)

"Podiatrist" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. (Section 50-10 of the Act)

"Professional Responsibility" includes making decisions and judgments requiring use of knowledge acquired by completion of an approved program for licensure as a practical, professional or advanced practice nurse.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Task" means work not requiring professional knowledge, judgment and/or decision making. (Section 50-75 of the Act)

Section 1300.20 Nursing Delegation

- a) *For the purposes of this Section:*

"Delegation" means transferring to an individual the authority to perform a selected nursing activity or task, in a selected situation.

"Nursing Activity" means any work requiring the use of knowledge acquired by completion of an approved program for licensure, including advanced education, continuing education, and experience as a licensed practical nurse or professional nurse, as defined by this Part.

- b) *Nursing shall be practiced by licensed practical nurses, registered professional nurses, and advanced practice nurses. In the delivery of nursing care, nurses work with many other licensed professionals and other persons. An advanced practice nurse may delegate to registered professional nurses, licensed practical nurses, and others persons.*
- c) *A registered professional nurse shall not delegate any nursing activity requiring the specialized knowledge, judgment, and skill of a licensed nurse to an unlicensed person, including medication administration. A registered professional nurse may delegate nursing activities to other registered professional nurses or licensed practical nurses.*
- d) *A registered nurse may delegate tasks to other licensed and unlicensed persons. A licensed practical nurse who has been delegated a nursing activity shall not re-delegate the nursing activity. A registered professional nurse or advanced practice nurse retains the right to refuse to delegate or to stop or rescind a previously authorized delegation. (Section 50-75 of the Act)*

Section 1300.30 Fees

The following fees shall be paid to the Department and are not refundable:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

a) Application Fees

- 1) The fee for application for a license as a registered professional nurse and a licensed practical nurse is \$50. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The fee for a temporary restoration or endorsement permit for a license as an APN, a registered professional nurse and licensed practical nurse is \$25.
- 3) The fee for a nurse externship permit is \$50.
- 4) The fee for application for a license as an advanced practice nurse is \$125.
- 5) The fee for application as an approved continuing education sponsor is \$500.

b) Renewal Fees

- 1) The fee for the renewal of a practical nurse license shall be calculated at the rate of \$30 per year.
- 2) The fee for the renewal of a professional nurse license shall be calculated at the rate of \$30 per year.
- 3) The fee for the renewal of a license as an advanced practice nurse shall be calculated at the rate of \$40 per year.
- 4) The fee for renewal of an APN, LPN or RN continuing education sponsor approval is \$250 for 2 years.

c) General Fees

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$125.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as registered professional nurses or licensed practical nurses in this State shall be the actual cost of producing such a roster.
- 7) The fee for processing a fingerprint card by the Department of State Police is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

Section 1300.40 Renewals

- a) Every APN license issued under the Act shall expire on May 31 of each even-numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the fee required by Section 1300.30. During every renewal, a renewal applicant will be required to complete 50 hours of continuing education as set forth in Section 1300.130. A licensee's registered nurse license shall be renewed in order to renew the advanced practice nurse license. At the time of renewal, APNs licensed after October 5, 2007 shall show proof of continued, current national certification in their specialty.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- b) Every registered professional nurse license issued under the Act shall expire on May 31 of each even-numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the fee required by Section 1300.30. Beginning with the May 31, 2012 renewal and every renewal thereafter, a renewal applicant will be required to complete 20 hours of continuing education as set forth in Section 1300.130.
- c) Every licensed practical nurse license issued under the Act shall expire on January 31 of each odd-numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the fee required by Section 1300.30. Beginning with the January 31, 2013 renewal and every renewal thereafter, a renewal applicant will be required to complete 20 hours of continuing education as set forth in Section 1300.130.
- d) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- e) Practice on a license that has expired is the unlicensed practice of nursing and shall be grounds for discipline pursuant to Section 70-5 of the Act.

Section 1300.50 Restoration

- a) A licensee seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of the fees required by Section 1300.30.
- b) A licensee seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee set forth in Section 1300.30(b).
- c) A licensee seeking restoration of a licensed practical nurse license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the restoration fee specified in Section 1300.30(c)(1), when restoring an expired license, or the current renewal fee set forth in Section 1300.30(b), when restoring an inactive license. The licensee shall also submit proof of fitness to practice, which includes one of the following:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Certification of active practice in another jurisdiction. This certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice; or
 - 2) An affidavit attesting to military service as provided in Section 55-20(c) of the Act. If application is made within 2 years after discharge, and if all other provisions of Section 55-10 of the Act are satisfied, the applicant will be required to pay the current renewal fee, but not the restoration fee, but not the restoration fee; or
 - 3) Proof of successful completion of a Division-approved LPN licensure examination.
- d) A licensee seeking restoration of an RN license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the restoration fee specified in Section 1300.30(c)(1), when restoring an expired license, or the current renewal fee set forth in Section 1300.30(b), when restoring an inactive license. The licensee shall also submit proof of fitness to practice, which includes one of the following:
- 1) Certification of active practice in another jurisdiction. This certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice; or
 - 2) An affidavit attesting to military service as provided in Section 60-25(c) of the Act. If application is made within 2 years after discharge, and if all other provisions of Section 60-10 of the Act are satisfied, the applicant will be required to pay the current renewal fee, but not the restoration fee; or
 - 3) Proof of the successful completion of a Division-approved RN licensure examination.
- e) A licensee seeking restoration of an APN license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the restoration fee specified in Section 1300.30(c)(1), when restoring an expired license, or the current renewal fee set

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

forth in Section 1300.30(b), when restoring an inactive license. The licensee shall also submit proof of fitness to practice, which includes one of the following:

- 1) Certification of active practice in another jurisdiction. This certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice; or
 - 2) An affidavit attesting to military service as provided in Section 65-20(c) of the Act. If application is made within 2 years after discharge, and if all other provisions of Section 65-5 of the Act are satisfied, the applicant will be required to pay the current renewal fee, but not the restoration fee; or
 - 3) Verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the Federal Bureau of Investigation (FBI), accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application; or
 - 4) For any APN licensed after October 5, 2007 or any APN who holds a license that has been placed in non-renewed, inactive, suspended or revoked status since October 5, 2007, proof of continued, current national certification in the APN's specialty prior to restoration.
- f) Individuals applying for restoration of an inactive or non-renewed license may apply to the Division, on forms provided by the Division, to receive a temporary restoration permit that allows the applicant to work pending the issuance of a license by restoration.
- 1) The temporary restoration permit application shall include:
 - A) A completed signed restoration application, along with the restoration fee required by Section 1300.30(c)(1). All supporting documents shall be submitted to the Division before a permanent license by restoration shall be issued;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) Either:
 - i) Photocopies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions (current active licensure in at least one United States jurisdiction is required); or
 - ii) Verification of employment in nursing practice within the last 5 years in a United States jurisdiction;
 - C) Verification that fingerprints have been submitted to the Division or the Illinois Department of State Police or its designated agent; and
 - D) The temporary restoration permit fee required by Section 1300.30(a)(2).
- 2) The Division will issue a temporary restoration permit no later than 14 days after receipt of a completed application as set forth in this Section.
- 3) Temporary permits shall be terminated upon:
- A) The issuance of a permanent license by restoration;
 - B) Failure to complete the application process within 6 months from the date of issuance of the permit;
 - C) A finding by the Division that the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is:
 - i) a felony; or
 - ii) a misdemeanor directly related to the practice of nursing;
 - D) A finding by the Division that, within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

if at least one of the grounds is substantially equivalent to grounds in Illinois; or

- E) Upon notification that the Division intends to deny restoration of licensure for any reason.
- 4) The Division will notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (f)(3)(C) and (D) of this Section and/or Section 70-5 of the Act.
- 5) A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship, defined as:
 - A) Serving full-time in the Armed Forces;
 - B) An incapacitating illness as documented by a currently licensed physician;
 - C) Death of an immediate family member; or
 - D) Extenuating circumstances beyond the applicant's control, as approved by the Secretary.
- g) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee will be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an oral interview before the Board to explain the relevance or sufficiency, clarify information, or clean up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Division, an applicant shall have the license restored.

Section 1300.60 Granting Variances

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- a) The Secretary may grant variances from this Part in individual cases when he or she finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Secretary shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

Section 1300.70 Fines

Fines may be imposed in conjunction with other forms of disciplinary actions, but fines shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury of a patient.

Section 1300.80 Public Access to Records and Meetings

- a) All investigative procedures, information arising out of the investigation of complaints, and informal conferences shall be confidential. All other proceedings and documents, beginning with the filing of a formal complaint, shall be open to the public.
- b) All meetings of the Board shall also be open to the public in accordance with the Open Meetings Act [5 ILCS 120].

Section 1300.90 Unethical or Unprofessional Conduct

- a) The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of unethical or unprofessional conduct (see Section 70-5(b)(7) of the Act), which is interpreted to include, but is not limited to, the following acts or practices:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a patient. Actual injury need not be established.
 - 2) A departure from or failure to conform to the standards of professional or practical nursing as set forth in the Act or this Part. Actual injury to a patient need not be established.
 - 3) Engaging in behavior that crosses professional boundaries (such as signing wills or other documents not related to client health care).
 - 4) Engaging in sexual conduct with a patient, or conduct that may reasonably be interpreted by a patient as sexual, or in any verbal behavior that is sexually harassing to a patient.
 - 5) Demonstrating actual or potential inability to practice nursing with reasonable skill, safety or judgment by reason of illness, use of alcohol, drugs, chemicals or any other material, or as a result of any mental or physical condition.
- b) The Division hereby incorporates by reference the "Code for Nurses with Interpretive Statements", July 2001, American Nurses Association, 8515 Georgia Avenue, Suite 400, Silver Spring MD 20910, with no later amendments or editions.
 - c) The Division hereby incorporates by reference the "Standards of Practice and Educational Competencies of Graduates of Practical/Vocational Nursing Programs", National Association for Practical Nurse Education and Service, Inc., May 6, 2007, 1940 Duke Street, Suite 200, Alexandria VA 22314, with no later amendments or editions.

Section 1300.100 Refusal to Issue a Nurse License Based on Criminal History Record

- a) For purposes of this Part, criminal history record information is defined as information collected by criminal justice agencies (see 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information or other formal criminal charges, and any disposition arising from those actions, sentencing, correctional supervision and release. The individual records must contain both information sufficient to

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

- b) In determining whether an applicant for a nurse license is unfit for licensure because of criminal history record information, the Division shall consider the following standards:
- 1) Whether the crime was one of armed violence (see 720 ILCS 5/Art. 33A) or moral turpitude. Moral turpitude consists of:
 - A) Crime involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
 - B) Drug offenses including but not limited to violations of the Illinois Controlled Substances Act [720 ILCS 570] and Federal Drug Enforcement Laws (21 USC 801 et seq.).
 - C) Sex offenses including but not limited to all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].
 - 2) Whether the crime is related to the nursing profession.
 - 3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.
 - 4) Whether the conviction was from a city ordinance violation or a conviction for which a jail sentence was not imposed.
 - 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
 - A) Completion of probation;
 - B) Completion of parole supervision; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.
- c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):
- 1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
 - 2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
 - 3) Falsification of an application for licensure with the Division;
 - 4) Failure to furnish to the Division additional information or failure to appear for an interview or meeting with the Division in relation to the applicant's application for licensure.
- d) The following criminal history records shall not be considered in connection with an application for licensure:
- 1) Juvenile adjudications;
 - 2) Records of arrest not followed by a conviction;
 - 3) Convictions overturned by a higher court;
 - 4) Convictions that have been the subject of a pardon or expungement.
- e) Notification of Denial, Revocation, Suspension, or Intent to Refuse to Renew; Request for Hearing
- 1) If the determination is made that the applicant is unfit for licensure, the Division shall send notice of denial, revocation, suspension or intent to refuse to renew by certified mail, return receipt requested, to the applicant at the applicant's address of record or by personal delivery to the applicant. All such notices will include a statement of the reason for the Division's action.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 2) An applicant may request a hearing to contest the Division's action under 68 Ill. Adm. Code 1110. The request shall be in writing and must be received by the Division not later than 20 days after the date the Division mailed or personally delivered the notice of its action to the applicant.
- 3) After receipt of a request for a hearing and prior to any such hearing, the Division shall schedule an informal conference with the applicant in an attempt to resolve issues in controversy consensually. The Division shall notify the applicant of the informal conference at least 20 days prior to the hearing. Failure by the applicant to attend the informal conference shall act as a withdrawal of the applicant's request for a hearing. The provisions of this subsection (e)(3) shall not apply if an informal conference was held prior to the Division serving notice upon the applicant as described in subsection (e)(1).

Section 1300.110 Mandatory Reporting of Impaired Nurses

- a) *Any nurse who is an administrator or officer in any hospital, nursing home, other health care agency or facility, or nurse agency and has knowledge of any action or condition which reasonably indicates that a licensed practical nurse, registered professional nurse or advanced practice nurse is:*
 - 1) *impaired due to the use of alcohol or mood altering drugs to the extent that the impairment adversely affects the nurse's professional performance; or*
 - 2) *unlawfully possesses, uses, distributes or converts mood altering drugs (Section 70-10(a) of the Act) shall report the individual to the Division or designee of the Division unless the nurse participates in a course of remedial professional counseling or medical treatment for substance abuse.*
- b) The administrator need not report the nurse in question so long as the nurse actively pursues treatment under monitoring by the administrator or officer or by the hospital, nursing home, health care agency or facility, or nurse agency and the nurse continues to be employed by that hospital, nursing home, health care agency or facility, or nurse agency.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- c) However, if the nurse fails to comply with treatment or leaves employment of the institution for any reason, the administrator shall report the nurse to the Division.
- d) Notwithstanding any other Section or provisions of the Nurse Practice Act, if the Division verifies habitual intoxication or drug addiction that adversely affects professional performance or the unlawful possession, use, distribution or conversion of habit forming drugs by the reported nurse, the Division may seek to discipline the nurse pursuant to Section 70-5 of the Act.

Section 1300.120 Impaired Nurse – Disciplinary and Non-Disciplinary

- a) Disciplinary and Non-Disciplinary Options for the Impaired Nurse. The Division shall establish by rule a program of care, counseling and treatment for the impaired nurse. This program shall allow an impaired nurse to self-refer to the program.
- b) Eligibility for consideration for a care, counseling and treatment agreement shall include but not be limited to the following:
 - 1) licensee must self report to the Division before a complaint has been filed;
 - 2) licensee must have no prior disciplinary action in any jurisdiction concerning practice issues related to substance abuse;
 - 3) licensee has not been convicted criminally of any felony or drug-related misdemeanor, nor is any such criminal action pending;
 - 4) licensee acknowledges addiction and/or chemical dependence; and
 - 5) licensee has appeared for and submitted to an assessment by a physician who is a certified addictionist or an advanced practice nurse with specialty certification in addiction and has followed the recommendations of the assessment.
- c) Individual licensee health care records shall be privileged and confidential, unavailable for use in any proceeding, and not subject to disclosure. Nothing in this Section shall impair or prohibit the Division from taking disciplinary action based upon the grounds set forth in Section 70-5 of the Act.

Section 1300.130 Continuing Education

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- a) Continuing Education (CE) Requirements
- 1) As required by the Act, all nurses shall complete continuing education as follows:
 - A) Beginning with the January 31, 2013 renewal, all licensed practical nurses shall complete 20 hours of approved continuing education per 2 year license renewal cycle.
 - B) Beginning with the May 31, 2012 renewal, all registered nurses shall complete 20 hours of approved continuing education per 2 year license renewal cycle.
 - C) All advanced practice nurses shall complete 50 hours of approved continuing education per 2 year license renewal cycle. Completion of the 50 hours under this subsection (a)(1)(C) shall satisfy the continuing education requirements for renewal of a registered professional nurse license. An APN holding more than one APN license is required to complete 50 hours of continuing education total per license renewal period.
 - 2) The following time equivalencies shall apply:

1 contact hour	=	60 minutes
1 academic semester hour	=	15 contact hours
1 academic quarter hour	=	12.5 contact hours
1 CME	=	1 contact hour
1 CNE	=	1 contact hour
1 AMA	=	1 contact hour
 - 3) All CE must be completed in the 24 months preceding expiration of the license.
 - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) Nurses licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 6) Continuing education hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois pursuant to the provisions set forth in subsection (e).
- b) Approved Continuing Education
- 1) CE hours shall be earned by verified attendance at (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) that is offered or sponsored by an approved CE sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3) and (4).
 - 2) Independent study that is approved for CE credits as set forth in subsection (c) may be used, i.e., home study programs, articles from journals, and other health discipline independent study modules.
 - 3) Academic credits may be used to fulfill CE requirements if the course content is consistent with subsection (c)(3). CE hours are awarded as outlined in subsection (a)(4).
 - A) College/university courses that are audited may not be used for CE credit.
 - B) Degree "core" or general education credits such as English, literature, history, math, music and physical education may not be used.
 - 4) Presenter/lecturer presentations made to other health professionals on topics related to the certification area may be used for CE credit. Each different individual, non-repetitive 60-minute lecture may be used for 5 CE hours. Full-time educators may not use presentations/lectures that are part of their job expectations, but may use guest lectures and other presentations made outside the duties of their job.
 - 5) CE hours may be earned for authoring papers, publications, articles, dissertations, book chapters or research projects. These must be applicable to the practice area. The research project must be completed during the prerenewal period. Authoring a paper or publishing articles

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

may be used for 10 CE hours. Authoring a book chapter, dissertation or research project may be used for 20 CE hours.

- 6) Up to 5 CE hours may be earned for completion of skills certification courses. A maximum of 2 hours in cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or other qualified organization may be accepted, while a maximum of 3 hours may be accepted for certification or recertification in Basic Life Support for Healthcare Providers (BLS), Advanced Cardiac Life Support (ACLS), or Pediatric Advanced Life Support (PALS) or their equivalent.
- 7) CE Options for APNs
 - A) CE hours may be earned through preceptorship of an APN student. Preceptors must provide clinical supervision and education to the APN student. Documentation must be provided from the school of nursing in which the student is enrolled. Precepting one student for an academic semester or quarter may be used for 10 CE hours. Not more than 20 CE hours in each renewal period may come from precepting.
 - B) Successful completion, during the prerenewal period, of a recertification exam in the APN's area of specialty as recognized in Section 1300.10 may be used for 50 CE hours.
- c) Approved CE Sponsors and Programs
 - 1) Sponsor, as used in this Section, shall mean:
 - A) Approved providers of recognized certification bodies as outlined in Section 1300.400(a).
 - B) Any conference that provides approved Continuing Medical Education (CME) as authorized by the Illinois Medical Practice Act.
 - C) American Nurses Credentialing Center (ANCC) accredited or approved providers.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- D) Illinois Society for Advanced Practice Nursing (ISAPN).
 - E) American College of Nurse Practitioners.
 - F) American Academy of Nurse Practitioners.
 - G) Nurse Practitioner Association for Continuing Education (NPACE).
 - H) American Association of Nurse Anesthetists.
 - I) National Association of Clinical Nurse Specialists (NACNS).
 - J) American College of Nurse Midwives.
 - K) Illinois Nurse Association or its affiliates.
 - L) Providers approved by another state's board of nursing.
 - M) Any other professional association, established prior to 2007 and approved by the Division upon recommendation of the Board, that provides CE in a form and manner consistent with this Section.
 - N) Nursing education programs approved under Section 1300.230 or 1300.340 wishing to offer CE courses or programs.
 - O) Employers licensed under the Hospital Licensing Act [210 ILCS 85] or the Ambulatory Surgical Treatment Center Act [210 ILCS 5].
 - P) Any other accredited school, college or university, or State agency that provides CE in a form and manner consistent with this Section.
- 2) An entity seeking approval as a CE sponsor, not specifically listed in subsection (c)(1), shall submit an application, on forms supplied by the Division, along with the application fee specified in Section 1300.30(a)(5). The application shall include:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- A) Certification:
 - i) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section;
 - ii) That the sponsor will be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(7);
 - iii) That, upon request by the Division, the sponsor will submit evidence (e.g., certificate of attendance or course material) necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute.
 - B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of nursing;
 - B) Foster the enhancement of general or specialized nursing practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

completed on-site immediately following the program/presentation, or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

- 5) A sponsor approved pursuant to subsection (c)(1) may subcontract with individuals or organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified, but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) To maintain approval as a sponsor approved under subsection (c)(2), each sponsor shall submit to the Division by May 31 of each even-numbered year a renewal application, the renewal fee specified in Section 1300.30(b) and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The sponsor's name and, if applicable, sponsor approval number;
 - B) The name of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 8) The sponsor shall maintain attendance records for not less than 5 years.
 - 9) The sponsor shall be responsible for assuring that no renewal applicant will receive CE credit for time not actually spent attending the program.
 - 10) Upon the failure of a sponsor to comply with any of the requirements of this subsection (c), the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE attendance at or participation in any of that sponsor's CE programs until such time as the Division receives assurances of compliance with this Section.
 - 11) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificates of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3).

- 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request with the \$25 processing fee plus a late fee of \$50 per CE hour, not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) **Restoration of Nonrenewed License**
Upon satisfactory evidence of compliance with CE requirements, the Division shall restore the license upon payment of the fee required by Section 1300.30(c)(1).
- g) **Waiver of CE Requirements**
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, along with the required fee set forth in Section 1300.30(b), a statement setting forth the facts concerning noncompliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division will waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the Armed Forces of the United States during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed health care provider;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- C) A physical inability to access the sites of approved programs documented by a currently licensed health care provider; or
 - D) Any other similar extenuating circumstances.
- 3) When the licensee is requesting a waiver due to physical or mental illness or incapacity, the licensee shall provide a current fitness to practice statement from a currently licensed health care provider familiar with the licensee's medical history.
 - 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.
 - 5) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver or extension of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds, based on the statement or any other evidence submitted, that good cause has been shown for granting a waiver or extension of the CE requirements, or any part of those requirements, the Division will waive enforcement of the requirements for the renewal period for which the applicant has applied.
 - 6) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the Armed Forces of the United States during a substantial part of the renewal period;
 - B) A temporary, incapacitating illness documented by a licensed health care provider. A second consecutive request for a CE waiver pursuant to this subsection (g)(6)(B) shall be prima facie proof that the renewal applicant has a physical illness, mental illness or other impairment, including without limitation deterioration through the aging process, mental illness or disability that results in the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

inability to practice the profession with reasonable judgment, skill and safety, in violation of the Act, and shall be grounds for denial of the renewal or other discipline;

C) Temporary undue hardship (e.g., hospitalization, being disabled and unable to practice on a temporary basis).

7) If an interview is requested at the time the request for waiver or extension is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

SUBPART B: LICENSED PRACTICAL NURSE

Section 1300.200 Application for Examination or Licensure

- a) Each applicant shall file with the Division or the testing service designated by the Division a completed, signed application, on forms supplied by the Division, that includes:
- 1) proof of graduation from a licensed practical nursing education program that meets the requirements of Section 1300.230;
 - 2) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;
 - 3) the required fees set forth in Section 1300.30(a)(1);
 - 4) for applicants educated outside the United States or its territories, the following:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- A) a credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES). However, the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal. These credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.
- B) if the applicant's first language is not English, certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) General Training Module. For TOEFL, the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS General Training Module, the minimum passing score shall be 6.0 (overall score) and 7.0 (spoken band). The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the passage of an approved licensing examination given in English;
- 5) official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service. This education must meet the standards set forth in Section 1300.230; and
- 6) verification from the jurisdictions in which the applicant was originally licensed, current state of licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years, if applicable, stating:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- A) the time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 - B) whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted by Section 60-10 of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.

Section 1300.210 LPN Licensure Examination

- a) The Board shall make recommendations to the Division regarding content, design and contractor for a licensure examination. A licensure examination contract shall be negotiated and approved by the Division.
- b) Licensed Practical Nurse Examination
 - 1) The passing grade on the National Council Licensure Examination (NCLEX) for LPNs shall be based on an ability scale designed to measure minimum LPN competency. A pass/fail grade will be assigned.
 - 2) An LPN applicant who fails the examination is not eligible for licensure.
 - 3) If the examination is not passed within 3 years from the date of the first examination taken, regardless of the jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until the applicant has successfully recompleted an approved LPN program prior to re-application. Upon successful completion of the approved practical nursing education program, the applicant shall submit proof to the Division. This subsection (b)(3) does not apply to applicants licensed in another jurisdiction.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 4) If 3 years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Division pursuant to Section 55-10 of the Act.
- c) **Eligibility for Licensed Practical Nurse Examination**
Any candidate who is unable to pass the registered professional nurse examination will not be permitted to write the practical nurse examination until or unless that applicant has graduated from an approved practical nursing education program.

Section 1300.220 LPN Licensure by Endorsement

- a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Division. The application shall include:
 - 1) the fee required by Section 1300.30(a)(1);
 - 2) proof of graduation from an LPN nursing education program that meets the requirements of Section 1300.230;
 - 3) proof of passage of an examination recognized by the Division, upon recommendation of the Board (i.e., National Council Licensure Examination for practical nurses, or State Board Test Pool Examination for practical nurses);
 - 4) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 5) official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received his/her education in the military service. Education must meet the standards for education set forth in Section 1300.230;
 - 6) verification of licensure status from the jurisdiction in which the applicant was originally licensed, current licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years; and
 - 7) a certified translation for all credentials of education and licensure, if not in English.
- b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.
 - c) Compliance with the provisions of Section 1300.210(b)(3) for each practical nurse applicant shall be a requirement for Illinois practical nurse licensure by endorsement.
 - d) **Eligibility for Practical Nurse Endorsement**
A candidate who is unable to pass the LPN examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until the candidate has graduated from an approved practical nursing education program.
 - e) Individuals applying for licensure by endorsement may apply to the Division, on forms provided by the Division, to receive a Temporary Endorsement Permit pursuant to Section 55-10 of the Act. The permit shall allow the applicant to work pending the issuance of a license by endorsement.
- 1) The temporary endorsement permit application shall include:
 - A) a completed, signed endorsement application, along with the required endorsement licensure fee set forth in Section 1300.30(a)(2). All supporting documents shall be submitted to the Division before a permanent license by endorsement is issued;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) photocopies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the Nurse System (NURSYS) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file;
 - C) verification that fingerprints have been submitted to the Division or the Illinois Department of State Police or its designated agent; and
 - D) the fee for a temporary permit as required in Section 1300.30(a)(2).
- 2) The Division shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (e)(1).
- 3) Temporary permits shall be terminated upon:
- A) the issuance of a permanent license by endorsement;
 - B) failure to complete the application process within 6 months from the date of issuance of the permit;
 - C) a finding by the Division that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States that is:
 - i) a felony; or
 - ii) a misdemeanor directly related to the practice of nursing, within the last 5 years;
 - D) a finding by the Division that, within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- E) a finding by the Division that the applicant does not meet the licensure requirements for endorsement set forth in this Section. The Division shall notify the applicant in writing of the termination.
- 4) The Division shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (e)(3)(D) and (E) of this Section and/or Section 70-5 of the Act.
- 5) A temporary permit shall be renewed beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship, defined as:
 - A) serving full-time in the Armed Forces;
 - B) an incapacitating illness as documented by a currently licensed health care provider;
 - C) death of an immediate family member; or
 - D) extenuating circumstances beyond the applicant's control, as approved by the Director.

Section 1300.230 Approval of Programs

- a) **Program Approval**
Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure, change the level of educational preparation of the program, or establish an extension of an existing program shall:
 - 1) Submit a letter of intent to the Division.
 - 2) Provide a feasibility study to the Division, on forms provided by the Division, that includes, at least, documentation of:
 - A) Need for the program in the community;
 - B) Need for graduates of the proposed program;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- C) Availability of students;
 - D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
 - E) Potential for qualified faculty, including the curriculum vitae of any potential faculty members;
 - F) Adequacy of clinical practicum and academic resources;
 - G) Financial commitment to support the initial and continuing program;
 - H) Community support of the scope and philosophy of the program;
 - I) Authorization by the appropriate education agency of the State of Illinois; and
 - J) A timetable for development of the program and the intended date of the first class beginning.
- 3) Identify a qualified nurse administrator with a minimum of a master's degree in nursing and with experience as a nurse educator, and provide a curriculum vitae of the proposed nurse administrator.
- 4) Submit a curriculum proposal including:
- A) Program philosophy and objectives;
 - B) A plan of organization that is logical and internally consistent;
 - C) Proposed plans of study, including requisite and elective courses with rationale;
 - D) Course outlines or syllabi for all nursing courses;
 - E) Student handbook;
 - F) Faculty qualifications;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- G) Instructional approaches to be employed;
 - H) Evaluation plans for progress, faculty and students;
 - I) Facilities and utilization plan; and
 - J) Budget plan.
- 5) Coordinate with the Division and/or the DPR Nursing Coordinator for a site visit to be conducted prior to program approval.
- b) Continued Program Approval
- 1) Nursing education programs shall submit annual evaluation reports to the Division on forms provided by the Division. These reports shall contain information regarding curriculum, faculty and students and other information deemed appropriate by the Division.
 - 2) Full routine site visits may be conducted by the Division for periodic evaluation. The visits will be utilized to determine compliance with the Act. Unannounced site visits may be conducted when the Division obtains evidence that would indicate the program is not in compliance with the Act or this Part.
 - 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.
 - A) A pass rate of 75% of first time examinees will be required for a school to remain in good standing.
 - B) A nursing education program having an annual pass rate of less than 75% of first time examinees for one year will receive a written warning of noncompliance from the Division.
 - C) A nursing education program having an annual pass rate of less than 75% of first time examinees for 2 consecutive years will receive a site visit for evaluation and recommendation by the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Division and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 1110.

- D) The nursing education program will have 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
 - E) If, 2 years after implementing the strategies to correct deficiencies in the program, the annual pass rate is less than 75%, the program will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 1110.
- c) Major Curricular Revision
Nursing education programs desiring to make a major curricular revision, i.e., addition or deletion of content, a substantive change in philosophy or conceptual framework, or length of program, shall:
- 1) Submit a letter of intent to the Division; and
 - 2) Submit a copy of the proposed changes and new material to the Division, at least one term prior to implementation, for Board recommendation and Division approval in accordance with the standards set forth in subsection (f).
- d) Minor Curricular Revisions
Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Division in their annual report.
- e) Organization and Administration
- 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board);

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Division;
 - 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;
 - 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures;
 - 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and reviewed by members of the program on a regular schedule;
 - 6) The philosophy, purpose and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.
- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy and outcomes;
 - 2) Levels of progression in relation to the stated program outcomes shall be established;
 - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program outcomes;
 - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
 - 5) The entire curriculum shall be based on sound nursing, education and instructional principles;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 6) The curriculum shall be evaluated by faculty with student input, according to a stated plan;
- 7) The program shall be approved by the appropriate educational agency;
- 8) Curriculum for the practical nursing programs shall:
 - A) Include, at a minimum, basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology, sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.240), nutrition and diet therapy, and vocational, legal and ethical aspects of nursing;
 - B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject areas;
 - C) Provide basic theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration and maintenance of health in individuals and groups across the life span and in a variety of clinical settings;
 - D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills;
 - F) Be at least one academic year in length; and
 - G) If a military program, consist of a minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum outlined in subsection (f)(8)(A).
- g) Nursing Administrator and Faculty
 - 1) The institution responsible for conducting the nursing program and the nurse administrator of the nursing education program shall be responsible

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

for ensuring that the individual faculty members are academically and professionally qualified.

- 2) Nursing education programs shall be administered by the nurse administrator of the nursing education program.
- 3) The nurse administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
- 4) The nurse administrator of a nursing education program shall have at least:
 - A) 2 years experience in clinical nursing practice;
 - B) 2 years experience as an instructor in a nursing education program; and
 - C) a master's degree or higher with a major in nursing.
- 5) Nurse faculty of a practical nursing program shall have:
 - A) At least 2 years experience in clinical nursing practice; and
 - B) A baccalaureate degree or higher with a major in nursing.
- 6) The requirements of subsections (g)(4) and (5) shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
- 7) Nurse administrators of nursing education programs shall be responsible for:
 - A) Administration of the nursing education program;
 - B) Liaison with other units of the sponsoring institution;
 - C) Preparation and administration of the budget;
 - D) Facilitation of faculty development and performance review;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation; and
 - F) Notification to the Division of program changes.
- 8) Faculty shall be responsible for:
- A) Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
 - B) Design, implementation and evaluation of curriculum for the nursing education program;
 - C) Participation in academic advising of students;
 - D) Development and evaluation of student policies; and
 - E) Evaluation of student performance in meeting the objectives of the program.
- 9) Faculty shall participate in:
- A) Selection, promotion and tenure activities;
 - B) Academic activities of the institution;
 - C) Professional and health related community activities;
 - D) Self-development activities for professional and personal growth;
 - E) Research and other scholarly activities for which qualified; and
 - F) Activities that maintain educational and clinical expertise in areas of teaching.
- 10) Clinical experience must be under direct supervision of qualified faculty as set forth in this subsection (g) or with a registered nurse preceptor. The

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.

- 11) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:
 - A) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 - B) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.

h) Financial Support, Facilities, Records

- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
- 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
- 3) Articles of Affiliation
 - A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility that define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.
 - B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites or by distance learning, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
- 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 5) There shall be access to learning resource facilities, including library and multi-media technology, that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
 - 6) Cooperating agencies shall be identified to the Division and shall be suitable to meet the objectives of the program.
 - 7) Addition or deletion of cooperating agencies shall be reported in writing to the Division on the program annual report.
 - 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
 - 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Preceptors
A program of licensed professional nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience must:
- 1) Require each preceptor to have demonstrated competencies with patient populations to which the student is assigned;
 - 2) Require each preceptor to be approved by the faculty of the program of nursing;
 - 3) Require the faculty of the program to provide to each preceptor an orientation concerning the roles and responsibilities of students, faculty and preceptors;
 - 4) Require the faculty of the program to develop written competencies/outcomes and provide a copy of these to each preceptor before the preceptor begins instruction of the students;
 - 5) Designate a member of the faculty to serve as a liaison between the preceptor and each student who participates in the clinical experience;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 6) Require that each preceptor be present in the clinical facility or at the location of point of care and available to the students at all times when the student provides nursing care or services to patients/clients;
 - 7) Require that each preceptor have a current registered professional nurse license in the state where the student is practicing.
- j) **Denial of Approval of Nursing Program**
If the Division, in the course of reviewing an application for approval of a nursing program, determines that an applicant program has failed to comply with the application criteria or procedures outlined in this Part, or receives information that indicates that the applicant program will not be able to comply with the conditions set forth in subsection (b), the Division may deny the application for approval.
- k) **Discontinuance of a Nursing Program**
- 1) Prior to terminating a nursing education program, the program shall:
 - A) Notify the Division, in writing, of its intent to discontinue its program;
 - B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;
 - C) Notify the Division of the date on which the last student will graduate and the program will terminate; and
 - D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.
 - 2) Upon closure of the nursing education program, the institution shall notify the Division, in writing, of the location of student and graduate records storage.
- l) **Revocation of Program Approval**
- 1) The following are grounds for disapproval of a nursing education program:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- A) A violation of any provision of the Act;
 - B) Fraud or dishonesty in applying for approval of a nursing education program;
 - C) Failure to continue to meet criteria of an approved nursing education program set forth in this Section; or
 - D) Failure to comply with recommendations made by the Division as a result of a site visit.
- 2) Upon written notification of the Division's proposed action, the nursing education program may:
- A) Submit a written response;
 - B) Request a hearing before the Board.
- m) Out-of-State Education Programs Seeking Student Nurse Clinical Placement in Illinois
- 1) Out-of-state nursing education programs offering clinical experiences in Illinois are expected to maintain the standards for approved nursing education programs set forth in this Section.
 - 2) Programs desiring to seek approval for student nurse clinical placement in Illinois shall submit the following documents:
 - A) Evidence of approval/accreditation by the Board of Nursing or other appropriate approval bodies in the state in which the institution is located.
 - B) A letter requesting approval to provide the clinical offering that indicates the time-frame during which the clinical experience will be conducted, the clinical agencies and the clinical units to be utilized.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- C) A course syllabus for the clinical experiences to be offered that specifies the related objectives of the offering.
 - D) A copy of the executed contractual agreement between the academic institution and the clinical facility.
 - E) A faculty qualification and/or preceptor form for individuals providing instruction in Illinois.
- 3) Faculty
- A) The institution responsible for conducting the nursing program and the administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
 - B) Nurse faculty of a practical nursing program shall have:
 - i) at least 2 years experience in clinical nursing practice; and
 - ii) a baccalaureate degree or higher with a major in nursing.
 - C) The faculty shall be currently licensed as registered professional nurses in Illinois.
 - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
 - E) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience.
 - i) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 - ii) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 4) Approval for clinical offerings by out-of-state nursing programs shall be approved for a period of 2 years. A program representative may request renewal of the approval every 2 years. In order to renew, the program shall submit a written report that provides updated and current data as required by this subsection (m).
 - 5) A written report of current clinical offerings and current data shall be submitted to the Division annually. Faculty qualification and preceptor forms shall be submitted when instructors are added or changed.
 - 6) Failure to comply with the requirements set forth in this Part shall result in the immediate withdrawal of approval of the clinical experience offering.
- n) If the name of the program is changed or the institution in which the program is located or with which it is affiliated changes its name, the program shall notify the Division within 30 days after the name change. If the Division is not notified within the 30 days, the program's approval may be withdrawn.
- o) The Division has determined that nurse programs approved through the National League for Nursing Accrediting Commission or the Commission on Collegiate Accreditation meet the requirements set forth in this Section, except for those programs whose curriculums do not include a concurrent theory and clinical practice education component as required by Section 50-70 of the Act.

Section 1300.240 Standards for Pharmacology/Administration of Medication Course for Practical Nurses

- a) Approved licensed practical nursing programs shall include a course designed to educate practical nursing students and/or licensed practical nurses to administer medications via oral, topical, subcutaneous, intradermal and intramuscular routes under the direction of a registered professional nurse, advanced practice nurse, physician assistant, physician, dentist or podiatrist that contains the following minimum components:
 - 1) Prerequisites
 - A) Basic computational math and high school algebra with proficiency in the following concepts, including, but not limited to,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

ratios and proportions and metric, apothecary and household measurements as documented via examination and/or coursework completed.

- B) Basic scientific knowledge, including, but not limited to, microbiology/asepsis and anatomy and physiology with a basic understanding of fluid and electrolytes, the inflammatory response, the immune response, and body systems as documented via examination or coursework.
- 2) Pharmacology
- A) An introduction to pharmacology, including the areas of:
 - i) Terminology and abbreviations
 - ii) Federal and State laws related to pharmacology (e.g., Illinois Controlled Substances Act [720 ILCS 570]; federal Food, Drug and Cosmetic Act (21 USC 360))
 - iii) Drug standards and references (i.e., United States Pharmacopoeia/National Formulary)
 - iv) Generic versus brand name drugs
 - v) Misuse/abuse of drugs
 - B) Classifications of drugs (with commonly used examples), including:
 - i) Action/Physiological effect
 - ii) Interactions
 - iii) Side effects and contraindications
 - iv) Dosages and routes
 - v) Nursing implications (including legal implications)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 3) Administration of Medication
 - A) Following procedures of safety as described in subsections (a)(3)(C), (D), (E) and (F) in administering medications.
 - B) Developmental adaptations for administering medications to patients of all ages.
 - C) Assessment of patient condition.
 - D) Planning for administration of medication, including:
 - i) Checking for an order from an advanced practice nurse, physician assistant, physician, dentist or podiatrist
 - ii) Securing proper equipment
 - iii) Verifying proper packaging of medication
 - E) Implementation of administration of medication, including:
 - i) Site selection
 - ii) Verifying route of administration
 - iii) Administering the medication
 - iv) Recording medication administration
 - v) Patient education for compliance
 - F) Evaluation of patient response, including:
 - i) Effects/side effects/allergic responses
 - ii) Recording/reporting of effects

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- b) This Section does not preclude a flexible curriculum that would provide appropriate integration into other practical nursing courses.
- c) The course/instruction shall include at least 32 hours of theory and 64 hours of lab and clinical with administration of medication to patients performed under direct supervision of qualified faculty as set forth in subsection (d).
- d) Nurse faculty of pharmacology and administration of medication courses shall have:
 - 1) At least 2 years experience in clinical nursing practice;
 - 2) A baccalaureate degree with a major in nursing;
 - 3) A current Illinois Registered Professional Nurse license.
- e) Approved licensed practical nursing programs shall include a curriculum designed to educate practical nursing students and/or licensed practical nurses to perform the following activities related to intravenous therapy under the supervision of a registered professional nurse, advanced practice nurse, physician assistant, physician, dentist or podiatrist:
 - 1) Monitoring the flow rate of existing intravenous lines.
 - 2) Regulating peripheral fluid infusion rates for a continuous infusion of fluids or for intermittent infusions, through an IV access device. A peripheral IV line is defined as a short catheter inserted through the skin terminating in a peripheral vein.
 - 3) Observing sites for local reaction and reporting results to the registered nurse.
 - 4) Discontinuing intravenous therapy with an order from an advanced practice nurse, physician assistant, physician, dentist or podiatrist.
 - 5) Adding pharmacy pre-mixed antibiotic solutions to existing patent lines.
 - 6) Changing peripheral intravenous tubings and dressings.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 7) Monitoring existing transfusions of blood and blood components.
- 8) Documenting intravenous procedures performed and observations made.
- f) This curriculum shall prepare the LPN to start peripheral intravenous therapy that consists of a short catheter inserted through the skin into a peripheral vein.
- g) The curriculum shall not include the following procedures:
 - 1) Administering chemotherapeutic agents via intravenous routes.
 - 2) Starting or adding blood or blood components.
 - 3) Administering medications via intravenous push or administering heparin in heparin locks.

Section 1300.250 LPN Scope of Practice

Practice as a licensed practical nurse means a scope of basic nursing practice, with or without compensation, as delegated by a registered professional nurse or an advanced practice nurse or as directed by a physician assistant, physician, dentist or podiatrist, and includes all of the following and other activities requiring a like skill level for which the LPN is properly trained:

- a) *Collecting data and collaborating in the assessment of the health status of a patient.*
- b) *Collaborating in the development and modification of the registered professional nurse's or advanced practice nurse's comprehensive nursing plan of care for all types of patients.*
- c) *Implementing aspects of the plan of care as delegated.*
- d) *Participating in health teaching and counseling to promote, attain, and maintain the optimum health level of patients, as delegated.*
- e) *Serving as an advocate for the patient by communicating and collaborating with other health service personnel, as delegated.*
- f) *Participating in the evaluation of patient responses to interventions.*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- g) *Communicating and collaborating with other health care professionals, as delegated.*
- h) *Providing input into the development of policies and procedures to support patient safety. (Section 55-30 of the Act)*

Section 1300.260 Standards for Professional Conduct for LPNs

- a) The licensed practical nurse shall, but is not limited to, upholding the following professional standards:
 - 1) Practice in accordance with the Act and this Part;
 - 2) Practice nursing only when in functional physical and mental health;
 - 3) Be accountable for his or her own nursing actions and competencies;
 - 4) Practice or offer to practice, including delegated nursing activities, only within the scope permitted by law and within the licensee's own educational preparation and competencies;
 - 5) Perform nursing activities as delegated;
 - 6) Seek instruction from a registered professional nurse or advanced practice nurse when implementing new or unfamiliar nursing activities;
 - 7) Report unsafe, unethical or illegal health care practice or conditions to appropriate authorities and to the Division;
 - 8) Assume responsibility for continued growth and education to reflect knowledge and understanding of current nursing care practice.
- b) Violations of this Section may result in discipline as specified in Section 70-5 of the Act. All disciplinary hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.

SUBPART C: REGISTERED NURSE

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.300 Application for Examination or Licensure

- a) Each applicant shall file, with the Division or the testing service designated by the Division, a completed, signed application, on forms supplied by the Division, that includes:
 - 1) proof of graduation from a nursing education program that meets the requirements of Section 1300.40;
 - 2) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;
 - 3) the fees required by Section 1300.30(a)(1);
 - 4) for applicants educated outside the United States or its territories, the following:
 - A) a credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES). However, the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal; these credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) if the applicant's first language is not English, certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0 (spoken band). The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the passage of an approved licensing examination given in English;
- 5) verification from the jurisdictions in which the applicant was originally licensed, current state of licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years, if applicable, stating:
- A) the time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 - B) whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted by Section 60-10 of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.
- c) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the director of nursing education shall include an explanation in the certification.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- d) Pursuant to Section 50-70 of the Act, when an applicant has completed a nonapproved program that is a correspondence course or a program of nursing that does not require coordinated or concurrent theory and clinical practice, the Division may grant a license to an applicant who has applied in accordance with subsection (a) and who has received an advanced graduate degree in nursing from an approved program with concurrent theory and clinical practice or who is currently licensed in another state and has been actively practicing in clinical nursing for a minimum of 2 years. Clinical practice for purposes of this Section means nursing practice that involves direct physical (psychomotor and psychosocial) patient (client) care within an acute care facility.
- 1) Clinical practice areas that would meet the requirements for clinical practice include the following:
 - A) Adult Medical Surgical Nursing
 - B) Pediatric Nursing
 - C) Maternity Nursing
 - D) Emergency Nursing
 - E) Critical Care Nursing
 - F) Post-Anesthesia Care Nursing
 - G) Psychiatric Nursing
 - H) Medicare/Skilled Nursing in a Long-Term Care Facility
 - 2) Clinical practice shall not include:
 - A) Telephone or Triage Nursing
 - B) Case Management
 - 3) A year of clinical practice consists of not less than 1500 hours of direct patient care.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 4) The Board of Nursing will review clinical practice documentation that does not meet the requirements of this subsection (d).
- e) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.
- f) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.
- g) If an applicant has taken and passed the National Council Licensure Examination (NCLEX) in accordance with Section 1300.310, the applicant shall file an application in accordance with subsection (a) and shall have the examination scores submitted to the Division directly from the testing entity or from the state of original licensure.

Section 1300.310 RN Licensure Examination

- a) The Board shall make recommendations to the Division regarding content, design and contractor for a licensure examination. A licensure examination contract shall be negotiated and approved by the Division.
- b) Registered Professional Nurse Examination
 - 1) The passing grade on the National Council Licensure Examination (NCLEX) for registered professional nurses shall be based on an ability scale designed to measure minimum RN competency. A pass/fail grade will be assigned.
 - 2) An RN applicant who fails the examination is not eligible for licensure
 - 3) If the examination is not passed within 3 years from the date of application, regardless of jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until the applicant has successfully completed at least 2 additional years of professional nursing education. Upon successful completion of the approved nursing education program, the applicant shall submit proof to the Division. This subsection (b)(3) does not apply to applicants who are licensed in another jurisdiction.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 4) If 3 years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Division pursuant to Section 60-10 of the Act and provide evidence of meeting the requirements in force at the time of the new application.

Section 1300.320 RN Licensure by Endorsement

- a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Division. The application shall include:
 - 1) the fee required by Section 1300.30(a)(1);
 - 2) proof of graduation from a nursing education program that meets the requirements of Section 1300.340;
 - 3) proof of passage of an examination recognized by the Division, upon recommendation of the Board (i.e., National Council Licensure Examination for professional nurses, or State Board Test Pool Examination for professional nurses or practical nurses);
 - 4) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;
 - 5) for RN applicants who received education outside of the United States:
 - A) A credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES). However,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal. These credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.

- B) The requirements of subsection (a)(5)(A) may be satisfied by the submission of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools, provided that the certificate was based upon licensure in the applicants country of education.
 - C) If the applicant's first language is not English, certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL, the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0 (spoken band). The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the passage of an approved licensing examination given in English;
- 6) official transcripts of theory and clinical education prepared by an official of the military for a nurse applicant who has received his/her education in the military service. Education must meet the standards for education set forth in Section 1300.340;
 - 7) verification of licensure status from the jurisdiction in which the applicant was originally licensed, current licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 8) a certified translation for all credentials of education and licensure, if not in English.
- b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.
- c) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.
- d) Compliance with the provisions of Section 1300.310(b)(3) for each RN applicant and shall be a requirement for Illinois nurse licensure by endorsement.
- e) Individuals applying for licensure by endorsement may apply to the Division, on forms provided by the Division, to receive a Temporary Endorsement Permit pursuant to Section 60-10 of the Act. The permit shall allow the applicant to work pending the issuance of a license by endorsement.
 - 1) The temporary endorsement permit application shall include:
 - A) a completed, signed endorsement application, along with the required endorsement licensure fee set forth in Section 1300.30(a)(2). All supporting documents shall be submitted to the Division before a permanent license by endorsement is issued;
 - B) photocopies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the Nurse System (NURSYS) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file;
 - C) verification that fingerprints have been submitted to the Division or the Illinois Department of State Police or its designated agent; and
 - D) the fee for a temporary permit as required in Section 1300.30(a)(2) of this Part.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 2) The Division shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (e)(1).
- 3) Temporary permits shall be terminated upon:
 - A) the issuance of a permanent license by endorsement;
 - B) failure to complete the application process within 6 months from the date of issuance of the permit;
 - C) a finding by the Division that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States that is:
 - i) a felony; or
 - ii) a misdemeanor directly related to the practice of nursing, within the last 5 years;
 - D) a finding by the Division that, within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois; or
 - E) a finding by the Division that the applicant does not meet the licensure requirements for endorsement set forth in this Section. The Division shall notify the applicant in writing of the termination.
- 4) The Division shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (e)(3)(D) and (E) and/or Section 70-5 of the Act.
- 5) A temporary permit shall be renewed beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship, defined as:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- A) serving full-time in the Armed Forces;
- B) an incapacitating illness as documented by a currently licensed physician;
- C) death of an immediate family member; or
- D) extenuating circumstances beyond the applicant's control, as approved by the Director.

Section 1300.330 Nurse Externship

- a) Each applicant for a nurse externship permit shall file a completed, signed application on forms supplied by the Division. The application shall include:
 - 1) proof of graduation from an RN educational program approved by the Division;
 - 2) verification of licensure as an RN in another state or territory of the United States and proof of an active and unencumbered license in all of the states or territories in which the applicant is licensed;
 - 3) verification of an offer for employment in Illinois as a nurse extern and a copy of the written employment offer;
 - 4) a letter of acceptance from the Bilingual Nurse Consortium course or other comparable course approved by the Division;
 - 5) verification from the applicant's prospective employer stating that the prospective employer agrees to pay the full tuition for the Bilingual Nurse Consortium course or other comparable course approved by the Division;
 - 6) proof of taking the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL a minimum passing score on the paper-based test of 560, computer-based test of 220, or internet-based test of 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0 (spoken band);

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 7) proof that the applicant has not violated the provisions of Section 10-45 of the Act; and
 - 8) the required externship permit fee set forth in Section 1300.30(a)(3).
- b) The nurse extern must submit to the Division a mid-year exam as determined by the Bilingual Nurse Consortium that demonstrates proficiency towards passing the NCLEX.
 - c) A nurse extern shall be issued only one permit that shall expire one calendar year after it is issued.

Section 1300.340 Approval of Programs

- a) **Program Approval**
Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure, change the level of educational preparation of the program, or establish an extension of an existing program shall:
 - 1) Submit a letter of intent to the Division.
 - 2) Provide a feasibility study to the Division, on forms provided by the Division, that includes, at least, documentation of:
 - A) Need for the program in the community;
 - B) Need for graduates of the proposed program;
 - C) Availability of students;
 - D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
 - E) The curriculum vitae of identifiable faculty, including the curriculum vitae of any potential faculty members that will teach in the program;
 - F) Adequacy of clinical practicum and academic resources;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- G) Financial commitment to support the initial and continuing program;
 - H) Community support of the scope and philosophy of the program;
 - I) Authorization by the appropriate education agency of the State of Illinois; and
 - J) A timetable for development of the program and the intended date of the first class beginning.
- 3) Identify and provide a curriculum vitae of a qualified nurse administrator with a minimum of a master's degree in nursing and with experience as a nurse educator.
- 4) Submit a curriculum proposal including:
- A) Program philosophy and objectives;
 - B) A plan of organization that is logical and internally consistent;
 - C) Proposed plans of study, including requisite and elective courses with rationale;
 - D) Course outlines or syllabi for all nursing courses;
 - E) Student handbook;
 - F) Faculty qualifications;
 - G) Instructional approaches to be employed;
 - H) Evaluation plans for faculty and students;
 - I) Facilities and utilization plan; and
 - J) Budget plan.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 5) Coordinate with the Division and/or Nursing Coordinator for a site visit to be conducted prior to program approval.
- b) Continued Program Approval
- 1) Nursing education programs shall submit annual evaluation reports to the Division on forms provided by the Division. These reports shall contain information regarding curriculum, faculty and students and other information deemed appropriate by the Division.
 - 2) Full routine site visits may be conducted by the Division for periodic evaluation. The visits will be utilized to determine compliance with the Act. Unannounced site visits may be conducted when the Division obtains evidence that would indicate the program is not in compliance with the Act or this Part.
 - 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.
 - A) A pass rate of 75% of first time examinees will be required for a school to remain in good standing.
 - B) A nursing education program having an annual pass rate of less than 75% of first time examinees for one year will receive a written warning of noncompliance from the Division.
 - C) A nursing education program having an annual pass rate of less than 75% of first time examinees for 2 consecutive years will receive a site visit for evaluation and recommendation by the Division and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 1110.
 - D) The nursing education program will have 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
 - E) If, 2 years after implementing the strategies to correct deficiencies in the program, the annual pass rate is less than 75%, the program

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 1110.

- c) **Major Curricular Revision**
Nursing education programs desiring to make a major curricular revision, i.e., addition or deletion of content, a substantive change in philosophy or conceptual framework, or length of program, shall:
 - 1) Submit a letter of intent to the Division; and
 - 2) Submit a copy of the proposed changes and new material to the Division, at least one term prior to implementation, for Board recommendation and Division approval in accordance with the standards set forth in subsection (f).
- d) **Minor Curricular Revisions**
Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Division in their annual report.
- e) **Organization and Administration**
 - 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board);
 - 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Division;
 - 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;
 - 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

policy and evaluation committees, policy statements and evaluation procedures;

- 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and reviewed by members of the program on a regular schedule;
 - 6) The philosophy, purpose and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.
- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy and objectives;
 - 2) Levels of progression in relation to the stated program outcomes shall be established;
 - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program outcomes;
 - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
 - 5) The entire curriculum shall be based on sound nursing, education and instructional principles;
 - 6) The curriculum may include a Nursing Student Internship/Cooperative Education Course that meets the following minimum requirements:
 - A) The course must be available with the nursing major and identified on the transcript.
 - B) Faculty must meet approved nursing education program qualifications and hold faculty status with the educational unit.
 - C) Clinical content must be coordinated with theoretical content.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the program and shall work under the direction of a nurse faculty member.
 - E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.
 - F) The course shall be based on program purpose, philosophy, objectives and framework.
 - G) Course evaluation shall be consistent with the plan for program evaluation.
 - H) Articles of affiliation shall clearly delineate student, educational institution and health care agency roles and responsibilities;
- 7) The curriculum shall be evaluated by faculty with student input, according to a stated plan;
 - 8) The program shall be approved by the appropriate educational agency;
 - 9) Curriculum for professional nursing programs shall:
 - A) Include, at a minimum, concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the administration of medication, nutrition and diet therapy, patho-physiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;
 - B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject matters;
 - C) Provide theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration and maintenance

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

of health in individuals and groups across the life span and in a variety of clinical settings;

- D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume beginning level professional nursing positions;
 - F) Be at least 2 academic years in length.
- g) Nursing Administrator and Faculty
- 1) The institution responsible for conducting the nursing program and the nurse administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
 - 2) Nursing education programs shall be administered by the nurse administrator of the nursing education program.
 - 3) The nurse administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
 - 4) The nurse administrator of a nursing education program shall have at least:
 - A) 2 years experience in clinical nursing practice;
 - B) 2 years experience as an instructor in an RN or higher nursing education program; and
 - C) a master's degree or higher with a major in nursing.
 - 5) Nurse faculty of a professional nursing program shall have:
 - A) At least 2 years experience in clinical nursing practice;
 - B) A master's degree or higher with a major in nursing.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 6) The requirements of subsections (g)(4) and (5) shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
- 7) Nurse administrators of nursing education programs shall be responsible for:
 - A) Administration of the nursing education program;
 - B) Liaison with other units of the sponsoring institution;
 - C) Preparation and administration of the budget;
 - D) Facilitation of faculty development and performance review;
 - E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation; and
 - F) Notification to the Division of program changes.
- 8) Faculty shall be responsible for:
 - A) Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
 - B) Design, implementation and evaluation of curriculum for the nursing education program;
 - C) Participation in academic advising of students;
 - D) Development and evaluation of student policies; and
 - E) Evaluation of student performance in meeting the objectives of the program.
- 9) Faculty shall participate in:
 - A) Selection, promotion and tenure activities;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) Academic activities of the institution;
 - C) Professional and health related community activities;
 - D) Self-development activities for professional and personal growth;
 - E) Research and other scholarly activities for which qualified; and
 - F) Activities that maintain educational and clinical expertise in areas of teaching.
- 10) Clinical experience must be under direct supervision of qualified faculty as set forth in this subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- 11) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:
- A) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 - B) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- h) Financial Support, Facilities, Records
- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
 - 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
 - 3) Articles of Affiliation
 - A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

that define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.

- B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites or by distance learning, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
 - 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.
 - 5) There shall be access to learning resource facilities, including library and multi-media technology, that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
 - 6) Cooperating agencies shall be identified to the Division and shall be suitable to meet the objectives of the program.
 - 7) Addition or deletion of cooperating agencies shall be reported in writing to the Division on the program annual report.
 - 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
 - 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Faculty Variance
- 1) Variances for faculty with a graduate degree in a field other than nursing may be granted by the Division based on the following:
 - A) the individual has a bachelor's degree in nursing;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) the individual has at least 2 years of experience in clinical nursing practice;
 - C) the individual has a degree in a field that directly relates to the course he or she will be teaching;
 - D) at least 80% of the school's undergraduate nursing faculty holds a master's degree in nursing.
- 2) Variances for faculty without a graduate degree will be granted based on the following:
- A) the faculty member is within one year of completion of the master's in nursing or the faculty member has completed a master's in another area or is enrolled in a doctoral degree in nursing program and has completed all coursework, except for a dissertation/final project;
 - B) the faculty member is continuously enrolled in the graduate degree in nursing program;
 - C) a plan exists for the timely completion of the graduate degree in nursing program; and
 - D) at least 80% of the school's undergraduate nursing faculty holds a master's degree in nursing.
- 3) A school that has received a variance must notify the Board of any changes related to that faculty member, including notification that the faculty member has received the graduate degree.
- j) Preceptors
A program of registered professional nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience must:
- 1) Require each preceptor to have demonstrated competencies with patient populations to which the student is assigned;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 2) Require each preceptor to be approved by the faculty of the program of nursing;
 - 3) Require the faculty of the program to provide to each preceptor an orientation concerning the roles and responsibilities of students, faculty and preceptors;
 - 4) Require the faculty of the program to develop written competencies/outcomes and provide a copy of these to each preceptor before the preceptor begins instruction of the students;
 - 5) Designate a member of the faculty to serve as a liaison between the preceptor and each student who participates in the clinical experience;
 - 6) Require that each preceptor be present in the clinical facility or at the location of point of care and available to the students at all times when the student provides nursing care or services to patients/clients;
 - 7) Require that each preceptor have a current registered professional nurse license in the state where the student is practicing.
- k) Denial of Approval of Nursing Program
If the Division, in the course of reviewing an application for approval of a nursing program, determines that an applicant program has failed to comply with the application criteria or procedures outlined in this Part, or receives information that indicates that the applicant program will not be able to comply with the conditions set forth in subsection (b), the Division may deny the application for approval.
- l) Discontinuance of a Nursing Program
- 1) Prior to termination of a nursing education program, the program shall:
 - A) Notify the Division, in writing, of its intent to discontinue its program;
 - B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- C) Notify the Division of the date on which the last student will graduate and the program terminate; and
 - D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.
- 2) Upon closure of the nursing education program, the institution shall notify the Division, in writing, of the location of student and graduate records storage.
- m) Revocation of Program Approval
- 1) The following are grounds for disapproval of a nursing education program:
 - A) A violation of any provision of the Act;
 - B) Fraud or dishonesty in applying for approval of a nursing education program;
 - C) Failure to continue to meet criteria of an approved nursing education program set forth in this Section; or
 - D) Failure to comply with recommendations made by the Division as a result of a site visit.
 - 2) Upon written notification of the Division's proposed action, the nursing education program may:
 - A) Submit a written response;
 - B) Request a hearing before the Board.
- n) Out-of-State Education Programs Seeking Student Nurse Clinical Placement in Illinois

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Out-of-state nursing education programs offering clinical experiences in Illinois are expected to maintain the standards for approved nursing education programs set forth in this Section.
- 2) Programs desiring to seek approval for student nurse clinical placement in Illinois shall submit the following documents:
 - A) Evidence of approval/accreditation by the Board of Nursing or other appropriate approval bodies in the state in which the institution is located.
 - B) A letter requesting approval to provide the clinical offering that indicates the time-frame during which the clinical experience will be conducted, the clinical agencies and the clinical units to be utilized.
 - C) A course syllabus for the clinical experiences to be offered that specifies the related objectives of the offering.
 - D) A copy of the executed contractual agreement between the academic institution and the clinical facility.
 - E) A faculty qualification and/or preceptor form for individuals providing instruction in Illinois.
- 3) Faculty
 - A) The institution responsible for conducting the nursing program and the administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
 - B) Nurse faculty of a professional nursing program shall have:
 - i) at least 2 years experience in clinical nursing practice; and
 - ii) a master's degree or higher with a major in nursing.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- C) The faculty shall be currently licensed as registered professional nurses in Illinois.
- D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- E) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience.
 - i) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 - ii) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- 4) Approval for clinical offerings by out-of-state nursing programs shall be approved for a period of 2 years. A program representative may request renewal of the approval every 2 years. In order to renew, the program shall submit a written report that provides updated and current data as required by this subsection (n).
- 5) A written report of current clinical offerings and current data shall be submitted to the Division annually. Faculty qualification and preceptor forms shall be submitted when instructors are added or changed.
- 6) Failure to comply with the requirements set forth in this Part shall result in the immediate withdrawal of approval of the clinical experience offering.
- o) If the name of the program is changed or the institution in which the program is located or with which it is affiliated changes its name, the program shall notify the Division within 30 days after the name change. If the Division is not notified within the 30 days, the program's approval may be withdrawn.
- p) The Division has determined that nurse programs approved through the National League of Nursing for Nursing Accrediting Commission or the Commission on Collegiate Accreditation meet the requirements set forth in this Section, except for

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

those programs whose curriculums do not include a concurrent theory and clinical practice education component as required by Section 50-70 of the Act.

Section 1300.350 Standards of Professional Conduct for Registered Professional Nurses

- a) The RN shall:
- 1) Practice in accordance with the Act and this Part;
 - 2) Uphold federal and State regulations regarding controlled substances and alcohol;
 - 3) Practice nursing only when in functional physical and mental health;
 - 4) Be accountable for his or her own nursing actions and competencies;
 - 5) Practice or offer to practice only within the scope permitted by law and within the licensee's own educational preparation and competencies;
 - 6) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;
 - 7) Delegate tasks only to individuals whom the licensee knows or has reason to know are competent by education or experience to perform those tasks;
 - 8) Delegate professional responsibilities only to individuals whom the licensee knows or has reason to know are licensed to perform;
 - 9) Be accountable for the quality of nursing care delegated to others;
 - 10) Report unsafe, unethical or illegal health care practice or conditions to appropriate authorities; and
 - 11) Assume responsibility for continued professional growth and education to reflect knowledge and understanding of current nursing care practice.
- b) Violations of this Section may result in discipline as specified in Section 70-5 of the Act. All disciplinary hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.360 RN Scope of Practice

Practice as a registered professional nurse means the full scope of nursing, with or without compensation, that incorporates caring for all patients in all settings, through nursing standards recognized by the Division, and includes all of the following and other activities requiring a like skill level for which the registered professional nurse is properly trained:

- a) *The comprehensive nursing assessment of the health status of patients that addresses changes to patient conditions.*
- b) *The development of a plan of nursing care to be integrated within the patient-centered health care plan that establishes nursing diagnoses, and setting goals to meet identified health care needs, determining nursing interventions, and implementation of nursing care through the execution of nursing strategies and regimens ordered or prescribed by authorized healthcare professionals.*
- c) *The administration of medication or delegation of medication administration to licensed practical nurses.*
- d) *Delegation of nursing interventions to implement the plan of care.*
- e) *The provision for the maintenance of safe and effective nursing care rendered directly or through delegation.*
- f) *Advocating for patients.*
- g) *The evaluation of responses to interventions and the effectiveness of the plan of care.*
- h) *Communicating and collaborating with other health care professionals.*
- i) *The procurement and application of new knowledge and technologies.*
- j) *The provision of health education and counseling.*
- k) *Participating in development of policies, procedures and systems to support patient safety. (Section 60-35 of the Act)*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.370 Provision of Conscious Sedation by Registered Nurses in Ambulatory Surgical Treatment Centers

- a) In accordance with Section 6.7 of the Ambulatory Surgical Treatment Center Act [210 ILCS 5], nothing in that *Act precludes a registered nurse from administering medications for the delivery of local or minimal sedation ordered by a physician licensed to practice medicine in all of its branches, podiatrist or dentist.*
- b) *If the ASTC policy allows the registered nurse to deliver moderate sedation ordered by a physician licensed to practice medicine in all its branches, podiatrist or dentist, the following are required:*
 - 1) *The registered nurse must be under the supervision of a physician licensed to practice medicine in all its branches, podiatrist or dentist during the delivery or monitoring of moderate sedation and have no other responsibilities during the procedure.*
 - 2) *The registered nurse must maintain current Advanced Cardiac Life Support certification or Pediatric Advanced Life Support certification as appropriate to the age of the patient.*
 - 3) *The supervising physician licensed to practice medicine in all its branches, podiatrist or dentist must have training and experience in delivering and monitoring moderate sedation and possess clinical privileges at the ASTC to administer moderate sedation or analgesia.*
 - 4) *The supervising physician licensed to practice medicine in all its branches, podiatrist or dentist must remain physically present and available on the premises during the delivery of moderate sedation for diagnosis, consultation and treatment of emergency medical conditions.*
 - 5) *The supervising physician licensed to practice medicine in all its branches, podiatrist or dentist must maintain current Advanced Cardiac Life Support certification or Pediatric Advanced Life Support certification as appropriate to the age of the patient.*
- c) Local, minimal and moderate sedation are defined as follows:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) "Local Anesthesia" is numbing medication injected into the skin or other surface at the site of the procedure. The injection is usually near the surface, but may be deeper in some cases. The total dose of local anesthesia does not exceed 50% of the commonly accepted toxic dose on a weight adjusted lean body mass basis.
- 2) "Minimal Sedation" (anxiolysis) is a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, respiratory and cardiovascular functions are unaffected.
- 3) "Moderate Sedation Analgesia" (conscious sedation) is a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patient airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
- d) *Registered nurses shall be limited to administering medication for moderate sedation at doses rapidly reversible pharmacologically. [210 ILCS 5/6.7(c)]* Acceptable medications are opioids, benzodiazepines and reversal agents: Meperidine, Fentanyl, Diazepam, Midazolam, naloxone and flumazenil. Nothing prohibits RN from monitoring or adjusting an FDA approved delivery device under the supervision of a physician.

SUBPART D: ADVANCED PRACTICE NURSE

Section 1300.400 Application for Licensure

- a) An applicant for licensure as an advanced practice nurse shall file an application on forms provided by the Division. The application shall include:
 - 1) Current Illinois registered professional nurse license number.
 - 2) Proof of current national certification, which includes completion of an examination, from one of the following:
 - A) Nurse Midwife certification from:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- i) the American College of Nurse Midwives (ACNM); or
 - ii) the American Midwifery Certification Board.
- B) Nurse Practitioner certification from:
- i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;
 - ii) American Nurses Credentialing Center as a Nurse Practitioner;
 - iii) The Pediatric Nurse Certification Board as a Nurse Practitioner;
 - iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or
 - v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner.
- C) Registered Nurse Anesthetist certification from:
- i) Council on Certification of the American Association of Nurse Anesthetists; or
 - ii) Council on Recertification of the American Association of Nurse Anesthetists.
- D) Clinical Nurse Specialist certification from:
- i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist (acceptable certifications are listed in Appendix A);
 - ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;
 - iv) Oncology Nursing Certification Corporation as an Advanced Oncology Nurse (AOCN);
 - v) Certification Board for Urologic Nurses and Associates as Urologic Clinical Nurse Specialist; or
 - vi) Other certifications listed in Appendix A.
- 3) The Board, in addition to the certifications listed in subsection (a)(2), may review and make a recommendation to the Division to accept a certification if the certifying body meets the following requirements (certifications are listed in Appendix A):
- A) is national in the scope of credentialing;
 - B) has no requirement for an applicant to be a member of any organization;
 - C) has an examination that represents a specialty practice category;
 - D) has an examination that evaluates knowledge, skills and abilities essential for the delivery of safe and effective specialty nursing care;
 - E) has an examination whose content and distribution are specified in a test plan;
 - F) has examination items reviewed for content validity, cultural sensitivity and correct scoring, using an established mechanism, both before use and periodically;
 - G) has an examination evaluated for psychometric performance;
 - H) has a passing standard established using acceptable psychometric methods and is re-evaluated periodically;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- I) has examination security maintained through established procedures;
 - J) issues a certification based upon passing the examination;
 - K) has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status and changes in the certification program, including qualifications, test plan and scope of practice; and
 - L) has an evaluation process to provide quality assurance in its certification program.
- 4) Proof of successful completion of a graduate degree appropriate for national certification in the clinical advanced practice nursing specialty or a graduate degree or post-master's certificate from a graduate level program in a clinical advanced practice nursing specialty.
- 5) An applicant seeking licensure in more than one advanced practice nursing category shall have met the requirements for at least one advanced practice nursing specialty; and
- A) Submit proof of possession of an additional graduate education that results in a certificate for another clinical APN category and that meets the requirements for the national certification from the appropriate nursing specialty; and
 - B) Submit proof of a current, national certification from the appropriate certifying body for that additional advanced practice nursing category.
- 6) Verification of licensure as an APN from the state in which an applicant was originally licensed, current state of licensure and any other state in which the applicant has been actively practicing as an APN within the last 5 years, if applicable, stating:
- A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- 7) The fee required in Section 1300.30(a)(4).
- b) An applicant for licensure as an APN may apply to the Division for a temporary permit, on forms provided by the Division, to practice as an APN prior to the issuance of the APN license.
- 1) Application Requirements
 - A) The application shall include a completed, signed application for licensure, as set forth in subsection (a).
 - B) The application shall include documentation from an approved certifying body set forth in subsection (a)(2) indicating the date the applicant is scheduled to sit for the examination. Upon successful completion of the examination, proof of certification shall be submitted to the Division from the certifying body.
 - C) An APN who will be practicing in a hospital or ambulatory surgical treatment center in accordance with 210 ILCS 5/6.5 shall not be required to have prescriptive authority or a written collaborative agreement pursuant to the Act and this Part.
 - D) An APN applicant who will be practicing outside of a hospital or ambulatory surgical treatment center shall provide a certifying statement indicating that the APN applicant has entered into a collaborative agreement as required by Section 65-35 of the Act.
 - E) The applicant shall include the processing fee set forth in Section 1300.30(a)(4).
 - 2) Practice Pending Licensure
 - A) The Division will provide a letter to each applicant indicating the ability to practice pending licensure.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- B) Practice pending licensure shall be terminated upon:
- i) the issuance of a permanent license;
 - ii) failure to complete the application process within 6 months from the date of application;
 - iii) a finding by the Division that the applicant has violated one or more of the grounds for discipline set forth in Section 70-5 of the Act;
 - iv) a finding by the Division that, within the last 5 years, the applicant has had a license or permit related to the practice of advanced practice nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois; or
 - v) a finding by the Division that the applicant does not meet the licensure requirements set forth in this Section.
- C) The Division shall notify the applicant in writing of the termination and shall notify the applicant by certified or registered mail of the intent to deny licensure.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- d) An APN license may be issued when the applicant meets the requirements set forth in this Section.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.410 Written Collaborative Agreements

- a) *A written collaborative agreement shall describe the working relationship of the advanced practice nurse with the collaborating physician or podiatrist and shall authorize the categories of care, treatment or procedures to be performed by the advanced practice nurse. (Section 65-35(b) of the Act)*
- b) *The agreement shall be defined to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The services to be provided by the advanced practice nurse shall be services that the collaborating physician or podiatrist generally provides to his or her patients in the normal course of his or her clinical medical practice except as set forth in Section 1300.450 (Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center). The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease or symptom, but must specify which authorized procedures require a physician's or podiatrist's presence as the procedures are being performed. The collaborative relationship under an agreement shall not be construed to require the personal presence of a physician or podiatrist at all times at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician or podiatrist in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement. (Section 65-35(b) of the Act)*
- c) *A copy of the signed, written collaborative agreement must be available to the Division upon request from both the advanced practice nurse and the collaborating physician or podiatrist. An advanced practice nurse shall inform each collaborating physician or podiatrist of all collaborative agreements he or she has signed and provide a copy of these to any collaborating physician or podiatrist, upon request. (Section 65-35(d) and (f) of the Act)*

Section 1300.420 Collaboration and Consultation

- a) *A physician licensed to practice medicine in all its branches, or a podiatrist licensed under the Podiatric Medical Practice Act, in active clinical practice may collaborate with an advanced practice nurse in accordance with the requirements of the Nurse Practice Act. Collaboration is for the purpose of providing medical consultation, and no employment relationship is required. A written collaborative*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

agreement shall conform to the requirements of Section 65-35 of the Nurse Practice Act. The written collaborative agreement shall be for services the collaborating physician or podiatrist generally provides to his or her patients in the normal course of clinical medical practice, except as set forth in Section 1300.450 (Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center). A written collaborative agreement shall be adequate with respect to collaboration with advanced practice nurses if all of the following apply:

- 1) *The agreement is written to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease or symptom, but must specify those procedures that require a physician's presence as the procedures are being performed.*
- 2) *Practice guidelines and orders are developed and approved jointly by the advanced practice nurse and collaborating physician or podiatrist, based on the practice of the practitioners. Such guidelines and orders and the patient services provided thereunder are periodically reviewed by the collaborating physician or podiatrist.*
- 3) *The advanced practice nurse provides services the collaborating physician or podiatrist generally provides to his or her patients in the normal course of clinical practice, except as set forth in Section 1300.450. With respect to labor and delivery, the collaborating physician must provide delivery services in order to participate with a certified nurse midwife.*
- 4) *The collaborating physician or podiatrist and advanced practice nurse meet in person at least once a month to provide collaboration and consultation.*
- 5) *Methods of communication are available with the collaborating physician or podiatrist in person or through telecommunications for consultation, as needed to address patient care needs.*
- 6) *The agreement contains provisions detailing notice for termination or change of status involving a written collaborative agreement, except when such notice is given for just cause. [225 ILCS 60/54.5(b)]*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- b) Licensed dentists may only enter into a written collaborative agreement with a CRNA and the agreement shall comply with Section 65-35 of the Act and Sections 1300.410 and 1300.420.

Section 1300.430 Prescriptive Authority

- a) A collaborating physician or podiatrist who delegates prescriptive authority to an advanced practice nurse shall include that delegation in the written collaborative agreement. This authority may include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, medical gases, and controlled substances categorized as Schedule III, III-N, IV or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The collaborating physician or podiatrist must have a valid current Illinois controlled substance license and federal registration to delegate authority to prescribe delegated controlled substances.
- b) Pursuant to Section 65-40(d) of the Act, a collaborating physician may, but is not required to, delegate authority to an advanced practice nurse to prescribe Schedule II or II-N controlled substances under the following conditions:
- 1) *No more than 5 Schedule II or II-N controlled substances by oral dosage may be delegated. For the purposes of this Section generic substitution pursuant to Section 25 of the Pharmacy Practice Act shall be allowed under this Section when not prohibited by a prescriber's indication on the prescription that the pharmacist "may not substitute".*
 - 2) *The collaborating physician can only delegate controlled substances that the collaborating physician prescribes.*
 - 3) *Any prescription must be limited to no more than a 30-day oral dosage, with any continuation authorized only after prior approval of the collaborating physician.*
 - 4) *The advanced practice nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician.*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- c) An APN who has been given controlled substances prescriptive authority shall be required to obtain an Illinois mid-level practitioner controlled substances license in accordance with 77 Ill. Adm. Code 3100. The physician or podiatrist shall file a notice of delegation of prescriptive authority with the Division. The delegation of authority form shall be submitted to the Division prior to the issuance of a controlled substance license.
- d) The APN may only prescribe and dispense controlled substances that the collaborating physician or podiatrist prescribes. Licensed dentists may not delegate prescriptive authority.
- e) All prescriptions written and signed by an advanced practice nurse shall indicate the name of the collaborating physician or podiatrist. The collaborating physician's or podiatrist's signature is not required. The APN nurse shall sign his/her own name.
- f) An APN may receive and dispense samples per the collaborative agreement.
- g) Medication orders shall be reviewed periodically by the collaborating physician or podiatrist.

Section 1300.440 APN Scope of Practice

- a) *Advanced practice nursing by certified nurse practitioners, certified nurse anesthetists, certified nurse midwives, or clinical nurse specialists is based on knowledge and skills acquired throughout an advanced practice nurse's nursing education, training and experience.*
- b) *Practice as an advanced practice nurse means a scope of nursing practice, with or without compensation, and includes the registered nurse scope of practice.*
- c) *The scope of practice of an advanced practice nurse includes, but is not limited to, each of the following:*
 - 1) *Advanced nursing patient assessment and diagnosis.*
 - 2) *Ordering diagnostic and therapeutic tests and procedures, performing those tests and procedures when using health care equipment, and*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

interpreting and using the results of diagnostic and therapeutic tests and procedures ordered by the advanced practice nurse or another health care professional.

- 3) *Ordering treatments, ordering or applying appropriate medical devices, and using nursing, medical, therapeutic, and corrective measures to treat illness and improve health status.*
- 4) *Providing palliative and end-of-life care.*
- 5) *Providing advanced counseling, patient education, health education, and patient advocacy.*
- 6) *Prescriptive authority as defined in Section 65-40 of the Act.*
- 7) *Delegating selected nursing activities or tasks to a licensed practical nurse, a registered professional nurse, or other personnel. (Section 65-30 of the Act)*

Section 1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center

- a) A certified registered nurse anesthetist (CRNA) who provides anesthesia services outside of a hospital or ambulatory surgical treatment center shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the podiatrist performing the procedure. Outside of a hospital or ambulatory surgical treatment center, the CRNA may provide only those services that the collaborating podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules adopted under that Act. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the operating physician or operating podiatrist.
- b) *A certified registered nurse anesthetist may be delegated prescriptive authority under Section 65-40 of the Act in a written collaborative agreement meeting the requirements of Section 65-35 of the Act. (Section 15-25(e) of the Act)*

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- c) In a physician's office, the CRNA may only provide anesthesia services if the physician has training and experience in the delivery of anesthesia services to patients. The physician's training and experience shall be documented in the written collaborative agreement and the training and experience shall meet the requirements set forth in 68 Ill. Adm. Code 1285.340.
- d) In addition, in a physician's office, any CRNA and physician who enter into a collaborative agreement shall obtain and maintain current Advanced Cardiac Life Support (ACLS) certification.
- e) A CRNA who provides anesthesia services in a dental office shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the operating dentist performing the procedure. The agreement shall describe the working relationship of the CRNA and dentist and shall authorize the categories of care, treatment or procedures to be performed by the CRNA. In a collaborating dentist's office, the CRNA may only provide those services that the operating dentist with the appropriate permit is authorized to provide pursuant to the Illinois Dental Practice Act and rules adopted under that Act. For anesthesia services, an anesthesiologist, physician or operating dentist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation and treatment of emergency medical conditions. A CRNA may select, order and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the operating dentist.
- f) In a podiatrist's office, the CRNA may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and 68 Ill. Adm. Code 1360. Podiatrists may not administer general anesthetics.
- g) A CRNA providing anesthesia services in a physician, dental or podiatrist office shall do so with the active participation, approval, presence and availability of the physician, dentist or podiatrist as well as in accordance with Standards 1 through 11 of the "Standards for Office Based Anesthesia Practice", American Association of Nurse Anesthetists, 222 South Prospect Avenue, Park Ridge, Illinois 60068 (2005), which are hereby incorporated by reference, with no later editions or amendments. If there is a conflict between the Nurse Practice Act or this Part and those standards, the Act and this Part shall prevail.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.460 Advanced Practice Nursing in Hospitals or Ambulatory Surgical Treatment Centers

- a) An advanced practice nurse may provide services in a licensed hospital or a licensed ambulatory surgical treatment center without prescriptive authority or a written collaborative agreement pursuant to Section 65-35 of the Act. An APN must possess clinical privileges recommended by the hospital medical staff and granted by the hospital or the consulting medical staff committee and ambulatory surgical treatment center in order to provide services. The medical staff or consulting medical staff committee shall periodically review the services of advanced practice nurses granted clinical privileges. Authority may also be granted to individual APNs to select, order and administer medications, including controlled substances as permitted under the Act and this Part, to provide delineated care. The attending physician shall determine an APN's role in providing care for his or her patients, except as otherwise provided in the medical staff bylaws or consulting committee policies.
- b) For anesthesia services provided by a certified registered nurse anesthetist, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation and treatment of emergency medical conditions, unless hospital policy adopted pursuant to Section 10.7(4)(B) of the Hospital Licensing Act or ambulatory surgical treatment center policy adopted pursuant to Section 6.5(4)(B) of the Ambulatory Surgical Treatment Center Act provides otherwise. A CRNA may select, order and administer medication for anesthesia services under the anesthesia plan agreed to by the anesthesiologist, physician, podiatrist or dentist, in accordance with hospital alternative policy or the medical staff consulting committee policies of a licensed ambulatory surgical treatment center.
- c) An advanced practice nurse who provides services in a hospital shall do so in accordance with Section 10.7 of the Hospital Licensing Act and, in an ambulatory surgical treatment center, in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act.

Section 1300.470 Advertising

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- a) Advertising shall contain all information necessary to make the communication informative and not misleading. Advertising shall identify the type of license held by the licensee whose services are being promoted. The form of advertising shall be designed to communicate information to the public in a direct, dignified and readily comprehensible manner.
- b) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the advanced practice nurse and a recording of the actual transmission, including videotape, shall be retained, for at least 5 years, by the advanced practice nurse.
- c) Advertising shall otherwise comply with Section 65-55 of the Act.

Section 1300.480 Reports Relating to APN Professional Conduct and Capacity

- a) All reports filed under Section 65-65 of the Act must contain sufficient current information to enable the Division to evaluate the impairment and determine the appropriateness of the supervision or the program of rehabilitation. If the Board finds the supervision or treatment plan submitted by the institution is not sufficient to meet the needs of the individual, the Board may direct the facility to work with the Division to revise the plan or treatment to meet the specific objections.
- b) Contents of Reports. Reports under this Section shall be submitted in writing on forms provided by the Division that shall include but not be limited to the following information:
 - 1) The name, address, telephone number and title of the person making the report;
 - 2) The name, address, telephone number and type of health care institution where the maker of the report is employed;
 - 3) The name, address, telephone number and professional license number of the person who is the subject of the report;
 - 4) A brief description of the facts that gave rise to the issuance of the report, including but not limited to the dates of any occurrences deemed to necessitate the filing of the report;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 5) If court action is involved, the identity of the court in which the action is filed, the docket number, and the date of filing of the action;
- 6) Any further pertinent information that the reporting party deems to be an aid in the evaluation of the report.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse

Pursuant to Section 1300.400(a)(3), the Division, upon recommendation of the Board, has approved the following certifications. Acceptance of these certifications is based on the absence of an advanced practice nurse examination in the area of the nursing specialty. If the certifying body develops and offers an advanced practice nurse examination in the area of the nursing specialty, then an applicant as an APN would be required to pass the advanced practice nurse examination rather than the generalist examination in order for the Division to accept the certification for licensure.

Clinical Nurse Specialists

American College of Cardiovascular Nursing

American Association of Critical Care Nurses

American Association of Neuroscience Nurses

American Board of Occupational Health Nurses, Inc.

American Holistic Nurses Association

American Nurses Credentialing Center

Clinical Specialists in Community Health Nursing

Clinical Specialists in Gerontology Nursing

Clinical Specialists in Home Health Nursing

Clinical Specialists in Medical/Surgical Adult Health

Clinical Specialists in Pediatric Nursing

Clinical Specialists in Psychiatric and Mental Health Nursing – Adults

Clinical Specialists in Psychiatric and Mental Health Nursing – Adolescent

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Psychiatric and Mental Health Nursing

Cardiac and Vascular Nurse

College Health Nurse

Perinatal Nurse

Ambulatory Care Nursing

Diabetes

American Society of Perianesthesia Nurses

American Society of Plastic Reconstructive Surgical Nurses

Association of Nurses in AIDS Care

Board of Certification of Emergency Nurses

Certification Board of Perioperative Nurses, Inc.

Certification of Pediatric Oncology Nurses

Certification Board of Gastroenterology Nurses

Dermatology Nurse Certification Board

International Board of Lactation Consultants

International Nurses Society of Addictions

Infusion Nurses Certification Corporation

Infusion Nurses Society

National Association of School Nurses, Inc.

National Board of Certification of Hospice and Palliative Nurses

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

National Certification Board for Diabetes Educators

National Certification Board of Pediatric Nurse Practitioners/Nurses

National Certification Corporation for the Obstetric, Gynecological and Neonatal Nursing Specialties

National Certifying Board for Ophthalmic Registered Nurses

Nephrology Nursing Certification Board

Oncology Nursing Certification Corporation

Orthopedic Nurses Certification Board

Rehabilitation Nursing Certification Board

Vascular Nursing Certification Board

Wound, Ostomy, and Continence Society

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

Section 1300.EXHIBIT A Sample Written Collaborative Agreement

ADVANCED PRACTICE NURSING
WRITTEN COLLABORATIVE AGREEMENT

A. ADVANCED PRACTICE NURSE INFORMATION

1. NAME: _____
2. ILLINOIS RN LICENSE NUMBER: _____
ILLINOIS APN LICENSE NUMBER: _____
ILLINOIS MID-LEVEL PRACTITIONER LICENSE NUMBER: _____
FEDERAL MID-LEVEL PRACTITIONER DEA NUMBER: _____
3. AREAS OF CERTIFICATION: _____
4. CERTIFYING ORGANIZATION: _____
5. CERTIFICATION EXPIRATION DATE: _____
6. CERTIFICATION NUMBER: _____
7. PRACTICE SITES: (Attach List of Sites)
8. CONTACT NUMBER: _____
FACSIMILE NUMBER: _____
EMERGENCY CONTACT NUMBERS: _____
(e.g., pager, answering service)
9. ATTACHMENTS:
Copy of Certification/Recertification
Copies of RN & APN License
Copy of Certificate of Insurance
Copy of Mid-Level Practitioner License

B. COLLABORATING PHYSICIAN/PODIATRIST/DENTIST INFORMATION

1. NAME: _____

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

2. ILLINOIS LICENSE NUMBER: _____
3. PRACTICE AREA OR CONCENTRATION: _____
4. BOARD CERTIFICATION (if any): _____
5. CERTIFYING ORGANIZATION: _____
6. PRACTICE SITES: (Attach List of Sites)
7. CONTACT NUMBER: _____
FACSIMILE NUMBER: _____
EMERGENCY CONTACT NUMBERS: _____
(e.g., pager, answering service)

C. ADVANCED PRACTICE NURSE COLLABORATING PHYSICIAN/PODIATRIST/
DENTIST WORKING RELATIONSHIP

1. WRITTEN COLLABORATIVE AGREEMENT REQUIREMENT

A written collaborative agreement is required for all Advanced Practice Nurses (APNs) engaged in clinical practice outside of a hospital or ambulatory surgical treatment center (ASTC). An APN may provide services in a licensed hospital or ASTC without a written collaborative agreement or delegated prescriptive authority.

2. SCOPE OF PRACTICE

Under this agreement, the advanced practice nurse will work with the collaborating physician or podiatrist in an active practice to deliver health care services to _____. This includes, but is not limited to, advanced nursing patient assessment and diagnosis, ordering diagnostic and therapeutic tests and procedures, performing those tests and procedures when using health care equipment, interpreting and using the results of diagnostic and therapeutic tests and procedures ordered by the APN or another health care professional, ordering treatments, ordering or applying appropriate medical devices, using nursing, medical, therapeutic and corrective measures to treat illness and improve health status, providing palliative and end-of-life care, providing advanced counseling, patient education, health education and patient advocacy, prescriptive authority, and delegating nursing activities or tasks to a LPN, RN or other personnel.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

If applicable, the advanced practice nurse shall maintain allied health personnel privileges at the following hospitals for the designated services:

Hospitals: _____

This written collaborative agreement shall be reviewed and updated annually. A copy of this written collaborative agreement shall remain on file at all sites where the advanced practice nurse renders service and shall be provided to the Illinois Department of Financial and Professional Regulation upon request. Any joint orders or guidelines are set forth or referenced in an attached document.

3. COLLABORATION AND CONSULTATION

Collaboration and consultation shall be adequate if the collaborating physician/podiatrist:

- (A) participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse, as needed based on the practice of the practitioners, and periodically reviews those orders and the services provided patients under those orders in accordance with accepted standards of medical practice and advanced practice nursing practice;
- (B) meets in person with the APN at least once a month to provide collaboration and consultation; and
- (C) is available in person, or through telecommunications, for consultation and collaboration on medical problems, complications or emergencies or for patient referral. (See 225 ILCS 60/54.5(b)(5).)

The written collaborative agreement shall be for services the collaborating physician or podiatrist generally provides to his or her patients in the normal course of clinical practice.

Information specific to collaboration and consultation with a CRNA is as follows:

- (A) A licensed CRNA may provide anesthesia services pursuant to the order of a licensed physician, podiatrist or dentist.
- (B) For anesthesia services, an anesthesiologist, physician, podiatrist or dentist participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

of anesthesia services for diagnosis, consultation and treatment of emergency medical conditions.

- (C) A CRNA may select, order and administer medications, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed to by an anesthesiologist, or the operating physician, operating podiatrist or operating dentist. (See 225 ILCS 65/65-35(c-5) and (c-10).)
- (D) In a physician's office, the CRNA may only provide anesthesia services if the physician has training and experience in the delivery of anesthesia services to patients.
- (E) In a podiatrist's office, the CRNA may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act.
- (F) A collaborative agreement between a CRNA and a dentist must be in accordance with 225 ILCS 65/65-35(c-10). In a dentist's office, the CRNA may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act.

4. COMMUNICATION, CONSULTATION AND REFERRAL

The advanced practice nurse shall consult with the collaborating physician/podiatrist by telecommunication or in person as needed. In the absence of the designated collaborating physician/podiatrist, another physician/podiatrist shall be available for consultation.

The advanced practice nurse shall inform each collaborating physician/podiatrist of all written collaborative agreements he or she has signed with other physicians/podiatrists, and provide a copy of these to any collaborating physician/podiatrist upon request.

5. DELEGATION OF PRESCRIPTIVE AUTHORITY

As the collaborating physician/podiatrist, any prescriptive authority delegated to the advanced practice nurse is set forth in an attached document.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

NOTE: ADVANCED PRACTICE NURSE MAY ONLY PRESCRIBE CONTROLLED SUBSTANCES UPON RECEIPT OF AN ILLINOIS MID-LEVEL PRACTITIONER CONTROLLED SUBSTANCES LICENSE.

WE THE UNDERSIGNED AGREE TO THE TERMS AND CONDITIONS OF THIS WRITTEN COLLABORATIVE AGREEMENT.

Collaborating Physician/Podiatrist/Dentist
Signature/Date

Advanced Practice Nurse
Signature/Date

(Physician's/Podiatrist's/Dentist's
Typed Name)

(Advanced Practice Nurse's Typed Name)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse
- 2) Code Citation: 68 Ill. Adm. Code 1305
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1305.10	Repealed
1305.15	Repealed
1305.20	Repealed
1305.25	Repealed
1305.30	Repealed
1305.35	Repealed
1305.40	Repealed
1305.45	Repealed
1305.50	Repealed
1305.60	Repealed
1305.70	Repealed
1305.75	Repealed
1305.80	Repealed
1305.85	Repealed
1305.90	Repealed
1305.95	Repealed
1305.100	Repealed
1305.APPENDIX A	Repealed
1305.EXHIBIT A	Repealed
1305.EXHIBIT B	Repealed
- 4) Statutory Authority: Nurse Practice Act [225 ILCS 65]
- 5) Effective Date of Repealer: September 17, 2010
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 9) Date Notice of Proposed Repealer Published in Illinois Register: October 2, 2009; 33 Ill. Reg. 13746
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this repealer replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: As a result of the sunset review process, Public Act 95-639 completely rewrote the Act regulating the licensure of nurses in Illinois, including changing the name to the Nurse Practice Act. As a result of the extensive changes this entails, the current Parts 1300 (RN and LPN) and 1305 (APN) are repealed in this week's Illinois Register and are replaced with a new Part 1300 encompassing all nurse licensure.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 W. Washington, 3rd Fl.
Springfield, Illinois 62786

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
211.101	Amended
211.102	Amended
211.200	New
211.233	New
211.235	New
211.260	New
211.481	New
211.492	New
211.540	New
211.715	New
211.735	New
211.820	Amended
211.825	New
211.880	New
211.954	New
211.965	New
211.1128	New
211.1455	New
211.1560	New
211.1565	New
211.1655	New
211.1700	New
211.1872	New
211.1876	New
211.1877	New
211.1880	Renumbered, New
211.1882	New
211.1883	Renumbered, Amended
211.2040	New
211.2055	New
211.2200	New
211.2210	Amended
211.2310	Amended
211.2320	New

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2360	Amended
211.2369	New
211.2415	New
211.2525	New
211.2622	New
211.2825	New
211.2955	New
211.2956	New
211.2958	New
211.2960	New
211.2980	New
211.3095	New
211.3120	New
211.3240	New
211.3505	New
211.3665	New
211.3760	New
211.3775	New
211.3785	New
211.3820	New
211.3925	New
211.3961	New
211.3966	New
211.3967	New
211.3968	New
211.3969	New
211.3975	New
211.4052	New
211.4080	New
211.4220	New
211.4285	New
211.4455	New
211.4540	New
211.4735	New
211.4760	New
211.4765	New
211.4768	New
211.4769	New
211.4895	New

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4900	New
211.5012	New
211.5061	Renumbered, New
211.5062	Renumbered, Amended
211.5075	New
211.5090	Amended
211.5400	New
211.5520	New
211.5550	Amended
211.5800	New
211.5890	Amended
211.5985	New
211.5987	New
211.6012	New
211.6015	New
211.6017	New
211.6020	New
211.6063	New
211.6065	New
211.6400	Amended
211.6427	New
211.6460	New
211.6585	New
211.6640	New
211.6670	Amended
211.6690	Amended
211.6720	Amended
211.6740	New
211.6780	New
211.6825	New
211.6885	New
211.7220	New
211.7240	New

- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]
- 5) Effective Date of Amendments: September 14, 2010

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 2, 2010; 34 Ill. Reg. 4281
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this docket, the Board made changes proposed by the Illinois Environmental Protection Agency in a motion to amend its rulemaking proposal.
 - 1) At Section 211.101(a)(5) and (a)(6), the Board added contact information for the American Architectural Manufacturers Association.
 - 2) At Section 211.481, the Board added a definition of "ammunition sealant".
 - 3) At Section 211.880, the Board added a definition of "cap sealant".
 - 4) At Section 211.1872, the Board added a definition of "Ejection Cartridge Sealant".
 - 5) At Section 211.1879, the Board renumbered the new text to Section 211.1882.
 - 6) At Section 211.1880, the Board added a definition of "electrical switchgear compartment coating" and renumbered the new definition of "EMI/RFI coatings" to Section 211.1883.
 - 7) The Board did not adopt proposed new Section 211.3640, which defined "marine coating".
 - 8) The Board renumbered new proposed Section 211.3967, which defines "motor vehicle weatherstrip adhesive", as Section 211.3966 and added at Section 211.3967 a definition of "mouth waterproofing sealant".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) At Section 211.4769, the Board amended the definition of "pleasure craft surface coating" by striking a reference to "marine coating" and further clarifying the definition.
- 10) At Section 211.5075, the Board added a definition of "primer sealant".
- 11) Throughout the adopted amendments to Part 211, the Board extended compliance deadlines from May 2, 2011, to May 1, 2012.

The Board's opinion and order adopting these rules addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219, R10-10 (September 2, 2010). Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Board docket number R10-20 in your request. The Board order is also available through the Board's Web site (www.ipcb.state.il.us).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Illinois Environmental Protection Agency (Illinois EPA) proposed this rulemaking to satisfy Illinois' obligation to submit a State Implementation Plan addressing requirements under Sections 172 and 182 of the federal Clean Air Act, 42 U.S.C. § 7401 et seq., for sources of volatile organic material ("VOM") emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. The United States Environmental Protection Agency ("USEPA") issued Control Techniques Guidelines ("CTGs") for the following Group IV Consumer and Commercial Product Categories: Miscellaneous Metal and Plastic Parts Coatings, Auto and Light-Duty Truck Coatings, Miscellaneous Industrial Adhesives, and Fiberglass Boat Manufacturing Materials. In the CTGs, the USEPA recommended control measures that it believes constitute reasonably available control technology for the product categories.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Part 211, the Illinois EPA proposed to add 86 new definitions and amend 13 existing definitions for terms utilized in amendments to Parts 218 and 219 proposed in the same rulemaking docket. The Illinois EPA also proposed amending Sections 211.101 (Incorporations by Reference) and 211.102 (Abbreviations and Conversion Factors).

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-20 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101	Incorporated and Referenced Materials Incorporations by Reference
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1315	Combustion Tuning

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883 211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating
211.2230	Fabric Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace
211.2630	Gloss Reducers

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5062	211.5061	Pretreatment Wash Primer
211.5065		Primary Product
211.5070		Prime Coat
<u>211.5075</u>		<u>Primer Sealant</u>
211.5080		Primer Sealer
211.5090		Primer Surfacer Coat
211.5110		Primer Surfacer Operation
211.5130		Primers
211.5150		Printing
211.5170		Printing Line
211.5185		Process Emission Source
211.5190		Process Emission Unit
211.5195		Process Heater
211.5210		Process Unit
211.5230		Process Unit Shutdown
211.5245		Process Vent
211.5250		Process Weight Rate
211.5270		Production Equipment Exhaust System
211.5310		Publication Rotogravure Printing Line
211.5330		Purged Process Fluid
211.5335		Radiation Effect Coating
211.5340		Rated Heat Input Capacity
211.5350		Reactor
211.5370		Reasonably Available Control Technology (RACT)
211.5390		Reclamation System
<u>211.5400</u>		<u>Red Coating</u>
211.5410		Refiner
211.5430		Refinery Fuel Gas
211.5450		Refinery Fuel Gas System
211.5470		Refinery Unit or Refinery Process Unit
211.5480		Reflective Argent Coating
211.5490		Refrigerated Condenser
211.5500		Regulated Air Pollutant
211.5510		Reid Vapor Pressure
<u>211.5520</u>		<u>Reinforced Plastic Composite</u>
211.5530		Repair
211.5535		Repair Cleaning
211.5550		Repair Coat
211.5570		Repaired

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio (R_T)
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage
211.APPENDIX A	Rule into Section Table
211.APPENDIX B	Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010.

SUBPART A: GENERAL PROVISIONS

Section 211.101 Incorporated and Referenced Materials ~~Incorporations by Reference~~

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

- a) Incorporations by Reference
 - 1) "Evaporation Loss from Floating Roof Tanks," American Petroleum Institute Bulletin 2517; (1962)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2b) Standard Industrial Classification Manual, Superintendent of Documents, Washington, D.C. 20402; ~~(1972)~~

3e) American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken PA 19428-2959~~1916 Race Street, Philadelphia, PA 19103~~

~~A:S-T-M: D 86~~

~~A:S-T-M: D 240-64~~

~~A:S-T-M: D 323~~

~~A:S-T-M: D 369-69 (1971)~~

~~A:S-T-M: D 396-69~~

ASTM D 523-80

ASTM D 523-89

~~A:S-T-M: D 900-55~~

~~A:S-T-M: D 975-68~~

~~A:S-T-M: D 1826-64~~

~~A:S-T-M: D 2015-66~~

~~A:S-T-M: D 2880-71~~

4d) 40 CFR 51.100 (1987)

5) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg, IL 60173-4268, Specification 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) (2005)

6) American Architectural Manufacturers Association, 1827 Walden Office Square, Suite 550, Schaumburg, IL 60173-4268, Specification 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels) (2005)

b) Referenced Materials
Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136)

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.102 Abbreviations and Conversion Factors

- a) Abbreviations used in this part include the following:

<u>ABS</u>	<u>acrylonitrile butadiene styrene</u>
ASTM	American Society for Testing and Materials
bbbl	barrels (42 gallons)
btu	British thermal units (60°F)
btu/hr	btu per hour
°C	degrees Celsius or Centigrade
CAAPP	Clean Air Act Permit Program
cm	centimeters
cu in	cubic inches
<u>EDP</u>	<u>electrodeposition primer</u>
<u>EMI/RFI</u>	<u>electromagnetic interference/radio frequency interference</u>
<u>EPDM</u>	<u>ethylene propylenediene monomer</u>
EGU	Electrical Generating Unit
°F	degrees Fahrenheit
FIP	Federal Implementation Plan
ft	feet
ft ²	square feet
ft ³	cubic feet
g	grams
gpm	gallons per minute
g/mole	grams per mole
gal	gallons
hp	horsepower
hr	hours
in	inch
°K	degrees Kelvin
kcal	kilocalories
kg	kilograms
kg/hr	kilograms per hour
kPa	kilopascals; one thousand newtons per square meter
kW	kilowatt
l	liters
l/sec	liters per second
lbs	pounds

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

lbs/day	pounds per day
lbs/hr	pounds per hour
lbs/gal	pounds per gallon
lbs/yr	pounds per year
LEL	lower explosive limit
m	meters
m ²	square meters
m ³	cubic meters
mg	milligrams
Mg	Megagrams, metric tons or tonnes
ml	milliliters
min	minutes
MJ	megajoules
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
mmHg	millimeters of mercury
MTE	maximum theoretical emissions
Mwe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt per hour
NDO	natural draft opening
No _x	nitrogen oxides
peoc	potential electrical output capacity
ppm (vol)	parts per million
ppmv	parts per million by volume
ppmvd	parts per million by volume dry
psi	pounds per square inch
psia	pounds per square inch absolute
psig	pounds per square inch gauge
PTE	potential to emit
RACT	reasonably available control technology
<u>R_T</u>	<u>solids turnover ratio</u>
scf	standard cubic feet
scm	standard cubic meters
sec	seconds
SIP	State Implementation Plan
TTE	temporary total enclosure
sq cm	square centimeters
sq in	square inches

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

T	short ton (2,000 lbs)
ton	short ton (2,000 lbs)
TPY	tons per year
USEPA	United States Environmental Protection Agency
VOC	volatile organic compounds
VOL	volatile organic liquids
VOM	volatile organic materials

b) The following conversion factors have been used in this part:

English	Metric
1 gal	3.785 l
1,000 gal	3,785 l or 3.785 m ³
1 psia	6.897 kPA (51.71 mmHg)
2.205 lbs	1 kg
32°	0°C (273.15°K)
1 bbl	159.0 l
1 cu in	16.39 ml
1 lb/gal	119,800 mg/l
1 lb/mmbtu	1.548 kg/MW-hr
1 lb/T	0.500 kg/Mg
1 ton	0.907 Mg
1 T	0.907 Mg
mmbtu/hr	0.293 MW

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

SUBPART B: DEFINITIONS

Section 211.200 Acrylonitrile Butadiene Styrene (ABS) Welding

"Acrylonitrile butadiene styrene welding" or "ABS Welding" means, for purposes of Subparts JJ of 35 Ill. Adm. Code 218 and 219, any process to weld acrylonitrile butadiene styrene pipe.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.233 Adhesion Primer

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Adhesion primer" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion primer should be clearly identified as an adhesion primer or adhesion promoter on its accompanying material safety data sheet.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.235 Adhesive Primer

"Adhesive primer" means, for purposes of 35 Ill. Adm. Code 218 and 219, any product applied to a substrate, prior to the application of an adhesive, to provide a bonding surface.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.260 Aerosol Adhesive and Adhesive Primer

"Aerosol adhesive and adhesive primer" means, for purposes of 35 Ill. Adm. Code 218 and 219, an adhesive or adhesive primer packaged as an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for handheld application without the need for ancillary hoses or spray equipment.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.481 Ammunition Sealant

"Ammunition Sealant" means, for purposes of 35 Ill. Adm. Code 218.204(q)(1) and 219.204(q)(1), a coating applied in the manufacture of ammunition, including cap sealants and mouth waterproofing sealants.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.492 Antifoulant Coating

"Antifoulant coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, any coating applied to the underwater portion of a pleasure craft to prevent or reduce

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the attachment of biological organisms, and registered with USEPA as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136).

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.540 Architectural Structure

"Architectural structure" means, for purposes of 35 Ill. Adm. Code 218 and 219, a free-standing, immobile outdoor construction, which may be permanent or temporary, including but not limited to buildings, bridges, dams, and electricity pylons.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.715 Bedliner

"Bedliner" means, for purposes of 35 Ill. Adm. Code 218 and 219, a multi-component coating applied to a cargo bed after the application of topcoat and outside of the topcoat operation to provide additional durability and chip resistance.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.735 Black Coating

"Black coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that meets both of the following criteria, based on Cielab color space, 0/45 geometry:

Maximum lightness of 23 units. For spherical geometry, specular included, maximum lightness of 33 units; and

Saturation of less than 2.8, where saturation equals the square root of $A^2 + B^2$.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.820 Business Machine Plastic Parts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Business machine plastic parts" means:

Prior to May 1, 2012, the plastic housings and other exterior plastic components of electronic office equipment and of medical and musical equipment, including, but not limited to the following: computers, monitors, printers and keyboards, facsimile machines, copiers, microfiche readers, cellular and standard phones, and pencil sharpeners. This definition excludes internal electrical components of business machines.

On and after May 1, 2012, a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, including devices listed in standard industrial classification numbers 3572, 3573, 3574, 3579, and 3661, and photocopier machines, a subcategory of standard industrial classification number 3861.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.825 Camouflage Coating

"Camouflage coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating used, principally by the military, to conceal equipment from detection.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.880 Cap Sealant

"Cap sealant" means, for purposes of 35 Ill. Adm. Code 218.204(q)(1) and 219.207(q)(1), a coating applied in the manufacture of ammunition to seal the annular crevice between a primer cap and shellcase.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.954 Cavity Wax

"Cavity wax" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.965 Ceramic Tile Installation Adhesive

"Ceramic tile installation adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive used in the installation of ceramic tiles.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1128 Closed Molding

"Closed molding" means, for purposes of 35 Ill. Adm. Code 218 and 219, any molding process in which pressure is used to distribute the resin through the reinforcing fabric placed between two mold surfaces to either saturate the fabric or fill the mold cavity. The pressure may be clamping pressure, fluid pressure, atmospheric pressure, or vacuum pressure used either alone or in combination. The mold surfaces may be rigid or flexible. Closed molding includes, but is not limited to, compression molding with sheet molding compound, infusion molding, resin injection molding, vacuum assisted resin transfer molding, resin transfer molding, and vacuum assisted compression molding. Processes in which a closed mold is used only to compact saturated fabric or remove air or excess resin from the fabric (such as in vacuum bagging), are not considered closed molding. Open molding steps, such as application of a gel coat or skin coat layer by conventional open molding prior to a closed molding process, are also not closed molding.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1455 Contact Adhesive

"Contact adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, an adhesive that meets the criteria in this Section. "Contact adhesive" does not include rubber cements that are primarily intended for use on paper substrates or vulcanizing fluids that are designed and labeled for tire repair only. The qualifying criteria are:

The adhesive is designed for application to both surfaces to be bonded together;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The adhesive is allowed to dry before the two surfaces are placed in contact with each other;

The adhesive forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and

The adhesive does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1560 Cove Base

"Cove base" means, for purposes of Subparts JJ of 35 Ill. Adm. Code 218 and 219, a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1565 Cove Base Installation Adhesive

"Cove base installation adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive used for the installation of cove base or wall base on a wall or vertical surface at floor level.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1655 Cyanoacrylate Adhesive

"Cyanoacrylate adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive with a cyanoacrylate content of at least 95 percent by weight.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.1700 Deadener

"Deadener" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1872 Ejection Cartridge Sealant

"Ejection cartridge sealant" means, for purposes of 35 Ill. Adm. Code 218.204(q) and 219.204(q), a sealant applied during the assembly of an ejection cartridge to provide a waterproof barrier between a shellcase and primer, and between a shellcase and the wad.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1876 Electric Dissipating Coating

"Electric dissipating coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that rapidly dissipates a high-voltage electric charge.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1877 Electric-Insulating Varnish

"Electric-insulating varnish" means, for purposes of 35 Ill. Adm. Code 218 and 219, a non-convertible coating applied to electric motors, components of electric motors, or power transformers to provide electrical, mechanical, and environmental protection or resistance.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1880 Electrical Switchgear Compartment Coatings

"Electrical switchgear compartment coatings" means coatings applied to metal-enclosed compartments that house assemblies of medium/high voltage switchgear, of greater than 1,000 volts AC, for utility distribution in outdoor use.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Old Section 211.1880 renumbered to Section 211.1883; new Section 211.1880 added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.1882 Electrodeposition Primer (EDP)

"Electrodeposition primer" or "EDP" means, for purposes of 35 Ill. Adm. Code 218 and 219, a process of applying a protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. It is a dip coating method that uses an electrical field to apply or deposit the conductive coating onto the part. The object being painted acts as an electrode that is oppositely charged from the particles of paint in the dip tank. Electrodeposition primer is also referred to as E-Coat, Uni-Prime, and ELPO Primer.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section ~~211.1883~~211.1880 Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings

"Electromagnetic interference/radio frequency interference coatings" or "EMI/RFI coatings" means:

Prior to May 1, 2012, coatings used on business machine plastic housings to attenuate electromagnetic and radio frequency interference signals that would otherwise pass through the plastic housing;

On and after May 1, 2012, coatings used on electrical or electronic equipment to provide shielding against electromagnetic interference, radio frequency interference, or static discharge.

(Source: Section 211.1880 renumbered to Section 211.1883 and amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2040 Etching Filler

"Etching filler" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that contains less than 23 percent solids by weight and at least 0.50 percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2055 Ethylene Propylenediene Monomer (EPDM) Roof Membrane

"Ethylene propylenediene monomer roof membrane" or "EPDM roof membrane" means, for purposes of 35 Ill. Adm. Code 218 and 219, a prefabricated single sheet of elastomeric material composed of ethylene propylenediene monomer and that is field applied to a building roof using one layer or membrane material.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2200 Extreme High-Gloss Coating

"Extreme high-gloss coating" means:

For purposes of 35 Ill. Adm. Code 218.204(q)(1) regarding metal parts and products coatings, a coating that, when tested by ASTM D 523-80, incorporated by reference in Section 211.101 of this Part, shows a reflectance of 75 or more on a 60° meter;

For purposes of 35 Ill. Adm. Code 218.204(q)(5) regarding pleasure craft coatings, any coating that achieves at least 95 percent reflectance on a 60° meter when tested using ASTM D 523-89, incorporated by reference in Section 211.101 of this Part.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2210 Extreme Performance Coating

"Extreme performance coating" means:

Except for purposes of 35 Ill. Adm. Code 218.204(q) or 219.204(q), any coating that which during intended use is exposed to any or all of the following: ambient weather conditions, temperatures consistently above 95°C (203°F), detergents, abrasive and scouring agents, solvents, or corrosive atmospheres;:-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

For purposes of 35 Ill. Adm. Code 218.204(q) and 219.204(q), a coating used on a metal or plastic surface where the coated surface meets, in its intended use, one or more of the criteria listed below. Extreme performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks:

Chronic exposure to corrosive, caustic, or acidic agents, chemicals, chemical fumes, chemical mixtures, or solutions;

Repeated exposure to temperatures in excess of 121°C (250°F); or

Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers, or scouring agents.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2310 Final Repair Coat

"Final repair coat" means:-

With~~with~~ respect to automobile or light-duty truck assembly or manufacturing described in 35 Ill. Adm. Code 218.204(a)(1) and 218.219(a)(1), a coating ~~that~~~~which~~ is used to repaint topcoat ~~that~~ ~~which~~ is damaged during vehicle assembly:-

With respect to automobile or light-duty truck assembly or manufacturing described in 35 Ill. Adm. Code 218.204(a)(2) and 218.219(a)(2), a coating applied to completely assembled motor vehicles or to parts that are not yet on a completely assembled vehicle to correct damage or imperfections in the coating. The curing of the coatings applied in these operations is accomplished at a lower temperature than that used for curing primer surfacer and topcoat.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2320 Finish Primer Surfacer

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Finish primer surfacer" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied with a wet film thickness of less than 10 mils prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2360 Flexible Coating

"Flexible coating" means:

Prior to May 1, 2012, a paint with the ability to withstand dimensional changes.

On and after May 1, 2012, a coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original manufacturer of the equipment being coated.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2369 Flexible Vinyl

"Flexible vinyl" means, for purposes of 35 Ill. Adm. Code 218 and 219, non-rigid polyvinyl chloride plastic with a 5 percent by weight plasticizer content.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2415 Fog Coat

"Fog coat" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2525 Gasket/Gasket Sealing Material

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Gasket/gasket sealing material" means, for purposes of 35 Ill. Adm. Code 218 and 219, a fluid applied to coat a gasket or replace and perform the same function as a gasket, including room temperature vulcanization seal material.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2622 Glass Bonding Primer

"Glass bonding primer" means, for purposes of 35 Ill. Adm. Code 218 and 219, a primer applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass, including glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2825 Heat-Resistant Coating

"Heat-resistant coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that must withstand a temperature of at least 204°C (400°F) during normal use.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2955 High Bake Coating

"High bake coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that is designed to cure only at temperatures of more than 90°C (194°F).

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2956 High Build Primer Surfacer

"High build primer surfacer" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied with a wet film thickness of 10 mils or more prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2958 High Gloss Coating

"High gloss coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, any coating that achieves at least 85 percent reflectance on a 60° meter when tested using ASTM Method D 523-89, incorporated by reference in Section 211.101 of this Part.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2960 High-Performance Architectural Coating

"High-performance architectural coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating used to protect architectural subsections and that meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels), incorporated by reference in Section 211.101 of this Part, or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels), incorporated by reference in Section 211.101 of this Part.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.2980 High Temperature Coating

"High temperature coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that is certified to withstand a temperature of 538°C (1000°F) for 24 hours.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3095 Indoor Floor Covering Installation Adhesive

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Indoor floor covering installation adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll, or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3120 In-Line Repair

"In-line repair" means, for purposes of 35 Ill. Adm. Code 218 and 219, the operation performed and coatings applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied topcoat. "In-line repair" is also referred to as high bake repair or high bake reprocess. In-line repair is considered part of the topcoat operation.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3240 Laminate

"Laminate" means, for purposes of 35 Ill. Adm. Code 218 and 219, a product made by bonding together two or more layers of material.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3505 Lubricating Wax/Compound

"Lubricating wax/compound" means, for purposes of 35 Ill. Adm. Code 218 and 219, a protective lubricating material applied to vehicle hubs and hinges.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3665 Mask Coating

"Mask coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a thin film coating applied through a template to coat a small portion of a substrate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3760 Metallic Coating

"Metallic coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that contains more than 5 grams of pure elemental metal, or a combination of elemental metals, per liter of coating as applied.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3775 Metal to Urethane/Rubber Molding or Casting Adhesive

"Metal to urethane/rubber molding or casting adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3785 Military Specification Coating

"Military specification coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that has a formulation approved by a United States military agency for use on military equipment.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3820 Miscellaneous Industrial Adhesive Application Operation

"Miscellaneous industrial adhesive application operation" means, for purposes of Subparts JJ of 35 Ill. Adm. Code 218 and 219, a regularly occurring industrial process consisting of one or more adhesive applicators and any associated drying area and/or oven in which an adhesive is applied, dried, and/or cured.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3925 Mold Seal Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Mold seal coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, the initial coating applied to a new mold or a repaired mold to provide a smooth surface that, when coated with a mold release coating, prevents products from sticking to the mold.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3961 Motor Vehicle Adhesive

"Motor vehicle adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, an adhesive, including glass bonding adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied for the purpose of bonding two vehicle surfaces together without regard to the substrates involved.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3966 Motor Vehicle Weatherstrip Adhesive

"Motor vehicle weatherstrip adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, an adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3967 Mouth Waterproofing Sealant

"Mouth waterproofing sealant" means, for purposes of 35 Ill. Adm. Code 218.204(q)(1) and 219.204(q)(1), a coating applied in the manufacture of ammunition to provide a waterproof barrier between a shellcase mouth and bullet.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3968 Multi-Colored Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Multi-colored coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3969 Multi-Component Coating

"Multi-component coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.3975 Multipurpose Construction Adhesive

"Multipurpose construction adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive used in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile, and acoustical tile.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4052 Non-Convertible Coating

"Non-convertible coating" means, for purposes of Section 211.1877, a coating that dries by solvent evaporation with no change in the chemical nature of the binder. The coating remains soluble in the original solvent after drying.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4080 One-Component Coating

"One-component coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner added to a coating to reduce the viscosity is not considered a component, and therefore does not impact the coating's classification as a one-component coating or multi-component coating.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4220 Optical Coating

"Optical coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied to an optical lens.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4285 Outdoor Floor Covering Installation Adhesive

"Outdoor floor covering installation adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4455 Pan-Backing Coating

"Pan-backing coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4540 Perimeter Bonded Sheet Flooring

"Perimeter bonded sheet flooring" means, for purposes of 35 Ill. Adm. Code 218 and 219, sheet flooring with vinyl backing installed onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4735 Plastic

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Plastic" means, for purposes of Subparts JJ of 35 Ill. Adm. Code 218 and 219, a synthetic material chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers and are capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4760 Plastic Solvent Welding Adhesive

"Plastic solvent welding adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive used to dissolve the surface of plastic to form a bond between mating surfaces.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4765 Plastic Solvent Welding Adhesive Primer

"Plastic solvent welding adhesive primer" means, for purposes of 35 Ill. Adm. Code 218 and 219, any primer used to prepare plastic substrates prior to bonding or welding.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4768 Pleasure Craft

"Pleasure craft" means, for purposes of 35 Ill. Adm. Code 218 and 219, a vessel that is manufactured or operated primarily for recreational purposes, or leased, rented, or chartered to a person or business for recreational purposes.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4769 Pleasure Craft Surface Coating

"Pleasure craft surface coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, any coating, except unsaturated polyester resin (fiberglass) coatings, containing volatile organic materials and applied by brush, spray, roller, or other means to a pleasure craft.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4895 Polyvinyl Chloride Plastic (PVC Plastic)

"Polyvinyl chloride plastic" or "PVC plastic" means, for purposes of 35 Ill. Adm. Code 218 and 219, a polymer of the chlorinated vinyl monomer that contains 57 percent or more chlorine.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.4900 Porous Material

"Porous material" means, for purposes of 35 Ill. Adm. Code 218 and 219, a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. Porous material does not include wood.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5012 Prefabricated Architectural Coatings

"Prefabricated architectural coatings" means, for purposes of 35 Ill. Adm. Code 218 and 219, coatings applied to metal parts and products that are to be used as an architectural structure.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5061 Pretreatment Coating

"Pretreatment coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that contains no more than 12 percent solids by weight and at least 0.50 percent acid by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

(Source: Old Section 211.5061 renumbered to Section 211.5062; new Section 211.5061 added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5062~~211.5061~~ Pretreatment Wash Primer

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Pretreatment wash primer" means:

For purposes of Subparts HH of 35 Ill. Adm. Code 218 and 219, the first coating applied to bare metal if solventborne primers will be applied. This coating contains a minimum of 0.5 percent acid, by weight, is necessary to provide surface etching, and provides corrosion resistance and adhesion;

For purposes of Subparts F of 35 Ill. Adm. Code 218 and 219, a coating that contains no more than 12 percent solids by weight and at least 0.50 percent acids by weight, is used to provide surface etching, and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings.

(Source: Renumbered from Section 211.5061 and amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5075 Primer Sealant

"Primer sealant" means, for purposes of 35 Ill. Adm. Code 218.204(q) and 219.204(q), a sealant applied in the manufacture of ammunition to assembled primers to maintain the primer assembly and prevent explosive priming mix from dusting during the transfer of primers.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5090 Primer Surfacer Coat

a) "Primer surfacer coat" means, for purposes of 35 Ill. Adm. Code 215.204(a), 218.204(a)(1), and 219.204(a)(1), a coating used to touch up areas on the surface of automobile or light-duty truck bodies not adequately covered by the prime coat before application of the top coat. The primer surfacer coat is applied between the prime coat and topcoat. An anti-chip coating applied to main body parts (e.g., rocker panels, bottom of doors and fenders, and leading edge of roof) is a primer surfacer coat. The primer surfacer coat is also referred to as a "guide coat."

b) "Primer surfacer coat" means, for purposes of 35 Ill. Adm. Code ~~Part~~ 218, Subpart HH and ~~Part~~ 219, Subpart HH, a coating applied to motor vehicles, mobile equipment, or their parts and components at motor vehicle refinishing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

operations that fills in surface imperfections and builds a thickness in order to allow sanding.

"Primer surfacer coat" means, for purposes of 35 Ill. Adm. Code 218.204(a)(2) and 219.204(a)(2), an intermediate protective coating applied over the electrodeposition primer and under the topcoat. Primer surfacer provides adhesion, protection, and appearance properties to the total finish. Primer surfacer may also be called guide coat or surfacer. Primer surfacer operations may include other coatings (e.g., anti-chip, lower-body anti-chip, chip-resistant edge primer, spot primer, blackout, deadener, interior color, basecoat replacement coating, etc.) that are applied in the same spray booths.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5400 Red Coating

"Red coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that meets all of the following criteria:

Yellow limit: the hue of hostaperm scarlet;

Blue limit: the hue of monastral red-violet;

Lightness limit for metallics: 35 percent aluminum flake;

Lightness limit for solids: 50 percent titanium dioxide white;

Solid reds: hue angle of -11 to 38° and maximum lightness of 23 to 45 units; and

Metallic reds: hue angle of -16 to 35° and maximum lightness of 28 to 45 units.

These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5520 Reinforced Plastic Composite

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Reinforced plastic composite" means, for purposes of 35 Ill. Adm. Code 218 and 219, a composite material consisting of plastic reinforced with fibers.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5550 Repair Coat

"Repair coat" means:

With~~with~~ respect to coating wood furniture, coatings used to correct imperfections or damage to furniture surface;

For purposes of 35 Ill. Adm. Code 218.204(q) and 219.204(q), a coat used to re-coat portions of a previously coated product that has sustained mechanical damage to the coating following normal coating operations.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5800 Rubber

"Rubber" means, for purposes of Subparts JJ of 35 Ill. Adm. Code 218 and 219, any natural or manmade rubber substrate, including, but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5890 Sealer

Except for purposes of 35 Ill. Adm. Code 218.204(a) and (q) and 219.204(a) and (q), "sealer"~~Sealer~~ means a coating containing binders that ~~which~~ seals wood prior to the application of the subsequent coatings.

For purposes of 35 Ill. Adm. Code 218.204(a) and (q) and 219.204(a) and (q), "sealer" means a high viscosity material generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer surfacer). The primary purpose of sealer is to fill body joints completely so that there is no intrusion of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

water, gases, or corrosive materials into the passenger area of the body compartment. These materials are also referred to as sealant, sealant primer, or caulk.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5985 Sheet Rubber Lining Installation

"Sheet rubber lining installation" means, for purposes of 35 Ill. Adm. Code 218 and 219, the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.5987 Shock-Free Coating

"Shock-free coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance, and having resistance to breaking down under high voltage.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6012 Silicone-Release Coating

"Silicone-release coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, any coating that contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6015 Single-Ply Roof Membrane

"Single-ply roof membrane" means, for purposes of 35 Ill. Adm. Code 218 and 219, a prefabricated single sheet of rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one layer of membrane material. Single-ply roof membrane does not include membranes prefabricated from EPDM.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6017 Single-Ply Roof Membrane Adhesive Primer

"Single-ply roof membrane adhesive primer" means, for purposes of 35 Ill. Adm. Code 218 and 219, any primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6020 Single-Ply Roof Membrane Installation and Repair Adhesive

"Single-ply roof membrane installation and repair adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, and ducts that protrude through the membrane. Repair includes gluing the edges of A-4 torn membrane together, attaching a patch over a hole, and reapplying flashings to vents, pipes, or ducts installed through the membrane.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6063 Solar-Absorbent Coating

"Solar-absorbent coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that has as its prime purpose the absorption of solar radiation.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6065 Solids Turnover Ratio (R_T)

"Solids turnover ratio" or " R_T " means, for purposes of 35 Ill. Adm. Code 218 and 219, the ratio of total volume of coating solids that is added to the EDP system in a calendar month to the total volume design capacity of the EDP system.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.6400 Stencil Coat

"Stencil coat" means:

Prior to May 1, 2012, a coating that is applied over a stencil on a plastic part at a thickness of 1 mil or less of coating solids. Stencil coats are most frequently letters, numbers, or decorative designs.

On and after May 1, 2012, an ink or pigmented coating that is rolled or brushed onto a template or stamp in order to add identifying letters, symbols, and/or numbers.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6427 Structural Glazing

"Structural glazing" means, for purposes of 35 Ill. Adm. Code 218 and 219, a process that includes the application of adhesive to bond glass, ceramic, metal, stone, or composite panels to exterior building frames.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6460 Subfloor

"Subfloor" means, for purposes of 35 Ill. Adm. Code 218 and 219, subflooring material over floor joists, including any load bearing joists. Subflooring is covered by a finish surface material.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6585 Thin Metal Laminating Adhesive

"Thin metal laminating adhesive" means, for purposes of 35 Ill. Adm. Code 218 and 219, any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond lines is less than 0.25 millimeters.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 211.6640 Tire Repair

"Tire repair" means, for purposes of 35 Ill. Adm. Code 218 and 219, a process that includes expanding a hole, tear, fissure, or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6670 Topcoat

"Topcoat" means:

Except as used in 35 Ill. Adm. Code 218.204(a)(2) and (q)(5) and 219.204(a)(2) and (q)(5), a coating applied to a substrate in a multiple coat operation other than prime coat, primer surfacer coat or final repair coat;

For purposes of 35 Ill. Adm. Code 218.204(a)(2) and 219.204(a)(2), the final coating system applied to provide the final color and/or a protective finish. The topcoat may be a monocoat color or basecoat/clearcoat system. In-line repair and two-tone are part of topcoat;

For purposes of 35 Ill. Adm. Code 218.204(q)(5) and 219.204(q)(5), any final coating applied to the interior or exterior of a pleasure craft.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6690 Topcoat Operation

"Topcoat operation" means the application ~~areas~~area(s), flash-off ~~areas~~area(s), and ~~ovens~~oven(s) used to apply and dry or cure the topcoat (except final off-line repair) on automobile or light-duty truck bodies or body parts on a single assembly line. A topcoat operation may include other coatings (e.g., blackout, interior color, etc.) that are applied in the same spray booths.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6720 Touch-Up Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Touch-up coating" means:

Except as used in 35 Ill. Adm. Code 218.204(q) and 219.204(q), for purposes of motor vehicle refinishing operations, a coating applied by brush or hand held, non-refillable aerosol cans to repair minor surface damage and imperfections;

For purposes of 35 Ill. Adm. Code 218.204(q) and 219.204(q), a coating used to cover minor coating imperfections appearing after the main coating operation.

(Source: Amended at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6740 Translucent Coating

"Translucent coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating that contains binders and pigment, and is formulated to form a colored, but not opaque, film.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6780 Trunk Interior Coating

"Trunk interior coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating outside of the primer surfacer and topcoat operations applied to the trunk interior to provide chip protection.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6825 Underbody Coating

"Underbody coating" means, for purposes of 35 Ill. Adm. Code 218 and 219, a coating applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.6885 Vacuum Metalizing Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Vacuum metalizing coating" means:

For purposes of 35 Ill. Adm. Code 218.204(q)(1) and (q)(2) and 219.204(q)(1) and (q)(2), the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film;

For purposes of 35 Ill. Adm. Code 218.204(q)(3) and (q)(4) and 219.204(q)(3) and (q)(4), the topcoat and basecoat used in a vacuum-metalizing operation.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.7220 Waterproof Resorcinol Glue

"Waterproof resorcinol glue" means, for purposes of 35 Ill. Adm. Code 218 and 219, a two-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

Section 211.7240 Weatherstrip Adhesive

"Weatherstrip adhesive" means, for purposes of Subparts F of 35 Ill. Adm. Code 218 and 219, an adhesive, used at an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.

(Source: Added at 34 Ill. Reg. 14119, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
218.105	Amended
218.106	Amended
218.112	Amended
218.204	Amended
218.205	Amended
218.207	Amended
218.208	Amended
218.210	Amended
218.211	Amended
218.212	Amended
218.219	New
218.890	New
218.891	New
218.892	New
218.894	New
218.900	New
218.901	New
218.902	New
218.903	New
218.904	New
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].
- 5) Effective Date of Amendments: September 14, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in Illinois Register: April 2, 2010; 34 Ill. Reg. 4335
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this docket, the Board made changes proposed by various participants to amend its rulemaking proposal.
- a) Throughout Part 218, the Board has extended compliance deadlines from May 1, 2011, to May 1, 2012, as initially recommended in comments from the Illinois Environmental Protection Agency.
 - b) In Section 218.204(q), the Board has added language regarding limits applicable to primer sealants and ejection cartridge sealants.
 - c) In Section 218.204(q)(1)(A)(iii), the Board has added limits applicable to "clear coating" under the category of "General one component coating" under "Metal Parts and Products."
 - d) In Section 218.204(q)(1)(BB), the Board has added limits applicable to "Ammunition sealants" under "Metal Parts and Products."
 - e) In Section 218.204(q)(1)(CC), the Board has added limits applicable to "Electrical switchgear compartment coatings" under "Metal Parts and Products."
 - f) In Section 218.207(a), the Board has added language referring to compliance options for pleasure craft surface coating operations.
 - g) In Section 218.207(o), the Board has added an emissions averaging alternative for pleasure craft surface coating operations.
 - h) In Section 218.211(c)(3)(B), the Board has added language referring to new recordkeeping and reporting requirements.
 - i) In Section 218.211(d)(3)(B), the Board has added language referring to new recordkeeping and reporting requirements.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- k) In Section 218.211(i), the Board has added recordkeeping and reporting requirements regarding an emissions averaging alternative for pleasure craft surface coating operations.
- l) In Section 218.902(b)(1), the Board has added language regarding use of formulation data to demonstrate compliance.
- m) In Section 218.904(a)(2), the Board has added language regarding recordkeeping for miscellaneous industrial adhesive application operations.

The Board's opinion and order adopting these rules addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-20 (September 2, 2010). Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312-814-3620. Please refer to the Board docket number R10-20 in your request. The Board order is also available through the Board's Web site (www.ipcb.state.il.us).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Code Citation:</u>
218.187	Amend	34 Ill. Reg. 13020; September 10, 2010

- 15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's September 2, 2010, opinion and order. Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218 and 219, R10-20 (September 2, 2010). The Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal to meet Illinois' obligation to submit a State Implementation Plan addressing requirements under Sections 172 and 182 of the federal Clean Air Act, 42 U.S.C. § 7401 et seq., for sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. The United States Environmental Protection

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Agency (USEPA) issued Control Techniques Guidelines (CTGs) for the following Group IV Consumer and Commercial Product Categories: Miscellaneous Metal and Plastic Parts Coatings, Auto and Light-Duty Truck Coatings, Miscellaneous Industrial Adhesives, and Fiberglass Boat Manufacturing Materials. In the CTGs, the USEPA recommended control measures that it believes constitute reasonably available control technology for those product categories. The Agency proposed to amend Part 218 to implement such recommendations for the Chicago nonattainment area.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-20 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section	
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown
218.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section	
218.181	Solvent Cleaning Degreasing Operations
218.182	Cold Cleaning
218.183	Open Top Vapor Degreasing
218.184	Conveyorized Degreasing
218.185	Compliance Schedule (Repealed)
218.186	Test Methods
218.187	Other Industrial Solvent Cleaning Operations

SUBPART F: COATING OPERATIONS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lines

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

SUBPART G: USE OF ORGANIC MATERIAL

Section

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

SUBPART H: PRINTING AND PUBLISHING

Section

- 218.401 Flexographic and Rotogravure Printing
218.402 Applicability
218.403 Compliance Schedule
218.404 Recordkeeping and Reporting
218.405 Lithographic Printing: Applicability
218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996 (Repealed)
218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines
218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996 (Repealed)
218.409 Testing for Lithographic Printing On and After March 15, 1996
218.410 Monitoring Requirements for Lithographic Printing
218.411 Recordkeeping and Reporting for Lithographic Printing
218.412 Letterpress Printing Lines: Applicability
218.413 Emission Limitations and Control Requirements for Letterpress Printing Lines
218.415 Testing for Letterpress Printing Lines
218.416 Monitoring Requirements for Letterpress Printing Lines

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.417 Recordkeeping and Reporting for Letterpress Printing Lines

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL
AND POLYMER MANUFACTURING PLANT

Section

218.421 General Requirements
218.422 Inspection Program Plan for Leaks
218.423 Inspection Program for Leaks
218.424 Repairing Leaks
218.425 Recordkeeping for Leaks
218.426 Report for Leaks
218.427 Alternative Program for Leaks
218.428 Open-Ended Valves
218.429 Standards for Control Devices
218.430 Compliance Date (Repealed)
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section

218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
218.443 Wastewater (Oil/Water) Separator
218.444 Process Unit Turnarounds
218.445 Leaks: General Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
218.448 Recordkeeping for Leaks
218.449 Reporting for Leaks
218.450 Alternative Program for Leaks
218.451 Sealing Device Requirements
218.452 Compliance Schedule for Leaks

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
218.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

218.480 Applicability
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483 Material Storage and Transfer
218.484 In-Process Tanks
218.485 Leaks
218.486 Other Emission Units
218.487 Testing
218.488 Monitoring for Air Pollution Control Equipment
218.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

218.500 Applicability for Batch Operations
218.501 Control Requirements for Batch Operations
218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503 Performance and Testing Requirements for Batch Operations
218.504 Monitoring Requirements for Batch Operations
218.505 Reporting and Recordkeeping for Batch Operations
218.506 Compliance Date
218.520 Emission Limitations for Air Oxidation Processes

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.521	Definitions (Repealed)
218.522	Savings Clause
218.523	Compliance
218.524	Determination of Applicability
218.525	Emission Limitations for Air Oxidation Processes
218.526	Testing and Monitoring
218.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section	
218.541	Pesticide Exception

SUBPART X: CONSTRUCTION

Section	
218.561	Architectural Coatings
218.562	Paving Operations
218.563	Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section	
218.581	Bulk Gasoline Plants
218.582	Bulk Gasoline Terminals
218.583	Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584	Gasoline Delivery Vessels
218.585	Gasoline Volatility Standards
218.586	Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section	
218.601	Perchloroethylene Dry Cleaners (Repealed)
218.602	Applicability (Repealed)
218.603	Leaks (Repealed)
218.604	Compliance Dates (Repealed)
218.605	Compliance Plan (Repealed)
218.606	Exception to Compliance Plan (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.607	Standards for Petroleum Solvent Dry Cleaners
218.608	Operating Practices for Petroleum Solvent Dry Cleaners
218.609	Program for Inspection and Repair of Leaks
218.610	Testing and Monitoring
218.611	Applicability for Petroleum Solvent Dry Cleaners
218.612	Compliance Dates (Repealed)
218.613	Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section	
218.620	Applicability
218.621	Exemption for Waterbase Material and Heatset-Offset Ink
218.623	Permit Conditions (Repealed)
218.624	Open-Top Mills, Tanks, Vats or Vessels
218.625	Grinding Mills
218.626	Storage Tanks
218.628	Leaks
218.630	Clean Up
218.636	Compliance Schedule
218.637	Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section	
218.640	Applicability
218.642	Emissions Limitation at Polystyrene Plants
218.644	Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section	
218.660	Applicability
218.666	Control Requirements
218.667	Compliance Schedule
218.668	Testing
218.670	Recordkeeping and Reporting for Exempt Emission Units
218.672	Recordkeeping and Reporting for Subject Emission Units

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART DD: AEROSOL CAN FILLING

Section

218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
218.692	Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS (REPEALED)

Section

218.720	Applicability (Repealed)
218.722	Control Requirements (Repealed)
218.726	Testing (Repealed)
218.727	Monitoring (Repealed)
218.728	Recordkeeping and Reporting (Repealed)
218.729	Compliance Date (Repealed)
218.730	Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section

218.760	Applicability
218.762	Control Requirements
218.764	Compliance Certification
218.766	Leaks
218.768	Testing and Monitoring
218.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

Section

218.780	Emission Limitations
218.782	Alternative Control Requirements
218.784	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
218.791	Compliance Date
218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
218.883	Special Requirements for Compliance Plan (Repealed)
218.886	Emissions Testing (Renumbered)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALSSection

<u>218.890</u>	<u>Availability</u>
<u>218.891</u>	<u>Emission Limitations and Control Requirements</u>
<u>218.892</u>	<u>Testing Requirements</u>
<u>218.894</u>	<u>Recordkeeping and Reporting Requirements</u>

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVESSection

<u>218.900</u>	<u>Applicability</u>
<u>218.901</u>	<u>Emission Limitations and Control Requirements</u>
<u>218.902</u>	<u>Testing Requirements</u>
<u>218.903</u>	<u>Monitoring Requirements</u>
<u>218.904</u>	<u>Recordkeeping and Reporting Requirements</u>

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section

218.920	Applicability
218.923	Permit Conditions (Repealed)
218.926	Control Requirements
218.927	Compliance Schedule
218.928	Testing
218.929	Cementable and Dress or Performance Shoe Leather

SUBPART QQ: MISCELLANEOUS FORMULATION

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

MANUFACTURING PROCESSES

Section

218.940	Applicability
218.943	Permit Conditions (Repealed)
218.946	Control Requirements
218.947	Compliance Schedule
218.948	Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

SUBPART TT: OTHER EMISSION UNITS

Section

218.980	Applicability
218.983	Permit Conditions (Repealed)
218.986	Control Requirements
218.987	Compliance Schedule
218.988	Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section

218.990	Exempt Emission Units
218.991	Subject Emission Units

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

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

SUBPART A: GENERAL PROVISIONS

Section 218.105 Test Methods and Procedures

- a) **Coatings, Inks and Fountain Solutions**
The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, and fountain solutions with the limitations set forth in this Part.
 - 1) **Sampling:** Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in subsection (a)(3) of this Section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:

- A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 218.112 of this Part.
 - B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 218.112 of this Part.
- 2) Analyses: The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.
- A) Method 24 of 40 CFR 60, ~~appendix~~Appendix A, incorporated by reference in Section 218.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.
 - B) Method 24A of 40 CFR ~~Part~~60, ~~appendix~~Appendix A, incorporated by reference in Section 218.112 of this Part, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.
 - C) The following ASTM methods are the analytical procedures for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

determining VOM:

- i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 218.112 of this Part.
- ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 218.112 of this Part.
- iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 218.112 of this Part.
- iv) ASTM D 4017-81 (1987): Standard test method for water content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in Section 218.112 of this Part.
- v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 218.112 of this Part.
- vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 218.112 of this Part.
- vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 218.112 of this Part.
- viii) ASTM E 180-85: Standard practice for determining the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

precision data of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 218.112 of this Part.

- ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 218.112 of this Part.
- D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- 3) Calculations: Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain solutions as applied shall follow the guidance provided in the following documents:
 - A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 218.112 of this Part.
 - B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 218.112 of this Part.
 - C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 218.112 of this Part.
- b) Automobile or Light-Duty Truck Test Protocol
 - 1) The protocol for testing, including determining the transfer efficiency of coating applicators, at primer surfacer operations and topcoat operations at an automobile or light-duty truck assembly source shall follow the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

procedures in the following:

A) Prior to May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 218.112 of this Part.

B) On and after May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations" (topcoat protocol), September 2008, EPA-453/R-08-002, incorporated by reference in Section 218.112 of this Part.

- 2) Prior to testing pursuant to the applicable topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in ~~Section 218.204(a)(1)(B), (2) or 218.204 (a)(1)(C)(3), (a)(2)(B), (a)(2)(C), or (a)(2)(E)~~ shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the applicable topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage ~~that~~which will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.

c) Capture System Efficiency Test Protocols

- 1) Applicability
The requirements of subsection (c)(2) of this Section shall apply to all VOM emitting process emission units employing capture equipment (e.g., hoods, ducts), except those cases noted in this subsection (c)(1).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.
- B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part, with the following additional restrictions:
- i) Unless otherwise specified in subsection (c)(1)(B)(ii) ~~below~~, the owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference at Section 218.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alternative multi-day rolling period not to exceed 30 days,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

with the approval of the Agency and USEPA. In addition, the criteria in subsection (c)(1)(B)(iii) or subsection (c)(1)(B)(iv) ~~below~~ must be met.

- ii) The owner or operator of the source engaged in printing located at 350 E. 22nd Street, Chicago, Illinois, shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 14-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 13 operating days to the total solvent usage for the same 14-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 17 days following each 14-day period. In addition, the criteria in subsection (c)(1)(B)(iii) or subsection (c)(1)(B)(iv) ~~below~~ must be met.
- iii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard, or
- iv) If the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.

2) Capture Efficiency Protocols

The capture efficiency of an emission unit shall be measured using one of the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in ~~appendix~~ **Appendix M**

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

of 40 CFR ~~Part~~ 51, incorporated by reference at Section 218.112 of this Part. Any error margin associated with a test method or protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then an alternative capture efficiency protocol may be used, pursuant to the provisions of Section 218.108(b) of this Part.

- A) Gas/gas method using temporary total enclosure (TTE). The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of ~~appendix~~ ~~Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G_w}{G_w + F_w}$$

where:

- CE = Capture efficiency, decimal fraction;
 G_w = Mass of VOM captured and delivered to control device using a TTE;
 F_w = Mass of uncaptured VOM that escapes from a TTE.

Method 204B or 204C contained in ~~appendix~~ ~~Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, is used to obtain G_w . Method 204D in ~~appendix~~ ~~Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part ~~of this Part~~, is used to obtain F_w .

- B) Liquid/gas method using TTE. The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of ~~appendix~~ ~~Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_w}{L}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

- CE = Capture efficiency, decimal fraction;
- L = Mass of liquid VOM input to process emission unit;
- F_w = Mass of uncaptured VOM that escapes from a TTE.

Method 204A or 204F contained in ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, is used to obtain L. Method 204 D in ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, is used to obtain F_w.

- C) Gas/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, and in which "F_B" and "G" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G}{G + F_B}$$

where:

- CE = Capture efficiency, decimal fraction;
- G = Mass of VOM captured and delivered to control device;
- F_B = Mass of uncaptured VOM that escapes from building enclosure.

Method 204B or 204C contained in ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part is used to obtain G. Method 204E in ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part is used to obtain F_B.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) Liquid/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of ~~appendixAppendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, and in which "F_B" and "L" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_B}{L}$$

where:

- CE = Capture efficiency, decimal fraction;
L = Mass of liquid VOM input to process emission unit;
F_B = Mass of uncaptured VOM that escapes from building enclosure.

Method 204A or 204F contained in ~~appendixAppendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part is used to obtain L. Method 204E in ~~appendixAppendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part is used to obtain F_B.

- E) Mass balance using Data Quality Objective (DQO) or Lower Confidence Limit (LCL) protocol. For a liquid/gas input where an owner or operator is using the DQO/LCL protocol and not using an enclosure as described in Method 204 of ~~appendixAppendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, the VOM content of the liquid input (L) must be determined using Method 204A or 204F in ~~appendixAppendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part. The VOM content of the captured gas stream (G) to the control device must be determined using Method 204B or 204C in ~~appendixAppendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part. The results of capture

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

efficiency calculations (G/L) must satisfy the DQO or LCL statistical analysis protocol as described in Section 3 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference ~~at Section~~ 218.112 of this Part. Where capture efficiency testing is done to determine emission reductions for the purpose of establishing emission credits for offsets, shutdowns, and trading, the LCL protocol cannot be used for these applications. In enforcement cases, the LCL protocol cannot confirm non-compliance; capture efficiency must be determined using a protocol under subsection (c)(2)(A), (B), (C) or (D) of this Section, the DQO protocol of this subsection (c)(2)(E), or an alternative protocol pursuant to Section 218.108(b) of this Part.

BOARD NOTE: Where LCL was used in testing emission units that are the subject of later requests for establishing emission credits for offsets, shutdowns, and trading, prior LCL results may not be relied upon to determine the appropriate amount of credits. Instead, to establish the appropriate amount of credits, additional testing may be required that would satisfy the protocol of Section 218.105(c)(2)(A), (B), (C) or (D), the DQO protocol of Section 218.105(c)(2)(E), or an alternative protocol pursuant to Section 218.108(b) of this Part.

- 3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:
 - A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 218.112 of this Part;
 - B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and
 - C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.
- 4) Recordkeeping and Reporting

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency within 60 days ~~after~~ the test date. A copy of the results must be kept on file with the source for a period of 3 years.
- B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.
- C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol or observe testing.
- D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirements given in Method 204 in ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, for a PTE during any testing of their control device.
- E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in ~~appendix~~Appendix M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 218.112 of this Part, for a TTE during testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.
- F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in ~~appendix~~Appendix M of 40 CFR ~~Part~~51, incorporated by reference in Section 218.112 of this Part;
 - ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;
 - iii) The quantity of material used for each test run;
 - iv) The quantity of captured VOM for each test run;
 - v) The capture efficiency calculations and results for each test run;
 - vi) The DQO and/or LCL calculations and results; and
 - vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.
- d) Control Device Efficiency Testing and Monitoring
- 1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.
 - 2) An owner or operator:
 - A) That uses an afterburner or carbon adsorber to comply with any Section of Part 218 shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use except as provided in subsection (d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.
 - ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise across each catalytic afterburner bed or VOM concentration of exhaust.
 - iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.
- B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured in degrees Celsius or $\pm 0.5^{\circ}$ C, whichever is greater.
- C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A) ~~above~~, shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:
- i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28° C (50° F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.
 - ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more than 28° C (50° F) below the average gas temperature immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of a carbon adsorber or performance test for a catalytic afterburner, which determination or test demonstrated that the operation was in compliance.
- 3) An owner or operator that uses a carbon adsorber to comply with Section 218.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:
- A) The owner or operator notifies in writing the Agency within, 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;
 - B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;
 - C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and
 - D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational shall be reported, in writing, to the Agency and USEPA by January 31st of the following calendar year.
- e) Overall Efficiency

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 218.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.
- 2) For coating lines which are both chosen by the owner or operator to comply with Section 218.207(c), (d), (e), (f), or (g) of this Part by the alternative in Section 218.207(b)(2) of this Part and meet the criteria allowing them to comply with Section 218.207 of this Part instead of Section 218.204 of this Part, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in subsections (c), (d) and (e)(1) of this Section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

$$E = \frac{VOM_a - VOM_l}{VOM_a} \times 100$$

where:

E = Equivalent overall efficiency of the capture system and control device as a percentage;

VOM_a = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as applied to the subject coating line as determined by the applicable test methods and procedures specified in subsection (a) of this Section in units of kg VOM/l (lb VOM/gal) of coating solids as applied;

VOM_l = The VOM emission limit specified in Section 218.204 or 218.205 of this Part in units of kg VOM/l (lb

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

VOM/gal) of coating solids as applied.

- f) Volatile Organic Material Gas Phase Source Test Methods.
The methods in 40 CFR ~~Part-60~~, ~~appendixAppendix~~ A, incorporated by reference in Section 218.112 of this Part delineated below shall be used to determine control device efficiencies.
- 1) 40 CFR ~~Part-60~~, ~~appendixAppendix~~ A, Method 18, 25 or 25A, incorporated by reference in Section 218.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 minutes, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.
 - A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual adsorber vessels.
 - B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.
 - 2) 40 CFR ~~Part-60~~, ~~appendixAppendix~~ A, Method 1 or 1A, incorporated by reference in Section 218.112 of this Part, shall be used for sample and velocity traverses.
 - 3) 40 CFR ~~Part-60~~, ~~appendixAppendix~~ A, Method 2, 2A, 2C or 2D, incorporated by reference in Section 218.112 of this Part, shall be used for velocity and volumetric flow rates.
 - 4) 40 CFR ~~Part-60~~, ~~appendixAppendix~~ A, Method 3, incorporated by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reference in Section 218.112 of this Part, shall be used for gas analysis.

- 5) 40 CFR ~~Part~~ 60, ~~appendix~~ ~~Appendix~~ A, Method 4, incorporated by reference in Section 218.112 of this Part, shall be used for stack gas moisture.
 - 6) 40 CFR ~~Part~~ 60, ~~appendix~~ ~~Appendix~~ A, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by reference in Section 218.112 of this Part, shall be performed, as applicable, at least twice during each test run.
 - 7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:
- 1) Leak Detection Monitoring
 - A) Monitoring shall comply with 40 CFR 60, ~~appendix~~ ~~Appendix~~ A, Method 21, incorporated by reference in Section 218.112 of this Part.
 - B) The detection instrument shall meet the performance criteria of Method 21.
 - C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.
 - D) Calibration gases shall be:
 - i) Zero air (less than 10 ppm of hydrocarbon in air); and
 - ii) A mixture of methane or n-hexane and air at a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.

- E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.
- 2) When equipment is tested for compliance with no detectable emissions as required, the test shall comply with the following requirements:
- A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section ~~above~~ shall apply.
 - B) The background level shall be determined as set forth in Method 21.
- 3) Leak detection tests shall be performed consistent with:
- A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 218.112 of this Part.
 - B) "Portable Instrument User's Manual for Monitoring VOC Sources", EPA-340/1-86-015, incorporated by reference in Section 218.112 of this Part.
 - C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", EPA-450/3-88-010, incorporated by reference in Section 218.112 of this Part.
 - D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008, incorporated by reference in Section 218.112 of this Part.
- h) Bulk Gasoline Delivery System Test Protocol
- 1) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR 60, Subpart XX, ~~section~~Section 60.503, incorporated by reference in Section 218.112 of this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Other tests shall be performed consistent with:
 - A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 218.112 of this Part.
 - B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by reference in Section 218.112 of this Part.
- i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.
- j) Stage II Gasoline Vapor Recovery Test Methods
The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA 450/3-91-022b and incorporated by reference in Section 218.112 of this Part. Specifically, the test methods are as follows:
 - 1) Dynamic Backpressure Test is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.
 - 2) Pressure Decay/Leak Test is a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities.
 - 3) Liquid Blockage Test is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 218.106 Compliance Dates

- a) Except as otherwise provided in this Section or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of all rules is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, consistent with the appropriate provisions of Section 218.103 of this Subpart.
- b) Except as otherwise provided in this Section or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.
- c) All emission units which meet the applicability requirements of Sections 218.402(a)(2), 218.611(b), 218.620(b), 218.660(a), 218.680(a), 218.920(b), 218.940(b), 218.960(b) or 218.980(b) of this Part, including emission units at sources which are excluded from the applicability criteria of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), or 218.980(a) of this Part by virtue of permit conditions or other enforceable means, must comply with the requirements of Subparts H, Z, AA, CC, DD, PP, QQ, RR or TT of this Part, respectively, by March 15, 1995. Any owner or operator of an emission unit which has already met the applicability requirements of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a) or 218.980(a) of this Part on or by the effective date of this subsection is required to comply with all compliance dates or schedules found in Sections 218.106(a) or 218.106(b), as applicable.
- d) Any owner or operator of a source with an emission unit subject to the requirements of Section 218.204(m)(2) or (m)(3) of this Part shall comply with those requirements by March 25, 1995.
- e) Any owner or operator of a source subject to the requirements of Section 218.204(c)(2), 218.204(g)(2), or 218.204(h)(2) of this Part shall comply with the applicable requirements in the applicable subsections, as well as all applicable requirements in Sections 218.205 through 218.214 and 218.218, by May 1, 2012.
- f) Any owner or operator of a source subject to the requirements of Section 218.204(p) of this Part shall comply with the requirements in Section 218.204(p), as well as all applicable requirements in Sections 218.205 through 218.211,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.214, and 218.217 by August 1, 2010.

- g)** Any owner or operator of a source subject to the requirements of Section 218.204(a)(2) or 218.204(q) of this Part shall comply with the applicable requirements in those Sections, as well as all applicable requirements in Sections 218.205 through 218.214 and 218.219, by May 1, 2012.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

- a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-9555:
- 1) ASTM D 2879-86
 - 2) ASTM D 323-82
 - 3) ASTM D 86-82
 - 4) ASTM D 369-69 (1971)
 - 5) ASTM D 396-69
 - 6) ASTM D 2880-71
 - 7) ASTM D 975-68
 - 8) ASTM D 3925-81 (1985)
 - 9) ASTM E 300-86
 - 10) ASTM D 1475-85
 - 11) ASTM D 2369-87

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) ASTM D 3792-86
 - 13) ASTM D 4017-81 (1987)
 - 14) ASTM D 4457-85
 - 15) ASTM D 2697-86
 - 16) ASTM D 3980-87
 - 17) ASTM E 180-85
 - 18) ASTM D 2372-85
 - 19) ASTM D 97-66
 - 20) ASTM E 168-67 (1977)
 - 21) ASTM E 169-87
 - 22) ASTM E 260-91
 - 23) ASTM D 2504-83
 - 24) ASTM D 2382-83
 - 25) ASTM D 323-82 (approved 1982)
 - 26) ASTM D 2099-00
- b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.
 - c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.
 - d) 40 CFR 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) 40 CFR 61 (July 1, 1991).
- f) 40 CFR 50 (July 1, 1991).
- g) 40 CFR ~~Part-51~~ (July 1, 1991) and 40 CFR ~~Part-51~~, ~~appendix~~~~Appendix~~ M, Methods 204-204F (July 1, 1999).
- h) 40 CFR 52 (July 1, 1991).
- i) 40 CFR 80 (July 1, 1991) and 40 CFR ~~Part-80~~, ~~appendixes~~~~Appendixes~~ D, E, and F (July 1, 1993).
- j) "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.
- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/-78-051.
- p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

- r) "Portable Instrument User's Manual for Monitoring VOC Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", October 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
- t) "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
- u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
- v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
- w) "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
- x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).
- y) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions (February 1993).
- z) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins (April 1996).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- aa) "Guidelines for Determining Capture Efficiency," January, 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park, NC.
- bb) Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions," February, 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.
- cc) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.
- dd) 40 CFR 63, Subpart PPPP, appendix A (2008).
- ee) 46 CFR Subchapter Q (2007).
- ff) 46 CFR Subchapter T (2008).

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

SUBPART F: COATING OPERATIONS

Section 218.204 Emission Limitations

Except as provided in Sections 218.205, 218.207, 218.208, 218.212, 218.215 and 218.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (a), (c), (g), (h), (j), (l), (n), ~~and (p)~~, and (q) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reporting requirements specified in Section 218.211(c) of this Subpart except where noted. (Note: The equation presented in Section 218.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

a)	Automobile or Light-Duty Truck Coating	kg/l	lb/gal
	<u>1)</u> <u>Prior to May 1, 2012:</u>		
	<u>A1)</u> Prime coat	0.14 0.14*	(1.2) (1.2)*
	<u>B2)</u> Primer surface coat	1.81 1.81*	(15.1) (15.1)*

BOARD NOTE:~~(Note:~~ The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surfacer limitation.)

<u>C3)</u>	Topcoat	kg/l 1.81 1.81*	lb/gal (15.1) (15.1)*
------------	---------	-----------------------	-----------------------------

BOARD NOTE:~~(Note:~~ The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 of this Part does not apply to the topcoat limitation.)

<u>D4)</u> Final repair coat	kg/l	lb/gal
	0.58	(4.8)
	0.58*	(4.8)*

2) On and after May 1, 2011, subject automobile and light-duty truck coating lines shall comply with the following limitations. These limitations shall not apply to materials supplied in containers with a net volume of 0.47 liters (16 oz) or less, or a net weight of 0.45 kg (1 lb) or less:

A) Electrodeposition primer (EDP) operations. For purposes of this subsection (a)(2)(A), "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

	<u>kg VOM/l coating solids applied</u>	<u>lb VOM/gal coating solids applied</u>
i) <u>When solids turnover ratio (R_T) is greater than or equal to 0.160</u>	0.084	(0.7)
ii) <u>When R_T is greater than or equal to 0.040 and less than 0.160</u>	$\frac{0.084 \times}{350^{0.160-R_T}}$	$\frac{(0.084 \times)}{350^{0.160-R_T}} \times$ 8.34)
<u>B) Primer surfacer operations</u>	<u>kg VOM/l coating solids deposited</u>	<u>lb VOM/gal coating solids deposited</u>
i) <u>VOM content limitation</u>	1.44	(12.0)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ii) Compliance with the limitation set forth in subsection (a)(2)(B)(i) shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the primer surfacer limitation.

<u>C)</u>	<u>Topcoat operations</u>	<u>kg VOM/l coating solids deposited</u>	<u>lb VOM/gal coating solids deposited</u>
i)	<u>VOM content limitation</u>	<u>1.44</u>	<u>(12.0)</u>
ii)	<u>Compliance with the limitation set forth in subsection (a)(2)(C)(i) shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the topcoat limitation.</u>		
<u>D)</u>	<u>Combined primer surfacer and topcoat operations</u>	<u>kg VOM/l coating solids deposited</u>	<u>lb VOM/gal coating solids deposited</u>
i)	<u>VOM content limitation</u>	<u>1.44</u>	<u>(12.0)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ii) Compliance with the limitation set forth in subsection (a)(2)(D)(i) shall be based on the daily-weighted average from the combined primer surfacer and topcoat operations. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 does not apply to the combined primer surfacer and topcoat limitation.

E)	<u>Final repair coat operations</u>	<u>kg/l</u> <u>coatings</u>	<u>lb/gal</u> <u>coatings</u>
i)	<u>VOM content limitation</u>	<u>0.58</u>	<u>(4.8)</u>
ii)	<u>Compliance with the final repair operations limitation set forth in subsection (a)(2)(E)(i) shall be on an occurrence-weighted average basis, calculated in accordance with the equation below, in which clear coatings shall have a weighting factor of 2 and all other coatings shall have a weighting factor of 1.</u>		

$$VOM_{tot} = \frac{2VOM_{cc} + \sum_{i=1}^n VOM_i}{n + 2}$$

where:

VOM_{tot} ≡ Total VOM content of all coatings, as applied, on an occurrence weighted average basis, and used to determine compliance with this subsection (a)(2)(E).

i ≡ Subscript denoting a specific coating applied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- \underline{n} \equiv Total number of coatings applied in the final repair operation, other than clear coatings.
- \underline{VOM}_{cc} \equiv The VOM content, as applied, of the clear coat used in the final repair operation.
- \underline{VOM}_i \equiv The VOM content of each coating used in the final repair operation, as applied, other than clear coatings.

- F) Miscellaneous Materials. For reactive adhesives subject to this subsection (a)(2)(F), compliance shall be demonstrated in accordance with the methods and procedures set forth in appendix A to Subpart PPPP of 40 CFR 63, incorporated by reference in Section 218.112 of this Part.

		<u>kg/l</u>	<u>lb/gal</u>
i)	<u>Glass bonding primer</u>	<u>0.90</u>	<u>(7.51)</u>
ii)	<u>Adhesive</u>	<u>0.25</u>	<u>(2.09)</u>
iii)	<u>Cavity wax</u>	<u>0.65</u>	<u>(5.42)</u>
iv)	<u>Trunk sealer</u>	<u>0.65</u>	<u>(5.42)</u>
v)	<u>Deadener</u>	<u>0.65</u>	<u>(5.42)</u>
vi)	<u>Gasket/gasket sealing material</u>	<u>0.20</u>	<u>(1.67)</u>
vii)	<u>Underbody coating</u>	<u>0.65</u>	<u>(5.42)</u>
viii)	<u>Trunk interior coating</u>	<u>0.65</u>	<u>(5.42)</u>
ix)	<u>Bedliner</u>	<u>0.20</u>	<u>(1.67)</u>
x)	<u>Weatherstrip adhesive</u>	<u>0.75</u>	<u>(6.26)</u>
xi)	<u>Lubricating wax/compound</u>	<u>0.70</u>	<u>(5.84)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

b)	Can Coating	kg/l	lb/gal
1)	Sheet basecoat and overvarnish		
	A) Sheet basecoat	0.34 0.26*	(2.8) (2.2)*
	B) Overvarnish	0.34 0.34	(2.8) (2.8)*
2)	Exterior basecoat and overvarnish	0.34 0.25*	(2.8) (2.1)*
3)	Interior body spray coat		
	A) Two piece	0.51 0.44*	(4.2) (3.7)*
	B) Three piece	0.51 0.51*	(4.2) (4.2)*
4)	Exterior end coat	0.51 0.51*	(4.2) (4.2)*
5)	Side seam spray coat	0.66 0.66*	(5.5) (5.5)*
6)	End sealing compound coat	0.44 0.44*	(3.7) (3.7)*
c)	Paper Coating		
1)	Prior to May 1, 2011:	kg/l 0.28	lb/gal (2.3)
2)	On and after May 1, 2011:	kg VOM/kg (lb VOM/lb) solids applied	kg VOM/kg (lb VOM/lb) coatings applied

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A)	Pressure sensitive tape and label surface coatings	0.20	(0.067)
B)	All other paper coatings	0.40	(0.08)
3)	The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.		
d)	Coil Coating	kg/l 0.31 0.20*	lb/gal (2.6) (1.7)*
e)	Fabric Coating	0.35 0.28*	(2.9) (2.3)*
f)	Vinyl Coating	0.45 0.28*	(3.8) (2.3)*
g)	Metal Furniture Coating		
1)	Prior to May 1, 2011:		
A)	Air dried	kg/l 0.34	lb/gal (2.8)
B)	Baked	0.28	(2.3)
2)	On and after May 1, 2011:		
A)	General, One-Component	kg/l (lb/gal) 0.275	kg/l (lb/gal) solids applied 0.40

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		(2.3)	(3.3)
	B) General, Multi-Component		
|	i) Air dried <u>Dried</u>	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.275 (2.3)	0.40 (3.3)
	C) Extreme High Gloss		
|	i) Air dried <u>Dried</u>	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
	D) Extreme Performance		
|	i) Air dried <u>Dried</u>	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
	E) Heat Resistant		
|	i) Air dried <u>Dried</u>	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
	F) Metallic	0.420 (3.5)	0.80 (6.7)
	G) Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

H) Solar Absorbent

i) Air dried Dried	0.420 (3.5)	0.80 (6.7)
ii) Baked	0.360 (3.0)	0.61 (5.1)

- 3) On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

h) Large Appliance Coating

1) Prior to May 1, 2011:

A) Air dried Dried	kg/l 0.34	lb/gal (2.8)
B) Baked	0.28	(2.3)

2) On and after May 1, 2011:

A) General, One Component	kg/l (lb/gal) 0.275 (2.3)	kg/l (lb/gal) solids applied 0.40 (3.3)
B) General, Multi-Component		
i) Air dried Dried	0.340 (2.8)	0.55 (4.5)
ii) Baked	0.275 (2.3)	0.40 (3.3)
C) Extreme High Gloss		
i) Air dried Dried	0.340 (2.8)	0.55 (4.5)
ii) Baked	0.360	0.61

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		(3.0)	(5.1)
D)	Extreme Performance		
|	i) Air dried Dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
E)	Heat Resistant		
|	i) Air dried Dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
|	i) Air dried Dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)

3) The limitations set forth in this subsection (h) shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period. On and after May 1, 2011, these limitations shall also not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

i)	Magnet Wire Coating	kg/l	lb/gal
----	---------------------	------	--------

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		0.20	(1.7)
		0.20*	(1.7)*
j)	<u>Prior to May 1, 2012:</u> Miscellaneous Metal Parts and Products Coating		
1)	Clear coating	0.52	(4.3)
		0.52*	(4.3)*
2)	Extreme performance coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.42	(3.5)
		0.40*	(3.3)*
3)	Steel pail and drum interior coating	0.52	(4.3)
		0.52*	(4.3)*
4)	All other coatings		
A)	Air dried <u>Dried</u>	0.42	(3.5)
		0.40*	(3.3)*
B)	Baked	0.36	(3.0)
		0.34*	(2.8)*
5)	Marine engine coating		
A)	Air dried <u>Dried</u>	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked		
i)	Primer/Topcoat	0.42	(3.5)
		0.42*	(3.5)*
ii)	Corrosion resistant basecoat	0.42	(3.5)
		0.28*	(2.3)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|---------------------|--|---------------|-----------------|
| C) | Clear Coating | 0.52
0.52* | (4.3)
(4.3)* |
| 6) Metallic Coating | | | |
| A) | Air dried Dried | 0.42
0.42* | (3.5)
(3.5)* |
| B) | Baked | 0.36
0.36 | (3.0)
(3.0)* |
| 7) Definitions | | | |
| A) | For purposes of subsection (j)(5) of this Section, the following terms are defined: | | |
| i) | "Corrosion resistant basecoat" means, for purposes of subsection 218.204 (j)(5)(B)(ii) of this Section, a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. | | |
| ii) | "Electrodeposition process" means, for purposes of subsection 218.204 (j)(5) of this Section, a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created. | | |
| iii) | "Marine engine coating" means, for purposes of subsection 218.204 (j)(5) of this Section, any extreme performance protective, decorative or functional coating applied to an engine that is used to propel watercraft. | | |
| B) | For purposes of subsection (j)(6) of this Section, "metallic coating" means a coating which contains more than ¼ lb/gal of metal particles, as applied. | | |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.204(q) shall apply to this category of coating.

k)	Heavy Off-Highway Vehicle Products Coating	kg/l	lb/gal
1)	Extreme performance prime coat	0.42	(3.5)
		0.42*	(3.5)*
2)	Extreme performance topcoat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
3)	Final repair coat (air dried)	0.42	(3.5)
		0.42*	(3.5)*
4)	All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j).		
l)	Wood Furniture Coating		
1)	Limitations before March 15, 1998:	kg/l	lb/gal
A)	Clear topcoat	0.67	(5.6)
B)	Opaque stain	0.56	(4.7)
C)	Pigmented coat	0.60	(5.0)
D)	Repair coat	0.67	(5.6)
E)	Sealer	0.67	(5.6)
F)	Semi-transparent stain	0.79	(6.6)
G)	Wash coat	0.73	(6.1)

BOARD NOTE: ~~(Note:~~ Prior to March 15, 1998, an owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

- 2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (1)(2)(A) through (E):

		kg VOM/ kg solids	lb VOM/ lb solids
A)	Topcoat	0.8	(0.8)
B)	Sealers and topcoats with the following limits:		
	i) Sealer other than acid-cured alkyd amino vinyl sealer	1.9	(1.9)
	ii) Topcoat other than acid-cured alkyd amino conversion varnish topcoat	1.8	(1.8)
	iii) Acid-cured alkyd amino vinyl sealer	2.3	(2.3)
	iv) Acid-cured alkyd amino conversion varnish topcoat	2.0	(2.0)
C)	Meet the provisions of Section 218.215 of this Subpart for use of an averaging approach;		
D)	Achieve a reduction in emissions equivalent to the requirements of subsection (1)(2)(A) or (B) of this Section, as calculated using Section 218.216 of this Subpart; or		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) Use a combination of the methods specified in subsections (1)(2)(A) through (D) of this Section.
- 3) Other wood furniture coating limitations on and after March 15, 1998:
- | | kg/l | lb/gal |
|-------------------------------|------|--------|
| A) Opaque stain | 0.56 | (4.7) |
| B) Non-topcoat pigmented coat | 0.60 | (5.0) |
| C) Repair coat | 0.67 | (5.6) |
| D) Semi-transparent stain | 0.79 | (6.6) |
| E) Wash coat | 0.73 | (6.1) |
- 4) Other wood furniture coating requirements on and after March 15, 1998:
- A) No source subject to the limitations of subsection (1)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied.
- B) Any source subject to the limitations of subsection (1)(2) or (3) of this Section shall comply with the requirements of Section 218.217 of this Subpart.
- C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coaters shall, for each continuous coater, use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:
- i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

solvent is added;

- ii) Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added; and
- iii) Maintain these records at the source for a period of three years.

m)	Existing Diesel-Electric Locomotive Coating Lines in Cook County	kg/l	lb/gal
	1) Extreme performance prime coat	0.42 0.42*	(3.5) (3.5)*
	2) Extreme performance top-coat (air dried)	0.42 0.42*	(3.5) (3.5)*
	3) Final repair coat (air dried)	0.42 0.42*	(3.5) (3.5)*
	4) High-temperature aluminum coating	0.72 0.72*	(6.0) (6.0)*
	5) All other coatings	0.36 0.36*	(3.0) (3.0)*
n)	<u>Prior to May 1, 2012:</u> Plastic Parts Coating: Automotive/Transportation	kg/l	lb/gal
	1) Interiors		
	A) Baked		
	i) Color coat	0.49*	(4.1)*
	ii) Primer	0.46*	(3.8)*
	B) Air dried Dried		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	i)	Color coat	0.38*	(3.2)*
	ii)	Primer	0.42*	(3.5)*
2)		Exteriors (flexible and non-flexible)		
	A)	Baked		
	i)	Primer	0.60*	(5.0)*
	ii)	Primer non-flexible	0.54*	(4.5)*
	iii)	Clear coat	0.52*	(4.3)*
	iv)	Color coat	0.55*	(4.6)*
	B)	Air dried <u>Dried</u>		
	i)	Primer	0.66*	(5.5)*
	ii)	Clear coat	0.54*	(4.5)*
	iii)	Color coat (red & black)	0.67*	(5.6)*
	iv)	Color coat (others)	0.61*	(5.1)*
3)		Specialty		
	A)	Vacuum metallizing basecoats, texture base coats	0.66*	(5.5)*
	B)	Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings	0.71*	(5.9)*
	C)	Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77*	(6.4)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- | | | | |
|----|--|-------|--------|
| D) | Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings | 0.82* | (6.8)* |
| E) | Headlamp lens coatings | 0.89* | (7.4)* |

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.240(q) shall apply to this category of coating.

- | | | | |
|----|--|-------|--------|
| o) | <u>Prior to May 1, 2012:</u> Plastic Parts Coating:
Business Machine | kg/l | lb/gal |
| 1) | Primer | 0.14* | (1.2)* |
| 2) | Color coat (non-texture coat) | 0.28* | (2.3)* |
| 3) | Color coat (texture coat) | 0.28* | (2.3)* |
| 4) | Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings | 0.48* | (4.0)* |
| 5) | Specialty Coatings <u>Coatings</u> | | |
| A) | Soft coat | 0.52* | (4.3)* |
| B) | Plating resist | 0.71* | (5.9)* |
| C) | Plating sensitizer | 0.85* | (7.1)* |

BOARD NOTE: On and after May 1, 2012, the limitations in Section 218.204(q) shall apply to this category of coating.

- p) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:
- 1) 0.25 kg VOM/l of coatings (2.1 lb VOM/gal coatings); or
 - 2) 0.35 kg VOM/l solids (2.9 lb VOM/gal solids).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2012. On and after May 1, 2012, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations in this subsection (q). The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing. Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.

1) Metal Parts and Products. For purposes of this subsection (q)(1), "corrosion resistant basecoat" means a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. Also for purposes of this subsection (q)(1), "marine engine coating" means any extreme performance protective, decorative, or functional coating applied to an engine that is used to propel watercraft. The limitations in this subsection (q)(1) shall not apply to stencil coats, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating. The limitations in Section 218.219, however, shall apply to these coatings unless specifically excluded in Section 218.219.

		<u>kg/l</u> <u>(lb/gal)</u>	<u>kg/l</u> <u>(lb/gal)</u>
<u>A)</u>	<u>General one component coating</u>	<u>coatings</u>	<u>solids</u>
	<u>i) Air dried</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
	<u>ii) Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
	<u>iii) Clear coating</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
<u>B)</u>	<u>General multi-component coating</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	i)	<u>Air dried</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
	ii)	<u>Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
C)		<u>Camouflage coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
D)		<u>Electric-insulating varnish</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
E)		<u>Etching filler</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
F)		<u>Extreme high-gloss coating</u>		
	i)	<u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii)	<u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
G)		<u>Extreme performance coating</u>		
	i)	<u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii)	<u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
H)		<u>Heat-resistant coating</u>	<u>0.66*</u>	<u>(5.5)*</u>
	i)	<u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii)	<u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>I)</u>	<u>High performance architectural coating</u>	<u>0.74</u> <u>(6.2)</u>	<u>4.56</u> <u>(38.0)</u>
<u>J)</u>	<u>High temperature coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>K)</u>	<u>Metallic coating</u>		
	<u>i) Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	<u>ii) Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
<u>L)</u>	<u>Military specification coating</u>		
	<u>i) Air dried</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
	<u>ii) Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
<u>M)</u>	<u>Mold-seal coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>N)</u>	<u>Pan backing coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>O)</u>	<u>Prefabricated architectural coating: multi-component</u>		
	<u>i) Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	<u>ii) Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
<u>P)</u>	<u>Prefabricated architectural coating: one-component</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
Q)	<u>Pretreatment coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
R)	<u>Repair coats and touch-up coatings</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.01)</u>	
S)	<u>Silicone release coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
T)	<u>Solar-absorbent coating</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
U)	<u>Vacuum-metalizing coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
V)	<u>Drum coating, new, exterior</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
W)	<u>Drum coating, new, interior</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
X)	<u>Drum coating, reconditioned,</u>	<u>0.42</u>	<u>0.80</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	<u>exterior</u>	<u>(3.5)</u>	<u>(6.67)</u>
Y)	<u>Drum coating, reconditioned,</u> <u>interior</u>	<u>0.50</u> <u>(4.2)</u>	<u>1.17</u> <u>(9.78)</u>
Z)	<u>Steel pail and drum interior coating</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
AA)	<u>Marine engine coating</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked: primer/topcoat</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	iii) <u>Baked: corrosion resistant</u> <u>basecoat</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
	iv) <u>Clear coating</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
BB)	<u>Ammunition Sealants</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
CC)	<u>Electrical switchgear compartment</u> <u>coatings</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
DD)	<u>All other coatings</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

i)	<u>Air dried</u>	<u>0.40</u> <u>(3.3)</u>	<u>0.73</u> <u>(5.98)</u>
ii)	<u>Baked</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>

- 2) Plastic Parts and Products: Miscellaneous. For purposes of this subsection (q)(2), miscellaneous plastic parts and products are plastic parts and products that are not subject to subsection (q)(3), (q)(4), (q)(5), or (q)(6) of this Section. The limitations in subsection (q)(2) shall not apply to touch-up and repair coatings; stencil coats applied on clear or transparent substrates; clear or translucent coatings; coatings applied at a paint manufacturing facility while conducting performance tests on the coatings; any individual coating category used in volumes less than 189.2 liters (50 gallons) in any one calendar year, if the total usage of all such coatings does not exceed 756.9 liters (200 gallons) per calendar year per source and substitute compliant coatings are not available; reflective coatings applied to highway cones; mask coatings that are less than 0.5 mm thick (dried) if the area coated is less than 25 square inches; electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices if the total usage of all such coatings does not exceed 378.4 liters (100 gallons) per calendar year per source. The limitations in Section 218.219, however, shall apply to such coatings unless specifically excluded in Section 218.219.

		<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>
A)	<u>General one component coating</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
B)	<u>General multi-component</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
C)	<u>Electric dissipating coatings and shock-free coatings</u>	<u>0.80</u> <u>(6.7)</u>	<u>8.96</u> <u>(74.7)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D)	<u>Extreme performance (2-pack coatings)</u>	<u>0.42 (3.5)</u>	<u>0.80 (6.67)</u>
E)	<u>Metallic coating</u>	<u>0.42 (3.5)</u>	<u>0.80 (6.67)</u>
F)	<u>Military specification coating</u>		
	i) <u>1-pack coatings</u>	<u>0.28 (2.3)</u>	<u>0.54 (4.52)</u>
	ii) <u>2-pack coatings</u>	<u>0.42 (3.5)</u>	<u>0.80 (6.67)</u>
G)	<u>Mold-seal coating</u>	<u>0.76 (6.3)</u>	<u>5.24 (43.7)</u>
H)	<u>Multi-colored coating</u>	<u>0.68 (5.7)</u>	<u>3.04 (25.3)</u>
I)	<u>Optical coating</u>	<u>0.80 (6.7)</u>	<u>8.96 (74.7)</u>
J)	<u>Vacuum-metalizing coating</u>	<u>0.80 (6.7)</u>	<u>8.96 (74.7)</u>
3)	<u>Plastic Parts and Products: Automotive/Transportation</u>		
		<u>kg/l (lb/gal) coatings</u>	<u>kg/l (lb/gal) solids</u>
A)	<u>High bake coatings – interior and exterior parts</u>		
	i) <u>Flexible primer</u>	<u>0.54 (4.5)</u>	<u>1.39 (11.58)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	ii) <u>Non-flexible primer</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	iii) <u>Basecoats</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
	iv) <u>Clear coat</u>	<u>0.48</u> <u>(4.0)</u>	<u>1.05</u> <u>(8.76)</u>
	v) <u>Non-basecoat/clear coat</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
B)	<u>Low bake/air dried coatings – exterior parts</u>		
	i) <u>Primers</u>	<u>0.58</u> <u>(4.8)</u>	<u>1.66</u> <u>(13.80)</u>
	ii) <u>Basecoat</u>	<u>0.60</u> <u>(5.0)</u>	<u>1.87</u> <u>(15.59)</u>
	iii) <u>Clear coats</u>	<u>0.54</u> <u>(4.5)</u>	<u>1.39</u> <u>(11.58)</u>
	iv) <u>Non-basecoat/clear coat</u>	<u>0.60</u> <u>(5.0)</u>	<u>1.87</u> <u>(15.59)</u>
C)	<u>Low bake/air dried coatings – interior parts</u>		
	i) <u>Color coat</u>	<u>0.38</u> <u>(3.2)</u>	<u>0.67</u> <u>(5.66)</u>
	ii) <u>Primer</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
D)	<u>Touchup and repair coatings</u>	<u>0.62</u> <u>(5.2)</u>	<u>2.13</u> <u>(17.72)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

E)	<u>Specialty</u>		
	i) <u>Vacuum metallizing basecoats, texture basecoats</u>	<u>0.66</u> <u>(5.5)</u>	<u>2.62</u> <u>(21.8)</u>
	ii) <u>Reflective argent coatings, air bag cover coatings, and soft coatings</u>	<u>0.71</u> <u>(5.9)</u>	<u>3.64</u> <u>(29.7)</u>
	iii) <u>Gloss reducers, vacuum metallizing topcoats, and texture topcoats</u>	<u>0.77</u> <u>(6.4)</u>	<u>6.06</u> <u>(49.1)</u>
	iv) <u>Stencil coats, adhesion primers, ink pad coatings, electrostatic prep coats, and resist coats</u>	<u>0.82</u> <u>(6.8)</u>	<u>(11.67)</u> <u>(89.4)</u>
	v) <u>Head lamp lens coating</u>	<u>0.89</u> <u>(7.4)</u>	
F)	<u>Red, yellow, and black coatings: Subject coating lines shall comply with a limit determined by multiplying the appropriate limit in subsections (q)(3)(A) through (q)(3)(E) of this Section by 1.15.</u>		
4)	<u>Plastic Parts and Products: Business Machine. The limitations of this subsection (q)(4) shall not apply to vacuum metallizing coatings, gloss reducers, texture topcoats, adhesion primers, electrostatic preparation coatings, stencil coats, and resist coats other than plating resist coats. The limitations in Section 218.219, however, shall apply to such coatings unless specifically excluded in Section 218.219.</u>		
		<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>
A)	<u>Primers</u>	<u>0.14</u>	<u>0.17</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		<u>(1.2)</u>	<u>(1.4)</u>
B)	<u>Topcoat</u>	<u>0.35</u> <u>(2.9)</u>	<u>0.57</u> <u>(4.80)</u>
C)	<u>Color coat (texture coat)</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(4.80)</u>
D)	<u>Color coat (non-texture coat)</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(4.80)</u>
E)	<u>Texture coats other than color texture coats</u>	<u>0.35</u> <u>(2.9)</u>	<u>0.57</u> <u>(4.80)</u>
F)	<u>EMI/RFI shielding coatings</u>	<u>0.48</u> <u>(4.0)</u>	<u>1.05</u> <u>(8.76)</u>
G)	<u>Fog coat</u>	<u>0.26</u> <u>(2.2)</u>	<u>0.38</u> <u>(3.14)</u>
H)	<u>Touchup and repair</u>	<u>0.35</u> <u>(2.9)</u>	<u>0.57</u> <u>(4.80)</u>
I)	<u>Specialty coatings</u>		
	i) <u>Soft coat</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
	ii) <u>Plating resist</u>	<u>0.71</u> <u>(5.9)</u>	<u>3.64</u> <u>(29.7)</u>
	iii) <u>Plating sensitizer</u>	<u>0.85</u> <u>(7.1)</u>	<u>(23.4)</u> <u>(201.0)</u>
5)	<u>Pleasure Craft Surface Coatings</u>		
		<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A)	<u>Extreme high gloss coating – topcoat</u>	<u>0.49</u> <u>(4.1)</u>	<u>1.10</u> <u>(9.2)</u>
B)	<u>High gloss coating – topcoat</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
C)	<u>Pretreatment wash primer</u>	<u>0.78</u> <u>(6.5)</u>	<u>6.67</u> <u>(55.6)</u>
D)	<u>Finish primer/surfacer</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
E)	<u>High build primer/surfacer</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.55</u> <u>(4.6)</u>
F)	<u>Aluminum substrate antifoulant coating</u>	<u>0.56</u> <u>(4.7)</u>	<u>1.53</u> <u>(12.8)</u>
G)	<u>Other substrate antifoulant coating</u>	<u>0.33</u> <u>(2.8)</u>	<u>0.53</u> <u>(4.4)</u>
H)	<u>All other pleasure craft surface coatings for metal or plastic</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
6)	<u>Motor Vehicle Materials</u>		
		<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	
A)	<u>Cavity wax</u>	<u>0.65</u> <u>(5.42)</u>	
B)	<u>Sealer</u>	<u>0.65</u> <u>(5.42)</u>	
C)	<u>Deadener</u>	<u>0.65</u> <u>(5.42)</u>	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>D)</u>	<u>Gasket/gasket sealing material</u>	<u>0.20</u> <u>(1.67)</u>
<u>E)</u>	<u>Underbody coating</u>	<u>0.65</u> <u>(5.42)</u>
<u>F)</u>	<u>Trunk interior coating</u>	<u>0.65</u> <u>(5.42)</u>
<u>G)</u>	<u>Bedliner</u>	<u>0.20</u> <u>(1.67)</u>
<u>H)</u>	<u>Lubricating wax/compound</u>	<u>0.70</u> <u>(5.84)</u>

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.205 Daily-Weighted Average Limitations

No owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of this Section shall operate the subject coating line unless the owner or operator has demonstrated compliance with subsection (a), (b), (c), (d), (e), (f), (g), (h), (i), ~~(j), or (k)~~ of this Section (depending upon the category of coating) through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(d) of this Subpart:

- a) No owner or operator of a coating line subject to only one of the limitations from among Section 218.204(a)(1)(~~A~~), (a)(1)(~~D~~)(~~4~~), (a)(2)(~~A~~), (a)(2)(~~E~~), (a)(2)(~~F~~), (c)(1), (d), (e), (f), (i), ~~or (p)~~, ~~or, prior to May 1, 2011, (e)~~ of this Subpart shall apply coatings on any such coating line, during any day, whose daily-weighted average VOM content exceeds the emission limitation to which the coatings are subject.
- b) ~~Prior to May 1, 2012, no~~ owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 218.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(j) during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(j) of this Subpart, during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- c) No owner or operator of a can coating line subject to the limitations of Section 218.204(b) of this Subpart shall operate the subject coating line using a coating with a VOM content in excess of the limitations specified in Section 218.204(b) of this Subpart unless all of the following requirements are met:
- 1) An alternative daily emission limitation shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, according to subsection (c)(2) of this Section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

$$E_d = \sum_{i=1}^n V_i C_i$$

where:

E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of coatings applied in the can coating operation, i.e., all can coating lines at the source;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

V_i = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

- 2) The alternative daily emission limitation (A_d) shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, on a daily basis as follows:

$$A_d = \sum_{i=1}^n V_i L_i \left(\frac{D_i - C_i}{D_i - L_i} \right)$$

where:

A_d = The VOM emissions allowed for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of surface coatings applied in the can coating operation;

C_i = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

D_i = The density of VOM in each coating applied. For the purposes of calculating A_d , the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);

V_i = Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

L_i = The VOM emission limitation for each surface coating applied as specified in Section 218.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

- d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 218.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used: or
 - 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- e) No owner or operator of a wood furniture coating line subject to the limitations of Section 218.204(l)(1) or (l)(3) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or subsection (e)(2) of this Section, in addition to the requirements specified in the note to Section 218.204(l)(1) of this Subpart, are met.
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(l)(1) or (l)(3) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- f) No owner or operator of an existing diesel-electric locomotive coating line in Cook County, subject to the limitations of Section 218.204(m) of this Subpart shall apply coatings to diesel-electric locomotives on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(m) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.
- g) Prior to May 1, 2012, no~~No~~ owner or operator of a plastic parts coating line, subject to the limitations of Section 218.204(n) or (o) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met:
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(n) or (o) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.
- h) No owner or operator of a metal furniture coating line, subject to the limitations of Section 218.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met:
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.
- i) No owner or operator of a large appliance coating line, subject to the limitations of Section 218.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (i)(1) or (i)(2) of this Section are met:
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(h) of this Subpart,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- j) On and after May 1, 2011, no owner or operator of a paper coating line subject to the limitations of Section 218.204(c) of this Subpart shall apply coatings on the subject coating line unless the requirements in subsection (j)(1) or (j)(2) of this Section are met:
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(c) during the same day (e.g., all coatings used on the line are subject to 0.40 kg/kg solids (0.08 kg/kg coatings)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 218.204(c) during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- k) On and after May 1, 2012, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts or products coating line, pleasure craft surface coating line, or motor vehicle materials coating line subject to the limitations of Section 218.204(q) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (k)(1) or (k)(2) of this Section are met:
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(q) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 218.204(q) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.207 Alternative Emission Limitations

- a) Any owner or operator of a coating line subject to Section 218.204 of this Subpart, except coating lines subject to Section 218.204(q)(6), may comply with this Section, rather than with Section 218.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), ~~or (m)~~, or (n) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 218.105 of this Part and the recordkeeping and reporting requirements specified in Section 218.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 218.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), ~~or (m)~~, or (n) of this Section may be used as an alternative to compliance with Section 218.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. The owner or operator of a pleasure craft surface coating operation subject to Section 218.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (o) of this Section, rather than with Section 218.204 of this Subpart.
- b) Alternative Add-On Control Methodologies
- 1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 218.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:
- A) Obtain the emission limitation from the appropriate subsection in Section 218.204 of this Subpart;
 - B) Unless complying with an emission limitation in Section 218.204 that is already expressed in terms of weight of VOM per volume of solids, calculate Calculate "S" according to the equation in Section 218.206 of this Subpart;
 - C) Calculate the overall efficiency required according to Section 218.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 218.105(e)(2) of this Part, VOM_1 is equal to the value of "S" as determined in subsection (b)(2)(B) of this Section. If the coating line is complying with an emission limitation in Section 218.204 of this Subpart that is already expressed in terms of weight of VOM per volume of solids, VOM_1 is equal to that emission limitation.
- c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 218.204(a)(1)(A), (a)(1)(D)(4), (a)(2)(A), (a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), ~~or (i), or, prior to May 1, 2011, (e)~~ of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 218.204(a)(1)(B), ~~(2)~~ or (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(3) of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 218.105(b)(1)(A) or (b)(1)(B), as applicable.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- e) No owner or operator of a heavy off-highway vehicle products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- f) No owner or operator of an existing diesel-electric locomotive coating line in Cook County that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(m) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- g) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 218.204(l) of this Subpart must also be met.
- h) No owner or operator of a can coating line that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (h)(1) or (h)(2) of this Section are met.
- 1) An alternative daily emission limitation shall be determined for the can

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating operation, i.e., for all of the can coating lines at the source, according to Section 218.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

$$E_d = \sum_{i=1}^n V_i C_i (1 - F_i)$$

where:

- E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);
 - i = Subscript denoting the specific coating applied;
 - n = Total number of surface coatings as applied in the can coating operation;
 - V_i = Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
 - C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and
 - F_i = Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture system and control device.
- 2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.
- i) No owner or operator of a plastic parts coating line, that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart (e.g., all

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

- j) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- k) Prior to May 1, 2011, no owner or operator of a large appliance coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- l) On and after May 1, 2011, no owner or operator of a paper coating line, metal furniture coating line, or large appliance coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator complies with the applicable limitation set forth in Section 218.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.
- m) No owner or operator of a flat wood paneling coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
 - 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) The owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.
- n) On and after May 1, 2012, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts and products coating line, or pleasure craft surface coating line that is equipped with a capture system and control device shall operate the subject coating line unless:
- 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator of the coating line complies with all requirements set forth in subsection (b)(2) of this Section.
- o) Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations. The owner or operator of a source with coating operations subject to the requirements of Section 218.204(q)(5)(A) through (G) may elect to include such operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative, and coating operations subject to Section 218.204(q)(5)(H), shall comply with the requirements in Section 218.204(q)(5) or 218.205, or subsection (n) of this Section, as applicable, as well as with all other applicable requirements in this Subpart.
- 1) The total actual VOM emissions determined by Equation 2 shall be equal to or less than the total allowable VOM emissions determined by Equation 1. The owner or operator of a source subject to this subsection (o) shall use Equation 1 to determine the total allowable source-specific VOM mass emission limit for pleasure craft coatings included in the emissions average:

Equation 1:

$$VOM_{Allowable} = \sum_{i=A}^G LIM_i V_i$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

$VOM_{\text{Allowable}}$ \equiv Total allowable mass of VOM that can be emitted from the pleasure craft coating operations included in the average, expressed in kilograms per 12-month period.

LIM_i \equiv The applicable VOM content limit for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i \equiv Volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i \equiv Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (o) shall use Equation 2 to calculate the total actual VOM emissions from the pleasure craft coating operations included in the emissions average.

Equation 2:

$$VOM_{\text{Actual}} = \sum_{i=A}^G VOM_i V_i$$

where:

VOM_{Actual} \equiv VOM emissions calculated using the VOM content for all coatings from Section 218.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

VOM_i \equiv Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i \equiv Total volume of specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i \equiv Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).

- 3) For purposes of Equation 2, the owner or operator of a source subject to this subsection (o) shall use Equation 3 to calculate the weighted average VOM content for each coating included in the emissions average for the previous 12 months.

Equation 3:

$$VOM_i = \frac{\sum_{j=i}^n VOM_j V_j}{\sum_{j=i}^n V_j}$$

where:

VOM_i \equiv Weighted average of actual VOM content for a specified pleasure craft coating category from Section 218.204(q)(5)(A) through (G), expressed in kilograms per liter.

VOM_j \equiv VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i.

V_j \equiv Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i ≡ Subscript denoting a specific pleasure craft coating category from Section 218.204(q)(5)(A) through (G).
- j ≡ Subscript denoting a specific pleasure craft coating within a specified coating category, i.
- n ≡ Number of coatings applied within a specific coating category, i.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.208 Exemptions from Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 218.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (~~15 lbs/day~~) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 218.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Prior to May 1, 2012, volatile~~Volatile~~ organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. On and after May 1, 2012, VOM emissions from heavy off-highway vehicle products coating lines shall be combined with VOM emissions from miscellaneous metal parts and products coating lines and plastic parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (~~15 lbs/day~~) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 218.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 218.204 of this Subpart the coating lines are always subject to the limitations in Section 218.204 of this Subpart.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Applicability for wood furniture coating
- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, or BB of this Part, which as a group both:
 - A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used; and
 - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.
 - 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and ~~that~~which:
 - A) Are not regulated by Subparts B, E, F (excluding Section 218.204(l) of this Subpart), H, Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part; and
 - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
 - 3) If a source ceases to fulfill the criteria of subsection (b)(1) or (b)(2) of this Section, the limitations of Section 218.204(l) of this Subpart shall continue

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

to apply to any wood furniture coating line which was ever subject to the limitations of Section 218.204(l) of this Subpart.

- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
 - 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by ~~Sections~~ ~~subsections~~ 218.204(b), (d), (f), (g), ~~and (i), (j), (n) and (o)~~ of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (~~{55 gal/yr}~~) for any rolling ~~12~~ ~~twelve~~ month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (~~ed~~) of this Section.
- d) Prior to May 1, 2012, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 218.204(j), (n), and (o) of this Subpart, provided that the source-wide volume of the coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.
- ~~ed~~) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 218.204(b), (d), (f), (g), (i), (j), (n) and (o) of this Subpart because of the provisions of ~~subsection~~ ~~Section~~ 218.208(c) ~~or (d)~~ of this ~~section~~ ~~Subpart~~ shall:
- 1) Collect and record the name, identification number, and volume used of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;

- 2) Perform calculations on a daily basis, and maintain at the source records of such calculations, of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
- 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations, of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling ~~12~~twelve month period;
- 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections ~~(ed)~~(1) and ~~(ed)~~(2) of this Section on or before January 31 of the following year;
- 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection ~~(e)~~ and make such records available to the Agency upon request;
- 6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling ~~12~~twelve month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and
- 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 218.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 218.204 of this Subpart) shall comply with the requirements of Section 218.204, 218.205, 218.207 or 218.208 and Section 218.211 or Sections 218.212 and 218.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e), (f), (g), ~~or~~ or ~~(h)~~ (i) of this Section:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) No owner or operator of a coating line that is exempt from the limitations of Section 218.204 of this Subpart because of the criteria in Section 218.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.211(b) of this Subpart.
- b) No owner or operator of a coating line complying by means of Section 218.204 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.204 and 218.211(c) of this Subpart.
- c) No owner or operator of a coating line complying by means of Section 218.205 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.205 and 218.211(d) of this Subpart.
- d) No owner or operator of a coating line complying by means of Section 218.207 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.207 and 218.211(e) of this Subpart.
- e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.204, 218.205 or 218.207 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 218.204, or the alternative control options in Section 218.205 or 218.207 and the requirements of Section 218.211.
- f) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 218.212 and 218.213 of this Subpart.
- g) No owner or operator of a coating line subject to the emission limitations in Section 218.204(c)(2), (g)(2), or (h)(2) of this Subpart shall operate that coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

line on or after a date consistent with Section 218.106(fe) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.204(c)(2), (g)(2), or (h)(2), as applicable, or the alternative control options in Section 218.205 or 218.207, and all applicable requirements in Sections 218.211 and 218.218 of this Subpart.

- h) No owner or operator of a coating line subject to the emission limitations contained in Section 218.204 (p) of this Subpart shall operate that coating line on or after a date consistent with Section 218.106(fe) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.204(p) or the alternative control options in Section 218.205 or 218.207, and the requirements of Sections 218.211 and 218.217 of this Subpart, as applicable.

- i) No owner or operator of a coating line subject to the emission limitations in Section 218.204(a)(2) or (q) of this Subpart, or subject to the limitations in Section 218.219 of this Subpart, shall operate the coating line on or after a date consistent with Section 218.106(g) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 218.204(a)(2) or (q), if applicable, or the alternative control options in Section 218.205 or 218.207, and all applicable requirements in Sections 218.211 and 218.219 of this Subpart.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.211 Recordkeeping and Reporting

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line that is exempted from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) or (b) of this Subpart shall comply with the following:
- 1) For sources exempt under Section 218.208(a) of this Subpart, by a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 218.208(a) of this Subpart.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Such certification shall include:

- A) A declaration that the coating line or group of coating lines is exempt from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart; and
- B) Calculations that demonstrate that the combined VOM emissions from the coating lines or group of coating lines never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$T_e = \sum_{j=1}^m \sum_{i=1}^n (A_i B_i)_j$$

where:

- T_e = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);
- m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 218.104 of this Part (because they belong to the same category, e.g., can coating);
- j = Subscript denoting an individual coating line;
- n = Number of different coatings as applied each day on each coating line;
- i = Subscript denoting an individual coating;
- A_i = Weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and
- B_i = Volume of each coating (minus water and any compounds that are specifically exempted from the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.

- 2) For sources exempt under Section 218.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 218.208(b) of this Subpart. Such certification shall include:
 - A) A declaration that the source is exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart; and
 - B) Calculations ~~that~~which demonstrate that the source meets the criteria for exemption because of Section 218.208(b) of this Subpart.
- 3) For sources exempt under Section 218.208(a) of this Subpart, on and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds ~~that~~which are specifically exempted from the definition of VOM) as applied each day on each coating line.
- 4) For sources exempt under Section 218.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

of the following information for each coating line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.
- 5) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.
- 6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 218.204(l) of this Subpart because of Section 218.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 218.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.
- c) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart other than Section 218.204(a)(1)(B), ~~(2)~~ or (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)~~(3)~~ of this Subpart and complying by means of Section 218.204 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 218.205, Section 218.207, Section 218.215, or Section 218.216 of this Subpart to Section 218.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.106 of this Part, or on and after the initial start-up date. The certification shall include:

- A) The name and identification number of each coating as applied on each coating line;
- B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;
- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;
- D) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line;
- E) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line; ~~and~~
- F) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line; ~~and~~
- G) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, and the solids turnover ratio of the EDP operation, with supporting calculations;
- H) For coating lines subject to the limitations of Section 218.204(a)(2)(E), the weight of VOM per volume of each coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

as applied each day on each coating line, calculated on an occurrence weighted average basis;

D) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day, unless otherwise specified, for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line;
 - B) The weight of VOM per volume of each coating (minus water and any compounds ~~that~~ which are specifically exempted from the definition of VOM) as applied each day on each coating line;
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;
 - D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitations of Section 218.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;
 - E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- F) For coating lines subject to the limitations of Section 218.204(g)(2) or 218.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating; ~~and~~
- G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line; ~~and~~
- H) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, certified product data sheets for each coating, and the solid turnover ratio for the EDP operation, calculated on a calendar monthly basis, with supporting calculations;
- I) For coating lines subject to the limitations of Section 218.204(a)(2)(E), the weight of VOM per volume of each coating as applied each day on each coating line, calculated on an occurrence weighted average basis, and certified product data sheets for each coating;
- J) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line, and certified product data sheets for each coating.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 218.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart to Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.205 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1)~~, or (e)(1)~~, or (i)(1) of this Section, as applicable~~respectively~~. Upon changing the method of compliance from Section 218.204 of this Subpart to Section 218.205 of this Subpart or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)~~, or (e)~~, or (i) of this Section, as applicable~~respectively~~.

- d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of Section 218.205 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 218.204 or Section 218.207 of this Subpart to Section 218.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.205 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating line which will comply by means of Section 218.205 of this Subpart.
 - B) The name and identification number of each coating as applied on each coating line.
 - C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
- ~~F~~E) For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.
- ~~G~~F) For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- ~~H~~G) For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.
- I) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- JH) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
- KI) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
- LJ) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The name and identification number of each coating as applied on each coating line.
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds ~~that~~**which** are specifically exempted from the definition of VOM) as applied each day on each coating line.
- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
- D) For coating lines subject to the limitations of Section 218.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
- ~~E)~~ For coating lines subject to the limitations of Section 218.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.
- ~~F)~~ For coating lines subject to the limitations of Section 218.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- ~~G)~~ For coating lines subject to the limitations of Section 218.204(p) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.
- H) For coating lines subject to the limitations of Section 218.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- I) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 218.104 of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Part.

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
 - A) Any record showing violation of Section 218.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1), ~~(e)(1)~~, or (i)(1) of this Section, as applicable respectively. Upon changing the method of compliance with this ~~Subpart~~ subpart from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c), ~~(e)~~, or (i) of this Section, as applicable respectively.
- e) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart and complying by means of Section 218.207(c), (d), (e), (f), (g), (h), (l), ~~(m)~~, or (n) of this Subpart shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 218.204 or Section 218.205 of this Subpart to Section 218.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.
 - 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

three years:

- A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 218.207(b)(2) of this Subpart.
 - B) Control device monitoring data.
 - C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
 - D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 218.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this ~~Subpart~~ subpart from Section 218.207 of this Subpart to Section 218.204 or Section 218.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
- f) Any owner or operator of a primer surfacer operation or topcoat operation, or combined primer surfacer and topcoat operation, subject to the limitations of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(2) ~~or (a)(3)~~ of this Subpart shall comply with the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating operation ~~that~~which will comply by means of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(2) ~~and (a)(3)~~ of this Subpart and the name and identification number of each coating line in each coating operation.
 - B) The name and identification number of each coating as applied on each coating line in the coating operation.
 - C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) The transfer efficiency and control efficiency measured for each coating line.
 - E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
 - F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.
 - H) An example format for presenting the records required in subsection (f)(2) of this Section.
- 2) On and after a date consistent with Section 218.106 of this Part, or on and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each operation and maintain the information at the source for a period of three years:

- A) All information necessary to calculate the daily-weighted average VOM emissions from the coating operations in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 218.204(a)(1)(B), ~~(2)~~ ~~or (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)~~~~(3)~~ of this Subpart including:
- i) The name and identification number of each coating as applied on each coating operation.
 - ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
- B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 218.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)~~(a)(2) or (a)(3)~~ of this Subpart within 10 days from the end of the month and maintain this information at the source for a period of three years.
- 4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

following instances:

- A) Any record showing a violation of Section 218.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)~~(a)(2) or (a)(3)~~ of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.
- B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.
- g) On and after a date consistent with Section 218.106(e) of this Part, or on and after the initial startup date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.218 of this Subpart shall comply with the following:
- 1) By May 1, 2011, or upon initial startup, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.218 of this Subpart;
 - 2) Notify the Agency of any violation of Section 218.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- h) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 218.219 of this Subpart shall comply with the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes:
 - A) A description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.219 of this Subpart;
 - B) For sources subject to Section 218.219(a)(6), the work practices plan specified in that Section;
 - C) For sources subject to Section 218.219(b)(6), the application methods used to apply coatings on the subject coating line;
 - 2) Notify the Agency of any violation of Section 218.219 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- ih)** On and after a date consistent with Section 218.106(~~fe~~) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 218.217 of this Subpart shall comply with the following:
- 1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 218.217(c) and (d) of this Subpart; and
 - 2) Notify the Agency of any violation of Section 218.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 218.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 218.207(o) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating operation from Section 218.204, 218.205, or 218.207(n) of this Subpart to Section 218.207(o) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207(o) on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.
 - 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft coating operation shall:
 - A) Collect and record the following information each month:
 - i) The amount of each pleasure craft surface coating used in each subject coating operation;
 - ii) The VOM content of each pleasure craft surface coating used in each subject coating operation;
 - iii) Total monthly VOM emissions for all subject pleasure craft surface coating operations;
 - B) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:
 - i) The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;
- C) Notify the Agency in writing of any violation of the requirements of Section 218.207(o) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
- D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207(o) to Section 218.204, 218.205, or 218.207(n). Upon changing the method of compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable;
- E) Maintain at the source all records required by this subsection (j) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.212 Cross-Line Averaging to Establish Compliance for Coating Lines

- a) On and after March 15, 1996, any owner or operator of a coating line subject to the limitations set forth in Section 218.204 of this Subpart, except coating lines subject to the limitations in Section 218.204(a)(2), (c)(2), (g)(2), (h)(2), ~~or (p)~~, or (q) of this Subpart, and with coating lines in operation prior to January 1, 1991 ("pre-existing coating lines"), may, for pre-existing coating lines only, elect to comply with the requirements of this Section, rather than complying with the applicable emission limitations set forth in Section 218.204, if an operational change of the type described below has been made after January 1, 1991, to one or more pre-existing coating lines at the source. An operational change occurs when a pre-existing coating line is replaced with a line using lower VOM coating for the same purpose as the replaced line ("replacement line"). A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) An owner or operator of pre-existing coating lines subject to a VOM content limitation in Section 218.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish, by use of the equations in subsection (d) of this Section, that the calculated actual daily VOM emissions from all participating coating lines, as defined [in this subsection below](#), are less than the calculated daily allowable VOM emissions from the same group of coating lines. For any pre-existing coating line to be aggregated for the purposes of Section 218.212, 218.213, or 218.214 of this Subpart ("participating coating lines"), the source must establish that:
- 1) All coatings applied on the participating coating line shall, at all times, have a VOM content less than or equal to the applicable VOM content limitation for such coating listed in Appendix H of this Part; and
 - 2) On the date the source elects to rely on this Section to demonstrate compliance with this Subpart, all coatings applied on the participating coating line are not already in compliance with the VOM content limitation for such coating effective on or after March 15, 1996; or the participating coating line is a replacement line, as defined in subsection (a) of this Section with an operational change occurring on or after January 1, 1991.
- c) Notwithstanding subsection (a) of this Section, any owner or operator of a coating line subject to the limitations set forth in Section 218.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart, may also include as a participating coating line, until December 31, 1999, only, any replacement line that satisfies all of the following conditions:
- 1) The replacement line is operated as a powder coating line;
 - 2) The replacement line was added after July 1, 1988; and
 - 3) The owner or operator also includes as a participating coating line one or more coating lines that satisfy the criteria of a replacement line, as described in subsection (a) of this Section.
- d) To demonstrate compliance with this Section, a source shall establish the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) An alternative daily emission limitation shall be determined for all participating coating lines at the source according to subsection (d)(2) of this Section. All participating coating lines shall be factored in each day to demonstrate compliance. Provided compliance is established pursuant to the requirements in this subsection, nothing in this Section requires daily operation of each participating line. Actual daily emissions from all participating coating lines (E_d) shall never exceed the alternative daily emission limitation (A_d) and shall be calculated by use of the following equation:

$$E_d = \sum_{i=1}^n V_i C_i$$

where:

E_d = Actual daily VOM emissions from participating coating lines in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of coatings applied by all participating coating lines at the source;

V_i = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and

C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

- 2) The alternative daily emission limitation (A_d) shall be determined for all participating coating lines at the source on a daily basis as follows:

$$A_d = A_i + A_p$$

where A_i and A_p are defined in subsections (d)(2)(A) and (d)(2)(B) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The portion of the alternative daily emissions limitation for coating operations at a source using non-powder coating (A_1) shall be determined for all such participating non-powder coating lines on a daily basis as follows:

$$A_i = \sum_{i=1}^n V_i L_i \left(\frac{D_i - C_i}{D_i - L_i} \right)$$

where:

- A_i = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- i = Subscript denoting a specific coating applied;
- n = Total number of coatings applied in the participating coating lines;
- C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
- D_i = The density of VOM in each coating applied. For the purposes of calculating A_1 , the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- V_i = Volume of each coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and
- L_i = The VOM emission limitation for each coating applied, as specified in Section 218.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).
- B) The portion of the alternative daily emission limitation for coating operations at a source using powdered coating (A_p) shall be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

determined for all such participating powder coating lines at the source on a daily basis as follows:

$$A_p = \sum_{h=1}^m \sum_{j=1}^n \frac{V_j L_j D_j K_h}{(D_j - L_j)}$$

where:

- A_p = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- h = Subscript denoting a specific powder coating line;
- j = Subscript denoting a specific powder coating applied;
- m = Total number of participating powder coating lines;
- n = Total number of powder coatings applied in the participating coating lines;
- D_j = The assumed density of VOM in liquid coating, 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- V_j = Volume of each powder coating consumed for the day in units of l (gal) of coating;
- L_j = The VOM emission limitation for each coating applied, as specified in Section 218.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and
- K = A constant for each individual coating line representing the ratio of the volume of coating solids consumed on the liquid coating system that has been replaced to the volume of powder coating consumed on the replacement line to accomplish the same coating job. This value shall be determined by the source based on tests conducted and records maintained pursuant to the requirements of Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

218.213 of this Subpart demonstrating the amount of coating solids consumed as both liquid powder. Test methods and recordkeeping requirements shall be approved by the Agency and USEPA and shall be contained in the source's operating permit as federally enforceable permit conditions, subject to the following restrictions:

- i) K cannot exceed 0.9 for non-recycled powder coating systems; or
- ii) K cannot exceed 2.0 for recycled powder coating systems.

(Source: Amended at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

- a) Every owner or operator of a coating line subject to the requirements of Section 218.204(a)(2) of this Subpart shall:
 - 1) Store all VOM-containing coatings, thinners, coating-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing those materials;
 - 3) Minimize spills of VOM-containing coatings, thinners, and coating-related waste materials;
 - 4) Convey VOM-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes;
 - 5) Minimize VOM emissions from cleaning of storage, mixing, and conveying equipment;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 6) Develop and implement a work practice plan to minimize VOM emissions from cleaning and from purging of equipment associated with coating lines subject to the limitations in Section 218.204(a)(2). The plan shall specify practices and procedures that the source will follow to ensure that VOM emissions from the operations listed in this subsection (a)(6) are minimized. If the owner or operator of the subject coating line has already implemented a work practice plan for the coating line pursuant to Subpart III of 40 CFR 63, incorporated by reference in Section 218.112 of this Part, the owner or operator may revise the plan as necessary to comply with this Section.
- A) Vehicle body wiping;
 - B) Coating line purging;
 - C) Flushing of coating systems;
 - D) Cleaning of spray booth grates, walls, and equipment; and
 - F) Cleaning of external spray booth areas.
- b) Except as provided in subsection (c) of this Section, every owner or operator of a coating line described in Section 218.204(q) of this Subpart shall:
- 1) Store all VOM-containing coatings, thinners, coating-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing coatings, thinners, coating-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing these materials;
 - 3) Minimize spills of VOM-containing coatings, thinners, coating-related waste materials, and cleaning materials;
 - 4) Convey VOM-containing coatings, thinners, coating-related waste materials, and cleaning materials from one location to another in closed containers or pipes;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) Minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers; and
- 6) Apply all coatings using one or more of the following application methods:
 - A) Electrostatic spray;
 - B) High volume low pressure (HVLP) spray;
 - C) Flow coating. For the purposes of this subsection (b)(6)(C), flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;
 - D) Roll coating;
 - E) Dip coating, including electrodeposition. For purposes of this subsection (b)(6)(E), electrodeposition means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;
 - F) Airless spray;
 - G) Air-assisted airless spray; or
 - H) Another coating application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.
- c) Notwithstanding subsection (b) of this Section, the application method limitations in subsection (b)(6) shall not apply to the following:
 - 1) Coating lines complying with Section 218.207(n)(1);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) For metal parts and products coating operations: touch-up coatings, repair coatings, textured finishes, stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating;
- 3) For pleasure craft surface coating operations: extreme high gloss coatings;
- 4) For plastic parts and products coating operations: airbrush operations using 18.9 liters (5 gallons) or less of coating per year;
- 5) For ammunition sealant operations: cap sealants and mouth waterproofing sealants.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALSSection 218.890 Applicability

- a) Except as provided in subsection (b) of this Section, on and after May 1, 2012, the requirements of this Subpart shall apply to the owners or operators of sources that manufacture hulls or decks of boats from fiberglass, or that build molds to make hulls or decks of boats from fiberglass, and that emit 6.8 kg/day (15 lbs/day) or more of VOM, calculated in accordance with Section 218.894(a)(1)(B), from open molding resin and gel coat operations, resin and gel coat mixing operations, and resin and gel coat application equipment cleaning operations, in the absence of air pollution control equipment. If a source is subject to this Subpart based upon such criteria, the limitations of this Subpart shall apply to the manufacture of all fiberglass boat parts at the source.
- b) Notwithstanding subsection (a) of this Section, the requirements of this Subpart shall not apply to the following:
 - 1) Surface coatings applied to fiberglass boats;
 - 2) Industrial adhesives used in the assembly of fiberglass boats. Polyester resin putties used to assemble fiberglass parts shall not be considered industrial adhesives for purposes of this exclusion;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) Closed molding operations.
- c) If a source is or becomes subject to one or more of the limitations in this Subpart, the source is always subject to the applicable provisions of this Subpart.
- d) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 218.894(a) of this Subpart.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.891 Emission Limitations and Control Requirements

- a) Except as provided in subsection (f) of this Section, no owner or operator of a source subject to the requirements of this Subpart shall use a subject resin or gel coat at the source unless the resin and gel coat comply with subsection (b)(1) or (b)(2), (c), or (d) of this Section, as well as with subsections (e), (g), and (h) of this Section. For sources complying pursuant to subsection (b) or (c) of this Section, if the non-monomer VOM content of a resin or gel coat exceeds 5 percent, by weight, the excess non-monomer VOM shall be added to the monomer VOM content of the resin or gel coat in accordance with the equation below:

$$\frac{\text{Weighted Average Monomer VOM Content}}{\text{Content}} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i} + \frac{\sum_{i=1}^n M_i VOM_{nm} - \sum_{i=1}^n 0.05 * M_i}{\sum_{i=1}^n M_i}$$

where:

- M_i = Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams.
- VOM_i = Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

an operation.

i ≡ Subscript denoting a specific open molding resin or gel coat applied.

n ≡ Number of different open molding resins or gel coats used in the past 12 months in an operation.

VOM_{nm} ≡ Non-monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.

b) VOM Content Limitations

1) Except as provided in subsection (e) of this Section, the monomer VOM content of a subject resin or gel coat shall not exceed the following limitations:

	<u>Weighted average monomer VOM content (weight percent)</u>
<u>A) Production resin</u>	
<u>i) Atomized spray</u>	<u>28</u>
<u>ii) Non-atomized</u>	<u>35</u>
<u>B) Pigmented gel coat</u>	<u>33</u>
<u>C) Clear gel coat</u>	<u>48</u>
<u>D) Tooling resin</u>	
<u>i) Atomized</u>	<u>30</u>
<u>ii) Non-atomized</u>	<u>39</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

E) Tooling gel coat 40

- 2) Except as provided in subsection (e) of this Section, the weighted average monomer VOM content of a subject resin or gel coat shall not exceed the applicable limitation set forth in subsection (b)(1) of this Section on a 12-month rolling average basis. Equation 1 below shall be used to determine the weighted average monomer VOM content for resin and gel coat materials.

Equation 1:

$$\frac{\text{Weighted Average Monomer VOM Content}}{\text{Content}} \equiv \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i}$$

where:

M_i \equiv Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams;

VOM_i \equiv Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation;

n \equiv Number of different open molding resins or gel coats used in the past 12 months in an operation.

- c) Emissions Averaging Alternative. The owner or operator of a source subject to the requirements of this Subpart may elect to include some or all of the subject resin and gel coat operations at the source in the emissions averaging alternative. Resin and gel coat operations utilizing the emissions averaging alternative shall comply with a source-specific monomer VOM mass emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. All subject resin and gel coat operations that do not utilize the emissions averaging alternative shall comply with the requirements in subsection (b) or (d) of this Section, as well as with all other applicable requirements in this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The owner or operator of a source subject to this subsection (c) shall use Equation 2 to determine the source-specific monomer VOM mass emission limit for resin and gel coats included in the emissions average:

Equation 2:

$$\frac{\text{Monomer VOM Limit}}{=} \frac{46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})}{}$$

where:

Monomer VOM Limit = Total allowable monomer VOM that can be emitted from the open molding operations included in the average, expressed in kilograms per 12-month period:

M_R = Mass of production resin used in the past 12 months, excluding any materials that are exempt, expressed in megagrams (Mg):

M_{PG} = Mass of pigmented gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg:

M_{CG} = Mass of clear gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg:

M_{TR} = Mass of tooling resin used in the past 12 months, excluding any materials that are exempt, expressed in Mg:

M_{TG} = Mass of tooling gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg.

The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer VOM emission rates for that particular material in units of kg VOM/Mg of material used.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (c) shall use Equation 3 to calculate the monomer VOM emissions from the resin and gel coat operations included in the emissions average to determine whether the emissions exceed the limitation calculated using Equation 2.

Equation 3:

$$\frac{\text{Monomer VOM Emissions}}{=} = \frac{(PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG})}{(PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})}$$

where:

Monomer VOM Emissions = Monomer VOM emissions calculated using the monomer VOM emission equations for each operation included in the average, expressed in kilograms;

PV_R = Weighted-average monomer VOM emission rate for production resin used in the past 12 months, expressed in kg/Mg, calculated in accordance with Equation 4 in subsection (c)(3);

M_R = Mass of production resin used in the past 12 months, expressed in Mg;

PV_{PG} = Weighted-average monomer VOM emission rate for pigmented gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{PG} = Mass of pigmented gel coat used in the past 12 months, expressed in Mg;

PV_{CG} = Weighted-average monomer VOM emission rate for clear gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- M_{CG} \equiv Mass of clear gel coat used in the past 12 months, expressed in Mg;
- PV_{TR} \equiv Weighted-average monomer VOM emission rate for tooling resin used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;
- M_{TR} \equiv Mass of tooling resin used in the past 12 months, expressed in Mg;
- PV_{TG} \equiv Weighted-average monomer VOM emission rate for tooling gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;
- M_{TG} \equiv Mass of tooling gel coat used in the past 12 months, expressed in Mg.

- 3) For purposes of Equation 3, the owner or operator of a source subject to this subsection (c) shall use Equation 4 to calculate the weighted-average monomer VOM emission rate for the previous 12 months for each resin and gel coat operation included in the emissions average, except as provided in subsection (e) of this Section.

Equation 4:

$$PV_{OP} = \frac{\sum_{i=1}^n M_i PV_i}{\sum_{i=1}^n M_i}$$

where:

- PV_{OP} \equiv Weighted-average monomer VOM emission rate for each open molding operation (PV_R , PV_{PG} , PV_{CG} , PV_{TR} , and PV_{TG}) included in the average, expressed in kg of monomer VOM per Mg of material applied;
- M_i \equiv Mass of resin or gel coat (i) used within an operation in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the past 12 months, expressed in Mg;

n ≡ Number of different open molding resins and gel coats used within an operation in the past 12 months;

PV_i ≡ The monomer VOM emission rate for resin or gel coat (i) used within an operation in the past 12 months, expressed in kg of monomer VOM per Mg of material applied. The monomer VOM emission rate formulas in subsection (c)(4) of this Section shall be used to compute PV_i. If a source includes filled resins in the emissions average, the source shall use the value of PV_F, calculated using Equation 5 in subsection (e)(3) of this Section, as the value of PV_i for those resins;

i ≡ Subscript denoting a specific open molding resin or gel coat applied.

4) For purposes of Equation 4 and subsection (e)(3) of this Section, the following monomer VOM emission rate formulas shall apply:

A) Production resin, tooling resin:

i) Atomized: $0.014 \times (\text{Resin VOM}\%)^{2.425}$

ii) Atomized, plus vacuum bagging with roll-out: $0.01185 \times (\text{Resin VOM}\%)^{2.425}$

iii) Atomized, plus vacuum bagging without roll-out: $0.00945 \times (\text{Resin VOM}\%)^{2.425}$

iv) Nonatomized: $0.014 \times (\text{Resin VOM}\%)^{2.275}$

v) Nonatomized, plus vacuum bagging with roll-out: $0.0110 \times (\text{Resin VOM}\%)^{2.275}$

vi) Nonatomized, plus vacuum bagging without roll-out: $0.0076 \times (\text{Resin VOM}\%)^{2.275}$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) $\frac{\text{Pigmented gel coat, clear gel coat, tooling gel coat: } 0.445 \times (\text{Gel Coat VOM}\%)^{1.675}}{\text{Coat VOM}\%}$
- d) Capture System and Control Device Requirements. No owner or operator of a source subject to the requirements of this Subpart that is utilizing a capture system and control device for a subject resin or gel coat operation shall conduct that operation unless the following requirements are satisfied:
- 1) An afterburner or carbon adsorber is installed and operated that meets the limitations set forth in this subsection (d). The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if that device complies with all limitations in this subsection (d), the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device, and the plan is approved by the Agency and USEPA within federally enforceable permit conditions;
 - 2) The VOM emissions at the outlet of the control device meet an emissions limitation determined using Equation 2 in subsection (c)(1) of this Section. In Equation 2, however, instead of using the mass of each material used over the past 12 months to determine the emission limitation, the owner or operator shall use the mass of each material used during the applicable control device performance test;
 - 3) The owner or operator complies with all testing and monitoring requirements set forth in Section 218.892 of this Subpart.
- e) Filled Resins. For all filled production and tooling resins, the owner or operator of a source subject to this Subpart shall adjust the monomer VOM emission rates determined pursuant to subsections (b) and (c) of this Section using Equation 5 in subsection (e)(3). If complying pursuant to subsection (b), the emission rate determined using Equation 5 shall not exceed the limitations set forth in subsections (e)(1) and (e)(2) of this Section. If the non-monomer VOM content of a filled resin exceeds 5 percent, by weight, based on the unfilled resin, the excess non-monomer VOM shall be added to the monomer VOM content in accordance with the equation set forth in subsection (a).
- 1) Tooling Resin: 54 kg (119.1 lbs) monomer VOM/Mg filled resin applied;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2) Production Resin: 46 kg (101.4 lbs) monomer VOM/Mg filled resin applied;

3) Equation 5:

$$PV_F = PV_U \times \frac{100 - \% \text{ Filler}}{100}$$

where:

PV_F = The as-applied monomer VOM emission rate for the filled production resin or tooling resin, expressed in kg monomer VOM per Mg of filled material;

PV_U = The monomer VOM emission rate for the unfilled resin, before filler is added, calculated using the formulas in Section 218.891(b)(4) of this Subpart;

% Filler = The weight-percent of filler in the as-applied filled resin system.

f) The limitations in subsections (a) through (e) of this Section shall not apply to the following materials. These materials shall instead comply with the applicable requirements set forth in subsections (f)(1) through (f)(3).

1) Production resins, including skin coat resins, that must meet specifications for use in military vessels or must be approved by the United States Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR Subchapter Q, incorporated by reference in Section 218.112 of this Part, or for use in the construction of small passenger vessels regulated by 40 CFR Subchapter T, incorporated by reference in Section 218.112 of this Part. The owner or operator of a source subject to this Subpart shall apply all such resins with nonatomizing resin application equipment;

2) Production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch ups. These materials shall not exceed 1 percent, by weight, of all resins and gel coats used at a subject source on a 12-month rolling average basis;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) Pure, 100 percent vinylester resins used for skin coats. The owner or operator of a source subject to this Subpart shall apply these resins with non-atomizing resin application equipment, and the total amount of the resins shall not exceed 5 percent, by weight, of all resins used at the subject source on a 12-month rolling-average basis.
- g) No owner or operator of a source subject to this Subpart shall use VOM-containing cleaning solutions to remove cured resins and gel coats from fiberglass boat manufacturing application equipment. Additionally, no owner or operator shall use VOM-containing cleaning solutions for routine cleaning of application equipment unless:
- 1) The VOM content of the cleaning solution is less than or equal to 5 percent, by weight; or
- 2) The composite vapor pressure of the cleaning solution is less than or equal to 0.50 mmHg at 68°F.
- h) No owner or operator of a source subject to this Subpart shall use resin or gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for on-site mixing of putties and polyputties, unless such containers have covers with no visible gaps in place at all times, except when material is being manually added to or removed from a container or when mixing or pumping equipment is being placed in or removed from a container.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.892 Testing and Monitoring Requirements

- a) Testing to demonstrate compliance with the requirements of Section 218.891 of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.
- b) Testing to demonstrate compliance with the monomer VOM content limitations for resin and gel coat materials in Section 218.891(b) of this Subpart shall be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

conducted upon request of the Agency, or as otherwise specified in this Subpart, in accordance with SCAQMD 312-91, incorporated by reference in Section 218.112 of this Part.

- c) The owner or operator of a source complying with this Subpart pursuant to Section 218.891(d) shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, conduct an initial performance test of the control device in accordance with this subsection (c) that demonstrates compliance with the emission limitation determined pursuant to Section 218.891(d).
 - 2) Subsequent to the initial performance test described in subsection (c)(1) of this Section, conduct at least one performance test per calendar year. Performance tests used to demonstrate compliance with Section 218.891(d) shall be conducted at least six months apart, unless the performance test is being conducted following an exceedance of operating parameters as described in subsection (c)(3) of this Section, or per a request by the Agency.
 - 3) Monitor and record relevant operating parameters, including the control efficiency of the control device and the amount of materials used in the fiberglass boat manufacturing process, during each control device performance test used to demonstrate compliance with Section 218.891(d). The owner or operator shall continue to operate the fiberglass boat manufacturing process within the parameters until another performance test is conducted that demonstrates compliance with Section 218.891(d). The owner or operator shall monitor the parameters at all times when the control device is in operation. If the fiberglass boat manufacturing process exceeds any operating parameter by more than 10 percent, the owner or operator shall conduct additional performance testing in accordance with this Section within 10 operating days after the exceedance.
 - 4) The methods and procedures of Section 218.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 218.891(d) of this Subpart, as follows:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;
- B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part;
- C) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
- i) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the exhaust concentration is above 50 ppmv, as carbon, the source must retest again using Method 25;

- D) Notwithstanding the criteria or requirements in Method 25, which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F); and
- E) During testing, the fiberglass boat manufacturing operation shall be operated at representative operating conditions and flow rates.
- 5) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall:
 - A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.
- 6) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.891(d).
- d) Testing to demonstrate compliance with the VOM content limitations for cleaning solutions in Section 218.891(g) of this Subpart, and with the non-monomer VOM content limitations for resin and gel coat materials in Section 218.891(a) of this Subpart, shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The applicable test methods and procedures specified in Section 218.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 218.112 of this Part, shall be used to demonstrate compliance; or
 - 2) For cleaning solvents, the manufacturer's specifications for VOM content may be used if the manufacturer's specifications are based on results of tests of the VOM content conducted in accordance with methods specified in Section 218.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.
- e) The owner or operator of a source subject to this Subpart and relying on the VOM content of the cleaning solution to comply with Section 218.891(g)(1) of this Subpart shall:
- 1) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):
 - A) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and
 - B) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 218.891(g)(1);
 - 2) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 218.894(g) of this Subpart.
- f) Testing to demonstrate compliance with the VOM composite partial vapor pressure limitation for cleaning solvents set forth in Section 218.891(g) of this Subpart shall be conducted in accordance with the applicable methods and procedures set forth in Section 218.110 of this Part.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.894 Recordkeeping and Reporting Requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 218.890(a) of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the following:
 - A) A declaration that the source is exempt from the requirements in this Subpart because of the criteria in Section 218.890(a);
 - B) Calculations that demonstrate that combined emissions of VOM from all subject fiberglass boat manufacturing operations (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operation) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from fiberglass boat manufacturing operations at the source (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operations) and divide the amount by the number of days during that calendar month that the fiberglass boat manufacturing operations were in operation;
 - 2) Notify the Agency of any record that shows that the combined emissions of VOM from subject fiberglass boat manufacturing operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of the record upon request by the Agency.
- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, and upon start-up of a new fiberglass boat manufacturing operation at the source, submit a certification to the Agency that includes:
 - A) Identification of each subject fiberglass boat manufacturing operation as of the date of certification;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) A declaration that all subject fiberglass boat manufacturing operations, including related cleaning operations, are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject fiberglass boat manufacturing operation will comply (i.e., the VOM content limitation, the emissions averaging alternative, or the emissions control system alternative);
 - D) Initial documentation that each subject fiberglass boat manufacturing operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.891(h) of this Subpart;
 - G) A description of each fiberglass boat manufacturing operation exempt pursuant to Section 218.890(b) of this Subpart, if any;
 - H) A description of materials subject to Section 218.891(f) of this Subpart, if any, used in each fiberglass boat manufacturing operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 218.891(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
 - 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
 - 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) The owner or operator of a fiberglass boat manufacturing operation subject to the limitations of Section 218.891 of this Subpart and complying by means of Section 218.891(b) shall comply with the following.
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each subject resin and gel coat as applied each day by each subject fiberglass boat manufacturing operation;
 - 2) Collect and record the following information each day for each fiberglass boat manufacturing operation complying with Section 218.891(b):
 - A) The name, identification number, and VOM content of each subject resin and gel coat as applied each day by each fiberglass boat manufacturing operation; and
 - B) If complying with Section 218.891(b)(2), the daily weighted average VOM content of all subject resins and gel coats as applied by each subject fiberglass boat manufacturing operation.
- d) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 218.891 of this Subpart and complying by means of Section 218.891(c) shall:
- 1) On and after May 1, 2012, collect and record the following information each month:
 - A) The amount of production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - B) The VOM content of each production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - C) Total monthly VOM emissions for all subject fiberglass boat manufacturing operations;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:
 - A) The monomer VOM mass emission limit for all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period, with supporting calculations;
 - B) The total actual emissions of VOM from all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period.
- e) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 218.891 of this Subpart and complying by means of Section 218.891(d) shall:
 - 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of control device used to comply with the requirements of Section 218.891(d);
 - B) The results of all tests and calculations necessary to demonstrate compliance with the requirements of Section 218.891(d); and
 - C) A declaration that the monitoring equipment required under Section 218.892 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
 - 2) Within 90 days after conducting testing pursuant to Section 218.892, submit to the Agency a copy of all test results, as well as a certification that includes the following:
 - A) A declaration that all tests and calculations necessary to demonstrate whether the fiberglass boat manufacturing operation is in compliance with Section 218.891(d) have been properly performed;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) A statement whether the fiberglass boat manufacturing operations are or are not in compliance with Section 218.891(d);
 - C) The emissions limitation applicable during the control device performance test, with supporting calculations;
 - D) The operating parameters of the fiberglass boat manufacturing process during testing, as monitored in accordance with Section 218.892;
- 3) Collect and record daily the following information for each fiberglass boat manufacturing operation subject to the requirements of Section 218.891(d), and submit that information to the Agency upon request:
- A) Afterburner or other approved control device monitoring data in accordance with Section 218.892 of this Subpart;
 - B) A log of operating time for the control device and monitoring equipment;
 - C) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
 - D) Information to substantiate that the fiberglass boat manufacturing operation is operating in compliance with the parameters determined pursuant to Section 218.892.
- f) The owner or operator of a source subject to the requirements in Section 218.891(f) of this Subpart shall collect and record the following information for each fiberglass boat manufacturing operation:
- 1) The name and identification number of each material subject to Section 218.891(f) as applied each day by each subject fiberglass boat manufacturing operation;
 - 2) If subject to Section 218.891(f)(2), the amount of production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

repair and touch-ups, used each month at the subject source, and the total amount of all resins and gel coats used each month at the subject source;

- 3) If subject to Section 218.891(f)(3), the amount of pure, 100 percent vinylester resins used for skin coats each month at the subject source, and the total amount of all resins used each month at the subject source.

g) The owner or operator of a source subject to the requirements of Section 218.891 of this Subpart shall collect and record the following information for each cleaning solution used in each fiberglass boat manufacturing operation:

- 1) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.891(g) of this Subpart and that is prepared at the source with automatic equipment:

- A) The name and identification of each cleaning solution;
- B) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.892(d) of this Subpart;
- C) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
- D) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
- E) The VOM content of the as-used cleaning solution, with supporting calculations; and
- F) A calibration log for the automatic equipment, detailing periodic checks;

- 2) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 218.891(g), and that is not prepared at the source with automatic equipment:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The name and identification of each cleaning solution;
 - B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 218.892(d);
 - D) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - E) The VOM content of the as-used cleaning solution, with supporting calculations;
- 3) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 218.891(g):
- A) The name and identification of each cleaning solution;
 - B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 218.892(f) of this Subpart;
 - D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 218.110 of this Part.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 218.900 Applicability

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Except as provided in subsection (b) of this Section, on and after May 1, 2012, the requirements of this Subpart shall apply to miscellaneous industrial adhesive application operations at sources where the total actual VOM emissions from all such operations, including related cleaning activities, equal or exceed 6.8 kg/day (15 lbs/day), calculated in accordance with Section 218.904(a)(1)(B), in the absence of air pollution control equipment.
- b) Notwithstanding subsection (a) of this Section:
- 1) The requirements of this Subpart shall not apply to miscellaneous industrial adhesive application operations associated with the following:
 - A) Aerospace coatings;
 - B) Metal furniture coatings;
 - C) Large appliance coatings;
 - D) Flat wood paneling coatings;
 - E) Paper, film, and foil coatings;
 - F) Lithographic printing;
 - G) Letterpress printing;
 - H) Flexible package printing;
 - I) Coil coating;
 - J) Fabric coating;
 - K) Rubber tire manufacturing.
 - 2) The requirements of Section 218.901(b) through (e) of this Subpart shall not apply to the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Adhesives or adhesive primers being tested or evaluated in any research and development operation or quality assurance or analytical laboratory;
 - B) Adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace or undersea-based weapon systems;
 - C) Adhesives or adhesive primers used in medical equipment manufacturing operations;
 - D) Cyanoacrylate adhesive application operations;
 - E) Aerosol adhesive and aerosol adhesive primer application operations;
 - F) Operations using polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities;
 - G) Operations using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 0.47 liters (16 oz) or less, or a net weight of 0.45 kg (1 lb) or less.
- c) If a miscellaneous industrial adhesive application operation at a source is or becomes subject to one or more of the limitations in this Subpart, the miscellaneous industrial adhesive application operation is always subject to the applicable provisions of this Subpart.
- d) The owner or operator of a source exempt from the emission limitations and control requirements of this Subpart because of the criteria in subsection (a) of this Section is subject to the recordkeeping and reporting requirements specified in Section 218.904(a) of this Subpart.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.901 Emission Limitations and Control Requirements

- a) The owner or operator of a source subject to the requirements of this Subpart shall comply with the limitations in subsection (b), (c), or (d) of this Section, as well as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

with the limitations in subsections (e) and (f) of this Section. Notwithstanding this requirement, sources subject to Section 218.900(b)(2) shall comply with the limitations in subsection (f) of this Section only.

- b) The owner or operator of adhesive application operations listed in this subsection (b) shall comply with the following VOM emission limitations. If an adhesive is used to bond dissimilar substrates together, the substrate category with the highest VOM emission limitation shall apply:

	<u>kg VOM/l adhesive or adhesive primer applied</u>	<u>lb VOM/gal adhesive or adhesive primer applied</u>
<u>1) General adhesive application operations</u>		
<u>A) Reinforced plastic composite</u>	<u>0.200</u>	<u>(1.7)</u>
<u>B) Flexible vinyl</u>	<u>0.250</u>	<u>(2.1)</u>
<u>C) Metal</u>	<u>0.030</u>	<u>(0.3)</u>
<u>D) Porous material (except wood)</u>	<u>0.120</u>	<u>(1.0)</u>
<u>E) Rubber</u>	<u>0.250</u>	<u>(2.1)</u>
<u>F) Wood</u>	<u>0.030</u>	<u>(0.3)</u>
<u>G) Other substrates</u>	<u>0.250</u>	<u>(2.1)</u>
<u>2) Specialty adhesive application operations</u>		
<u>A) Ceramic tile installation</u>	<u>0.130</u>	<u>(1.1)</u>
<u>B) Contact adhesive</u>	<u>0.250</u>	<u>(2.1)</u>
<u>C) Cove base installation</u>	<u>0.150</u>	<u>(1.3)</u>
<u>D) Indoor floor covering installation</u>	<u>0.150</u>	<u>(1.3)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>E)</u>	<u>Outdoor floor covering installation</u>	<u>0.250</u>	<u>(2.1)</u>
<u>F)</u>	<u>Installation of perimeter bonded sheet flooring</u>	<u>0.660</u>	<u>(5.5)</u>
<u>G)</u>	<u>Metal to urethane/rubber molding or casting</u>	<u>0.850</u>	<u>(7.1)</u>
<u>H)</u>	<u>Motor vehicle adhesive</u>	<u>0.250</u>	<u>(2.1)</u>
<u>I)</u>	<u>Motor vehicle weatherstrip adhesive</u>	<u>0.750</u>	<u>(6.3)</u>
<u>J)</u>	<u>Multipurpose construction</u>	<u>0.200</u>	<u>(1.7)</u>
<u>K)</u>	<u>Plastic solvent welding (acrylonitrile butadiene styrene (ABS) welding)</u>	<u>0.400</u>	<u>(3.3)</u>
<u>L)</u>	<u>Plastic solvent welding (except ABS welding)</u>	<u>0.500</u>	<u>(4.2)</u>
<u>M)</u>	<u>Sheet rubber lining installation</u>	<u>0.850</u>	<u>(7.1)</u>
<u>N)</u>	<u>Single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane)</u>	<u>0.250</u>	<u>(2.1)</u>
<u>O)</u>	<u>Structural glazing</u>	<u>0.100</u>	<u>(0.8)</u>
<u>P)</u>	<u>Thin metal laminate</u>	<u>0.780</u>	<u>(6.5)</u>
<u>Q)</u>	<u>Tire repair</u>	<u>0.100</u>	<u>(0.8)</u>
<u>R)</u>	<u>Waterproof resorcinol glue</u>	<u>0.170</u>	<u>(1.4)</u>
<u>3)</u>	<u>Adhesive primer application operations</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A)	<u>Motor vehicle glass bonding primer</u>	<u>0.900</u>	<u>(7.5)</u>
B)	<u>Plastic solvent welding adhesive primer</u>	<u>0.650</u>	<u>(5.4)</u>
C)	<u>Single-ply roof membrane adhesive primer</u>	<u>0.250</u>	<u>(2.1)</u>
D)	<u>Other adhesive primer</u>	<u>0.250</u>	<u>(2.1)</u>

c) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation unless the daily-weighted average VOM content of subject adhesives as applied each day by the operation, calculated in accordance with subsection (c)(1) of this Section, is less than or equal to the emissions limitation calculated in accordance with subsection (c)(2) of this Section.

1) Weighted Average of VOM Content of Adhesives Applied Each Day

$$VOM_{WA} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i}$$

where:

VOM_{WA} ≡ The weighted average VOM content in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day;

i ≡ Subscript denoting a specific adhesive as applied;

n ≡ The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

M_i \equiv The mass of each adhesive, as applied, in units of kg/l (lb/gal);

VOM_i \equiv The VOM content in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied;

2) Mass Weighted Average VOM Limit for an Averaging Operation

$$Limit_{WA} = \frac{\sum_{i=1}^n M_i Limit_i}{\sum_{i=1}^n M_i}$$

where:

$Limit_{WA}$ \equiv The mass weighted average VOM limit in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day in a single operation;

i \equiv Subscript denoting a specific adhesive as applied;

n \equiv The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

M_i \equiv The mass of each adhesive, as applied, in units of kg/l (lb/gal);

$Limit_i$ \equiv The VOM limit, taken from subsection (b) of this Section, in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied.

- d) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation employing a capture system and control device unless either:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) An afterburner or carbon adsorption system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation;
 - 2) An alternative capture and control system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation and is approved by the Agency and USEPA within federally enforceable permit conditions. The owner or operator shall submit a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device; or
 - 3) The owner or operator complies with the applicable limitation set forth in subsection (b) of this Section by utilizing a combination of low-VOM adhesives and an afterburner or carbon adsorption system. The owner or operator may use an alternative capture and control system if the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the capture and control system and the system is approved by the Agency and USEPA within federally enforceable permit conditions.
- e) The owner or operator of a source subject to this Subpart shall apply all miscellaneous industrial adhesives using one or more of the following methods:
- 1) Electrostatic spray;
 - 2) High volume low pressure (HVLP) spray;
 - 3) Flow coating. For the purposes of this Subpart, flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;
 - 4) Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
 - 5) Dip coating, including electrodeposition. For purposes of this Subpart, "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The coating is attracted to the substrate due to the electrochemical potential difference that is created;

- 6) Airless spray;
 - 7) Air-assisted airless spray; or
 - 8) Another adhesive application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.
- f) The owner or operator of a source subject to this Subpart shall comply with the following work practices for each subject miscellaneous adhesive application operation at the source:
- 1) Store all VOM-containing adhesives, adhesive primers, process-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials;
 - 3) Minimize spills of VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials;
 - 4) Convey VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes; and
 - 5) Minimize VOM emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.902 Testing Requirements

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Testing to demonstrate compliance with the requirements of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise provided in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.
- b) Testing to demonstrate compliance with the VOM content limitations in Section 218.901(b) of this Subpart shall be conducted as follows:
- 1) Method 24, incorporated by reference in Section 218.112 of this Part, shall be used for non-reactive adhesives. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant adhesive formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern;
 - 2) Appendix A of 40 CFR 63, Subpart P, incorporated by reference in Section 218.112 of this Part, shall be used for reactive adhesives.
 - 3) The manufacturer's specifications for VOM content for adhesives may be used if the specifications are based on results of tests of the VOM content conducted in accordance with methods specified in subsections (b)(1) and (b)(2) of this Section, as applicable.
- c) For afterburners and carbon adsorbers, the methods and procedures of Section 218.105(d) through (f) of this Part shall be used for testing to demonstrate compliance with the requirements of Section 218.901(d) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 218.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used, except under the following circumstances, in which case Method 25A must be used:
- A) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
- B) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon;
- C) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;
- D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates.
- d) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 218.901(d) as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.901(d)(3).

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 218.903 Monitoring Requirements

- a) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall:
- 1) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 218.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - 2) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.
- b) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 218.901(d) of this Subpart shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 218.901(d)(3).

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

Section 218.904 Recordkeeping and Reporting Requirements

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 218.900(a) of this Subpart shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 218.900(a);
 - B) Calculations that demonstrate that combined emissions of VOM from miscellaneous industrial adhesive application operations at

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the source, including related cleaning activities, never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from miscellaneous industrial adhesive application operations at the source (including related cleaning activities) and divide this amount by the number of days during that calendar month that miscellaneous industrial adhesive application operations at the source were in operation;

- 2) Collect and record the following information each month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request:
 - A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and
 - B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month by each miscellaneous industrial adhesive application operation;
 - 3) Notify the Agency of any record that shows that the combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of those records upon request by the Agency.
- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) Identification of each subject adhesive application operation as of the date of certification;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) A declaration that all subject adhesive application operations are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject adhesive application operation will comply (i.e., the VOM content limitation, the daily weighted averaging alternative, or the emissions control system alternative);
 - D) Initial documentation that each subject adhesive application operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 218.901(f) of this Subpart;
 - G) A description of each adhesive application operation exempt pursuant to Section 218.900(b)(2) of this Subpart, if any; and
 - H) The application methods used by each subject adhesive application operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 218.901(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
 - 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
 - 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) The owner or operator of an adhesive application operation subject to the limitations of Section 218.901 of this Subpart and complying by means of Section 218.901(b) shall comply with the following:
- 1) By May 1, 2012, or upon the initial start-up date, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;
 - 2) Collect and record the name, identification number, and VOM content of each adhesive as applied each day by each adhesive application operation complying with Section 218.901(b).
- d) The owner or operator of an adhesive application operation subject to the limitations of Section 218.901 of this Subpart and complying by means of Section 218.901(c) shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;
 - 2) Collect and record the following information each day for each adhesive application operation complying by means of Section 218.901(c):
 - A) The name, identification number, and VOM content of each adhesive as applied each day by each subject adhesive application operation;
 - B) The daily weighted average VOM content of all adhesives as applied by each subject adhesive application operation.
- e) The owner or operator of an adhesive application operation subject to the requirements of Section 218.901 of this Subpart and complying by means of Section 218.901(d) shall:
- 1) By May 1, 2012, or upon the initial start-up date, whichever is later, and upon initial start-up of a new control device, submit a certification to the Agency that includes the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The type of afterburner or other approved control device used to comply with the requirements of Section 218.901(d);
 - B) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 218.901(d); and
 - C) A declaration that the monitoring equipment required under Section 218.903 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
- 2) Within 90 days after conducting testing pursuant to Section 218.902 of this Subpart, submit to the Agency a copy of all test results, as well as a certification that includes the following:
- A) A declaration that all tests and calculations necessary to demonstrate whether the adhesive application operations are in compliance with Section 218.901(d) have been properly performed;
 - B) A statement whether the adhesive application operations are or are not in compliance with Section 218.901(d); and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 218.903 of this Subpart;
- 3) Collect and record daily the following information for each adhesive application operation subject to the requirements of Section 218.901(d):
- A) Afterburner or other approved control device monitoring data in accordance with Section 218.903 of this Subpart;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated application unit; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

(Source: Added at 34 Ill. Reg. 14174, effective September 14, 2010)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
219.105	Amended
219.106	Amended
219.112	Amended
219.204	Amended
219.205	Amended
219.207	Amended
219.208	Amended
219.210	Amended
219.211	Amended
219.212	Amended
219.219	New
219.890	New
219.891	New
219.892	New
219.894	New
219.900	New
219.901	New
219.902	New
219.903	New
219.904	New
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5]
- 5) Effective Date of Amendments: September 14, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal Published in Illinois Register: April 2, 2010; 34 Ill. Reg. 4475
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this docket, the Board made changes proposed by various participants to amend its rulemaking proposal.
- a) Throughout Part 219, the Board has extended compliance deadlines from May 1, 2011, to May 1, 2012, as initially recommended in comments from the Illinois Environmental Protection Agency.
 - b) In Section 219.204(q), the Board has added language regarding limits applicable to primer sealants and ejection cartridge sealants.
 - d) In Section 219.204(q)(1)(BB), the Board has added limits applicable to "Ammunition sealants" under "Metal Parts and Products."
 - e) In Section 219.204(q)(1)(CC), the Board has added limits applicable to "Electrical switchgear compartment coatings" under "Metal Parts and Products."
 - f) In Section 219.207(a), the Board has added language referring to compliance options for pleasure craft surface coating operations.
 - g) In Section 219.207(n), the Board has added an emissions averaging alternative for pleasure craft surface coating operations.
 - h) In Section 219.211(c)(3)(B), the Board has added language referring to new recordkeeping and reporting requirements.
 - i) In Section 219.211(d)(3)(B), the Board has added language referring to new recordkeeping and reporting requirements.
 - k) In Section 219.211(i), the Board has added recordkeeping and reporting requirements regarding an emissions averaging alternative for pleasure craft surface coating operations.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- l) In Section 219.902(b)(1), the Board has added language regarding use of formulation data to demonstrate compliance.
- m) In Section 219.904(a)(2), the Board has added language regarding recordkeeping for miscellaneous industrial adhesive application operations.

The Board's opinion and order adopting these rules addresses changes made by the Board in proceeding from first notice to final adoption. See Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-20 (September 2, 2010). Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312-814-3620. Please refer to the Board docket number R10-20 in your request. The Board order is also available through the Board's Web site (www.ipcb.state.il.us).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Code Citation:</u>
219.187	Amend	34 Ill. Reg. 13047; September 10, 2010

- 15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's September 2, 2010, opinion and order. Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219, R10-10 (September 2, 2010). The Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal to meet Illinois' obligation to submit a State Implementation Plan addressing requirements under Sections 172 and 182 of the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.*, for sources of volatile organic material (VOM) emissions in areas designated as nonattainment with respect to the ozone National Ambient Air Quality Standard. The United States Environmental Protection Agency (USEPA) issued Control Techniques Guidelines (CTGs) for the following Group IV Consumer and Commercial Product Categories: miscellaneous metal and plastic parts coatings; auto and light-duty truck coatings; miscellaneous industrial adhesives; and fiberglass boat manufacturing materials. In the CTGs, the USEPA recommended control

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

measures that it believes constitute reasonably available control technology for those product categories. The Agency proposed to amend Part 219 to implement such recommendations for the Metro East nonattainment area.

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

Timothy Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6085

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R10-20 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

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

SUBPART E: SOLVENT CLEANING

Section

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

SUBPART F: COATING OPERATIONS

Section

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART G: USE OF ORGANIC MATERIAL

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

SUBPART H: PRINTING AND PUBLISHING

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND
POLYMER MANUFACTURING PLANT

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

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section	
219.441	Petroleum Refinery Waste Gas Disposal
219.442	Vacuum Producing Systems
219.443	Wastewater (Oil/Water) Separator
219.444	Process Unit Turnarounds
219.445	Leaks: General Requirements
219.446	Monitoring Program Plan for Leaks
219.447	Monitoring Program for Leaks
219.448	Recordkeeping for Leaks
219.449	Reporting for Leaks
219.450	Alternative Program for Leaks
219.451	Sealing Device Requirements
219.452	Compliance Schedule for Leaks
219.453	Compliance Dates (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

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

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

219.480	Applicability
219.481	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483	Material Storage and Transfer
219.484	In-Process Tanks
219.485	Leaks
219.486	Other Emission Units
219.487	Testing
219.488	Monitoring for Air Pollution Control Equipment
219.489	Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

219.523	Compliance
219.524	Determination of Applicability
219.525	Emission Limitations for Air Oxidation Processes (Renumbered)
219.526	Testing and Monitoring
219.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section	
219.541	Pesticide Exception

SUBPART X: CONSTRUCTION

Section	
219.561	Architectural Coatings
219.562	Paving Operations
219.563	Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

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

SUBPART Z: DRY CLEANERS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART AA: PAINT AND INK MANUFACTURING

- Section
- 219.620 Applicability
- 219.621 Exemption for Waterbase Material and Heatset-Offset Ink
- 219.623 Permit Conditions
- 219.624 Open-Top Mills, Tanks, Vats or Vessels
- 219.625 Grinding Mills
- 219.626 Storage Tanks
- 219.628 Leaks
- 219.630 Clean Up
- 219.636 Compliance Schedule
- 219.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

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

SUBPART FF: BAKERY OVENS

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

SUBPART GG: MARINE TERMINALS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
219.760	Applicability
219.762	Control Requirements
219.764	Compliance Certification
219.766	Leaks
219.768	Testing and Monitoring
219.770	Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

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

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALS

<u>Section</u>	
<u>219.890</u>	<u>Applicability</u>
<u>219.891</u>	<u>Emission Limitations and Control Requirements</u>
<u>219.892</u>	<u>Testing and Monitoring Requirements</u>
<u>219.894</u>	<u>Recordkeeping and Reporting Requirements</u>

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section219.900Applicability219.901Emission Limitations and Control Requirements219.902Testing Requirements219.903Monitoring Requirements219.904Recordkeeping and Reporting RequirementsSUBPART PP: MISCELLANEOUS FABRICATED PRODUCT
MANUFACTURING PROCESSES

Section

219.920

Applicability

219.923

Permit Conditions

219.926

Control Requirements

219.927

Compliance Schedule

219.928

Testing

SUBPART QQ: MISCELLANEOUS FORMULATION
MANUFACTURING PROCESSES

Section

219.940

Applicability

219.943

Permit Conditions

219.946

Control Requirements

219.947

Compliance Schedule

219.948

Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section

219.960

Applicability

219.963

Permit Conditions

219.966

Control Requirements

219.967

Compliance Schedule

219.968

Testing

SUBPART TT: OTHER EMISSION UNITS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
219.980	Applicability
219.983	Permit Conditions
219.986	Control Requirements
219.987	Compliance Schedule
219.988	Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section	
219.990	Exempt Emission Units
219.991	Subject Emission Units

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

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

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

Section 219.105 Test Methods and Procedures

- a) Coatings, Inks and Fountain Solutions
The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, and fountain solutions with the limitations set forth in this Part.
 - 1) Sampling: Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken. Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in subsection (a)(3) of this Section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:
 - A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 219.112 of this Part.
 - B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.
 - 2) Analyses: The applicable analytical methods specified below shall be used to determine the composition of coatings, inks, or fountain solutions as applied.
 - A) Method 24 of 40 CFR 60, appendix Appendix-A, incorporated by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reference in Section 219.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

- B) Method 24A of 40 CFR ~~Part~~ 60, appendix Appendix A, incorporated by reference in Section 219.112, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.
- C) The following ASTM methods are the analytical procedures for determining VOM:
- i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 219.112 of this Part.
 - ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 219.112 of this Part.
 - iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 219.112 of this Part.
 - iv) ASTM D 4017-81 (1987): Standard test method for water content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in Section 219.112 of this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 219.112 of this Part.
 - vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 219.112 of this Part.
 - vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 219.112 of this Part.
 - viii) ASTM E 180-85: Standard practice for determining the precision of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.
 - ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 219.112 of this Part.
- D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- 3) Calculations: Calculations for determining the VOM content, water content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain solutions as applied shall follow the guidance provided in the following documents:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 219.112 of this Part.
- B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 219.112 of this Part.
- C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 219.112 of this Part.

b) Automobile or Light-Duty Truck Test Protocol

- 1) The protocol for testing, including determining the transfer efficiency⁵ of coating applicators, at primer surfacer operations and topcoat operations at an automobile or light-duty truck assembly source shall follow the [procedures](#)~~procedure~~ in [the following](#):
 - [A\)](#) [Prior to May 1, 2012](#): "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 219.112 of this Part.
 - [B\)](#) [On and after May 1, 2012](#): "[Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations](#)" ([topcoat protocol](#)), September 2008, EPA-453/R-08-002, [incorporated by reference in Section 219.112 of this Part.](#)
- 2) Prior to testing pursuant to the [applicable](#) topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in ~~Section Sections~~ 219.204(a)(1)(B), ~~(2)~~ ~~or 219.204~~ (a)(1)(C), [\(a\)\(2\)\(B\)](#), [\(a\)\(2\)\(C\)](#), or [\(a\)\(2\)\(E\)\(3\)](#) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the [applicable](#) topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage ~~that~~which will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.

c) Capture System Efficiency Test Protocols

1) Applicability

The requirements of subsection (c)(2) of this Section shall apply to all VOM emitting process emission units employing capture equipment (e.g., hoods, ducts), except those cases noted in this subsection (c)(1) below.

A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.

B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, with the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

following additional restrictions:

- i) The source owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference in Section 219.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alternative multi-day rolling period not to exceed 30 days, with the approval of the Agency and USEPA. In addition, the criteria in subsection (c)(1)(B)(ii) or subsection (c)(1)(B)(iii) below must be met.
 - ii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard, or
 - iii) If the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.
- 2) Capture Efficiency Protocols
The capture efficiency of an emission unit shall be measured using one of the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in [appendix Appendix M](#)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part. Any error margin associated with a test method or protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then an alternative capture efficiency protocol may be used, pursuant to the provisions of Section 219.108(b) of this Part.

- A) Gas/gas method using temporary total enclosure (TTE). The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G_w}{G_w + F_w}$$

where:

CE = capture efficiency, decimal fraction;

G_w = mass of VOM captured and delivered to control device using a TTE;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204B or 204C contained in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain G_w . Method 204D in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w .

- B) Liquid/gas method using TTE. The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$CE = \frac{L - F_w}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204A or 204F contained in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204 in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w.

- C) Gas/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure, as determined ~~by~~ ~~in~~ Method 204 of ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part and in which "F_B" and "G" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G}{G + F_B}$$

where:

CE = capture efficiency, decimal fraction;

G = mass of VOM captured and delivered to control device;

F_B = mass of uncaptured VOM that escapes from building enclosure.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Method 204B or 204C contained in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain G. Method 204E in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

- D) Liquid/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part and in which "F_B" and "L" are measured while operating only the affected line emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_B}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204A or 204F contained in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204E in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

- E) Mass balance using Data Quality Objective (DQO) or Lower Confidence Limit (LCL) protocol. For a liquid/gas input where an owner or operator is using the DQO/LCL protocol and not using an enclosure as described in Method 204 of ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Part, the VOM content of the liquid input (L) must be determined using Method 204A or 204F in ~~appendix Appendix~~-M of 40 CFR ~~Part~~-51, incorporated by reference in Section 219.112 of this Part. The VOM content of the captured gas stream (G) to the control device must be determined using Method 204B or 204C in ~~appendix Appendix~~-M of 40 CFR ~~Part~~-51, incorporated by reference in Section 219.112 of this Part. The results of capture efficiency calculations (G/L) must satisfy the DQO or LCL statistical analysis methodology as described in Section 3 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 219.112 of this Part. Where capture efficiency testing is done to determine emission reductions for the purpose of establishing emission credits for offsets, shutdowns, and trading, the LCL protocol cannot be used for these applications. In enforcement cases, the LCL protocol cannot confirm non-compliance; capture efficiency must be determined using a protocol under subsection (c)(2)(A), (B), (C) or (D) of this Section, the DQO protocol of this subsection (c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

BOARD NOTE: Where LCL was used in testing emission units that are the subject of later requests for establishing emission credits for offsets, shutdowns, and trading, prior LCL results may not be relied upon to determine the appropriate amount of credits. Instead, to establish the appropriate amount of credits, additional testing may be required that would satisfy the protocol of Section 219.105(c)(2)(A), (B), (C) or (D), the DQO protocol of Section 219.105(c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

- 3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:
 - A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency," incorporated by reference at Section 219.112 of this Part;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and
- C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.
- 4) Recordkeeping and Reporting
- A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency within ~~sixty (60)~~ days ~~after~~ of the test date. A copy of the results must be kept on file with the source for a period of ~~three (3)~~ years.
- B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.
- C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol and/or observe testing.
- D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirement given in Method 204 in ~~appendix Appendix~~ M of 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part, for a PTE during any testing of their control device.
- E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in ~~appendix Appendix~~ M or 40 CFR ~~Part~~ 51, incorporated by reference in Section 219.112 of this Part, for a TTE during any testing of their control device. The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

- F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:
- i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in ~~appendix Appendix~~-M of 40 CFR ~~Part~~-51, incorporated by reference in Section 219.112 of this Part;
 - ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;
 - iii) The quantity of material used for each test run;
 - iv) The quantity of captured VOM for each test run;
 - v) The capture efficiency calculations and results for each test run;
 - vi) The DQO and/or LCL calculations and results; and
 - vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.
- d) Control Device Efficiency Testing and Monitoring
- 1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.
 - 2) An owner or operator:
 - A) That uses an afterburner or carbon adsorber to comply with any

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section of Part 219 shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all times the control device is in use except as provided in subsection (d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:

- i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.
 - ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise across each catalytic afterburner bed or VOM concentration of exhaust.
 - iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.
- B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured, expressed in degrees Celsius or $\pm 0.5^\circ$ C, whichever is greater.
- C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A) ~~above~~, shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:
- i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28° C (50° F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more than 28° C (50° F) below the average gas temperature immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.
 - iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of a carbon adsorber or performance test for a catalytic afterburner, which determination or test that demonstrated that the operation was in compliance.
- 3) An owner or operator that uses a carbon adsorber to comply with Section 219.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:
- A) The owner or operator notifies in writing the Agency and USEPA, within 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;
 - B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;
 - C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational shall be reported, in writing, to the Agency and USEPA by January 31st of the following calendar year.
- e) Overall Efficiency
- 1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.
 - 2) For coating lines which are both chosen by the owner or operator to comply with Section 219.207(a), (d), (e), (f), or (g) of this Part by the alternative in Section 219.207(b)(2) of this Part and meet the criteria allowing them to comply with Section 219.207 instead of Section 219.204 of this Part, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in subsections (c), (d) and (e)(1) of this Section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

$$E = \frac{VOM_a - VOM_l}{VOM_a} \times 100$$

where:

E = Equivalent overall efficiency of the capture system and control device as a percentage;

VOM_a = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

applied to the subject coating line as determined by the applicable test methods and procedures specified in subsection (a)(4)(i) of this Part in units of kg VOM/1 (lb VOM/gal) of coating solids as applied;

VOM₁ = The VOM emission limit specified in Sections 219.204 or 219.205 of this Part in units of kg VOM/1 (lb VOM/gal) of coating solids as applied.

- f) Volatile Organic Material Gas Phase Source Test Methods
The methods in 40 CFR ~~Part-60, appendix Appendix-A~~, incorporated by reference in Section 219.112 of this Part delineated below shall be used to determine control device efficiencies.
- 1) 40 CFR ~~Part-60, appendix Appendix-A~~, Method 18, 25 or 25A, incorporated by reference in Section 219.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 min, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.
- A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual adsorber vessels.
- B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.
- 2) 40 CFR ~~Part-60, appendix Appendix-A~~, Method 1 or 1A, incorporated by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reference in Section 219.112 of this Part, shall be used for sample and velocity traverses.

- 3) 40 CFR ~~Part-60, appendix Appendix-A~~, Method 2, 2A, 2C or 2D, incorporated by reference in Section 219.112 of this Part, shall be used for velocity and volumetric flow rates.
 - 4) 40 CFR ~~Part-60, appendix Appendix-A~~, Method 3, incorporated by reference in Section 219.112 of this Part, shall be used for gas analysis.
 - 5) 40 CFR ~~Part-60, appendix Appendix-A~~, Method 4, incorporated by reference in Section 219.112 of this Part, shall be used for stack gas moisture.
 - 6) 40 CFR ~~Part-60, appendix Appendix-A~~, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by reference in Section 219.112 of this Part, shall be performed, as applicable, at least twice during each test run.
 - 7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.
- g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:
- 1) Leak Detection Monitoring
 - A) Monitoring shall comply with 40 CFR 60, ~~appendix Appendix-A~~, Method 21, incorporated by reference in Section 219.112 of this Part.
 - B) The detection instrument shall meet the performance criteria of Method 21.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.
- D) Calibration gases shall be:
- i) Zero air (less than 10 ppm of hydrocarbon in air); and
 - ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.
- E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.
- 2) When equipment is tested for compliance with no detectable emissions as required, the test shall comply with the following requirements:
- A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section ~~above~~ shall apply.
 - B) The background level shall be determined as set forth in Method 21.
- 3) Leak detection tests shall be performed consistent with:
- A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 219.112 of this Part.
 - B) "Portable Instrument User's Manual for Monitoring VOM Sources", EPA-340/1-86-015, incorporated by reference in Section 219.112 of this Part.
 - C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", EPA-450/3-88-010, incorporated by reference in Section 219.112 of this Part.
 - D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 219.112 of this Part.

- h) Bulk Gasoline Delivery System Test Protocol
- 1) The method for determining the emissions of gasoline from a vapor recovery system are delineated in 40 CFR 60, Subpart XX, ~~section~~ **Section** 60.503, incorporated by reference in Section 219.112 of this Part.
 - 2) Other tests shall be performed consistent with:
 - A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 219.112 of this Part.
 - B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by reference in Section 219.112 of this Part.
- i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.
- j) Stage II Gasoline Vapor Recovery Test Methods
The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA 450/3-91-022b and incorporated by reference in Section 219.112 of this Part. Specifically, the test methods are as follows:
- 1) Dynamic Backpressure Test is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.
 - 2) Pressure Decay/Leak Test is a test procedure used to quantify the vapor

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

tightness of a vapor collection and control system installed at gasoline dispensing facilities.

- 3) Liquid Blockage Test is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.106 Compliance Dates

- a) Except as provided in subsection (b), ~~or (c)~~, (d), or (e), compliance with the requirements of this Part is required by May 15, 1992, consistent with the provisions of Section 219.103 of this Part.
- b) As this Part is amended from time to time, compliance dates included in the specific Subparts supersede the requirements of this Section, except as limited by Section 219.101(b) of this Subpart.
- c) Any owner or operator of a source subject to the requirements of Section 219.204(c)(2), 219.204(g)(2), or 219.204(h)(2) of this Part shall comply with the applicable requirements in the applicable subsections, as well as all applicable requirements in Sections 219.205 through 219.214 and 219.218, by May 1, 2012.
- d) Any owner or operator of a source subject to the requirements of Section 219.204(o) of this Part shall comply with the requirements in Section 219.204(o), as well as all applicable requirements in Sections 219.205 through 219.211, 219.214, and 219.217 by August 1, 2010.
- e) Any owner or operator of a source subject to the requirements of Section 219.204(a)(2) or 219.204(q) of this Part shall comply with the applicable requirements in those Sections, as well as all applicable requirements in Sections 219.205 through 219.214 and 219.219, by May 1, 2011.

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken~~1916 Race Street, Philadelphia~~, PA 19428-9555~~19103~~

- 1) ASTM D 2879-86
- 2) ASTM D 323-82
- 3) ASTM D 86-82
- 4) ASTM D 369-69 (1971)
- 5) ASTM D 396-69
- 6) ASTM D 2880-71
- 7) ASTM D 975-68
- 8) ASTM D 3925-81 (1985)
- 9) ASTM E 300-86
- 10) ASTM D 1475-85
- 11) ASTM D 2369-87
- 12) ASTM D 3792-86
- 13) ASTM D 4017-81 (1987)
- 14) ASTM D 4457-85
- 15) ASTM D 2697-86
- 16) ASTM D 3980-87
- 17) ASTM E 180-85
- 18) ASTM D 2372-85

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 19) ASTM D 97-66
 - 20) ASTM E 168-87 (1977)
 - 21) ASTM E 169-87
 - 22) ASTM E 260-91
 - 23) ASTM D 2504-83
 - 24) ASTM D 2382-83
 - 25) ASTM D 323-82 (approved 1982)
- b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.
 - c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.
 - d) 40 CFR ~~Part~~-60 (July 1, 1991).
 - e) 40 CFR ~~Part~~-61 (July 1, 1991).
 - f) 40 CFR ~~Part~~-50 (July 1, 1991).
 - g) 40 CFR ~~Part~~-51 (July 1, 1991) and 40 CFR ~~Part~~-51, ~~appendix Appendix~~-M, Methods 204-204F (July 1, 1999).
 - h) 40 CFR ~~Part~~-52 (July 1, 1991).
 - i) 40 CFR ~~Part~~-80 (July 1, 1991) and 40 CFR ~~Part~~-80, ~~appendixes Appendixes~~-D, E, and F (July 1, 1993).
 - j) "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
 - k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.

- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.
- p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
- r) "Portable Instrument User's Manual for Monitoring VOM Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", October 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
- t) "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
- u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

- v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
- w) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
- x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).
- y) "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park, NC.
- z) Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.
- [aa\) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.](#)
- [bb\) 40 CFR 63 Subpart PPPP, appendix A \(2008\).](#)
- [cc\) 46 CFR Subchapter Q \(2007\).](#)
- [dd\) 46 CFR Subchapter T \(2008\).](#)

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

SUBPART F: COATING OPERATIONS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 219.204 Emission Limitations

Except as provided in Sections 219.205, 219.207, 219.208, 219.212, 219.215 and 219.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as otherwise provided in subsections (a), (c), (g), (h), (j), (l), (n), ~~and (o)~~, and (q) of this Section, compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996, and compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator, except where noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(c) of this Subpart except where noted. (Note: The equation presented in Section 219.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emissions trades and cross-line averaging.) The emission limitations are as follows:

a)	Automobile or Light-Duty Truck Coating	kg/l	lb/gal
	<u>1)</u> <u>Prior to May 1, 2012:</u>		
	<u>A4)</u> Prime coat	0.14	(1.2)
		0.14*	(1.2)*
	<u>B2)</u> Primer surface coat	1.81	(15.1)
		1.81*	(15.1)*

BOARD NOTE:~~Note:~~ The primer surface coat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire primer surface operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surface limitation.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>C3</u>)	Topcoat	kg/l	lb/gal
		1.81	(15.1)
		1.81*	(15.1)*

BOARD NOTE:~~(Note:~~ The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation.)

<u>D4</u>)	Final repair coat	kg/l	lb/gal
		0.58	(4.8)
		0.58*	(4.8)*

2) On and after May 1, 2012, subject automobile and light-duty truck coating lines shall comply with the following limitations. These limitations shall not apply to materials supplied in containers with a net volume of 0.47 liters (16 oz) or less, or a net weight of 0.45 kg (1 lb) or less:

A) Electrodeposition primer (EDP) operations. For purposes of this subsection (a)(2)(A), "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

<u>kg VOM/l</u>	<u>lb VOM/gal</u>
<u>coating</u>	<u>coating solids</u>
<u>solids</u>	<u>applied</u>
<u>applied</u>	

i) When solids turnover ratio (R_T) is greater than or equal to 0.084 (0.7)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

0.160

$$\text{ii) } \frac{\text{When } R_T \text{ is greater than or equal to 0.040 and less than 0.160}}{\text{0.160}} \quad \frac{0.084 \times}{350^{0.160-R_T}} \quad \frac{(0.084 \times}{350^{0.160-R_T}} \times 8.34)$$

B) Primer surfacer operations

<u>kg VOM/l</u>	<u>lb VOM/gal</u>
<u>coating</u>	<u>coating solids</u>
<u>solids</u>	<u>deposited</u>
<u>deposited</u>	

$$\text{i) } \frac{\text{VOM content limitation}}{\text{VOM content limitation}} \quad \frac{1.44}{1.44} \quad \frac{(12.0)}{(12.0)}$$

ii) Compliance with the limitation set forth in subsection (a)(2)(B)(i) shall be based on the daily-weighted average from an entire primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surfacer limitation.

C) Topcoat operations

<u>kg VOM/l</u>	<u>lb VOM/gal</u>
<u>coating</u>	<u>coating solids</u>
<u>solids</u>	<u>deposited</u>
<u>deposited</u>	

$$\text{i) } \frac{\text{VOM content limitation}}{\text{VOM content limitation}} \quad \frac{1.44}{1.44} \quad \frac{(12.0)}{(12.0)}$$

ii) Compliance with the limitation set forth in subsection (a)(2)(C)(i) shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the topcoat limitation.

D) Combined primer surfacer and topcoat operations

<u>kg VOM/l</u>	<u>lb VOM/gal</u>
<u>coating</u>	<u>coating solids</u>
<u>solids</u>	<u>deposited</u>
<u>deposited</u>	

- | | | |
|---|-------------|---------------|
| <u>i) VOM content limitation</u> | <u>1.44</u> | <u>(12.0)</u> |
| <u>ii) Compliance with the limitation set forth in subsection (a)(2)(D)(i) shall be based on the daily-weighted average from the combined primer surfacer and topcoat operations. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(B) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the combined primer surfacer and topcoat limitation.</u> | | |

E) Final repair coat operations

<u>kg/l</u>	<u>lb/gal</u>
<u>coatings</u>	<u>coatings</u>

- | | | |
|--|-------------|--------------|
| <u>i) VOM content limitation</u> | <u>0.58</u> | <u>(4.8)</u> |
| <u>ii) Compliance with the final repair operations limitation set forth in subsection (a)(2)(E)(i) shall be on an occurrence-weighted average basis, calculated in accordance with the</u> | | |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

equation below, in which clear coatings shall have a weighting factor of 2 and all other coatings shall have a weighting factor of 1.

$$VOM_{tot} = \frac{2VOM_{cc} + \sum_{i=1}^n VOM_i}{n + 2}$$

where:

VOM_{tot} ≡ Total VOM content of all coatings, as applied, on an occurrence weighted average basis, and used to determine compliance with this subsection (a)(2)(E).

i ≡ Subscript denoting a specific coating applied.

n ≡ Total number of coatings applied in the final repair operation, other than clear coatings.

VOM_{cc} ≡ The VOM content, as applied, of the clear coat used in the final repair operation.

VOM_i ≡ The VOM content of each coating used in the final repair operation, as applied, other than clear coatings.

F) Miscellaneous Materials. For reactive adhesives subject to this subsection (a)(2)(F), compliance shall be demonstrated in accordance with the methods and procedures set forth in appendix A to Subpart PPPP of 40 CFR 63, incorporated by reference in Section 219.112 of this Part.

	<u>kg/l</u>	<u>lb/gal</u>
<u>i) Glass bonding primer</u>	<u>0.90</u>	<u>(7.51)</u>
<u>ii) Adhesive</u>	<u>0.25</u>	<u>(2.09)</u>
<u>iii) Cavity wax</u>	<u>0.65</u>	<u>(5.42)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>iv)</u>	<u>Trunk sealer</u>	<u>0.65</u>	<u>(5.42)</u>
<u>v)</u>	<u>Deadener</u>	<u>0.65</u>	<u>(5.42)</u>
<u>vi)</u>	<u>Gasket/gasket sealing material</u>	<u>0.20</u>	<u>(1.67)</u>
<u>vii)</u>	<u>Underbody coating</u>	<u>0.65</u>	<u>(5.42)</u>
<u>viii)</u>	<u>Trunk interior coating</u>	<u>0.65</u>	<u>(5.42)</u>
<u>ix)</u>	<u>Bedliner</u>	<u>0.20</u>	<u>(1.67)</u>
<u>x)</u>	<u>Weatherstrip adhesive</u>	<u>0.75</u>	<u>(6.26)</u>
<u>xi)</u>	<u>Lubricating wax/compound</u>	<u>0.70</u>	<u>(5.84)</u>

b)	Can Coating	kg/l	lb/gal
1)	Sheet basecoat and overvarnish		
	A) Sheet basecoat	0.34	(2.8)
		0.26*	(2.2)*
	B) Overvarnish	0.34	(2.8)
		0.34	(2.8)*
2)	Exterior basecoat and overvarnish	0.34	(2.8)
		0.25*	(2.1)*
3)	Interior body spray coat		
	A) Two piece	0.51	(4.2)
		0.44*	(3.7)*
	B) Three piece	0.51	(4.2)
		0.51*	(4.2)*
4)	Exterior end coat	0.51	(4.2)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		0.51*	(4.2)*
5)	Side seam spray coat	0.66	(5.5)
		0.66*	(5.5)*
6)	End sealing compound coat	0.44	(3.7)
		0.44*	(3.7)*
c)	Paper Coating		
1)	Prior to May 1, 2011:	kg/l	lb/gal
		0.28	(2.3)
2)	On and after May 1, 2011:	kg VOM/kg (lb VOM/lb) solids applied	kg VOM/kg (lb VOM/lb) coatings applied
A)	Pressure sensitive tape and label surface coatings	0.20	(0.067)
B)	All other paper coatings	0.40	(0.08)
3)	The paper coating limitation set forth in this subsection (c) shall not apply to any owner or operator of any paper coating line on which flexographic, rotogravure, lithographic, or letterpress printing is performed if the paper coating line complies with the applicable emissions limitations in Subpart H of this Part. In addition, screen printing on paper is not regulated as paper coating, but is regulated under Subpart TT of this Part. On and after May 1, 2011, the paper coating limitation shall also not apply to coating performed on or in-line with any digital printing press, or to size presses and on-machine coaters on papermaking machines applying sizing or water-based clays.		
d)	Coil Coating	kg/l	lb/gal
		0.31	(2.6)
		0.20*	(1.7)*
e)	Fabric Coating	0.35	(2.9)
		0.28*	(2.3)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

f)	Vinyl Coating	0.45 0.28*	(3.8) (2.3)*
g)	Metal Furniture Coating		
1)	Prior to May 1, 2011:	kg/l	lb/gal
	A) Air dried Dried	0.34	(2.8)
	B) Baked	0.28	(2.3)
2)	On and after May 1, 2011:	kg/l (lb/gal)	kg/l (lb/gal) solids applied
	A) General, One Component	0.275 (2.3)	0.40 (3.3)
	B) General, Multi-Component		
	i) Air dried Dried	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
	C) Extreme High Gloss		
	i) Air dried Dried	0.340 (2.8)	0.55 (4.5)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
	D) Extreme Performance		
	i) Air dried Dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
	E) Heat Resistant		
	i) Air dried Dried	0.420	0.80

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		(3.5)	(6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)
F)	Metallic	0.420 (3.5)	0.80 (6.7)
G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
H)	Solar Absorbent		
	i) Air <u>dried</u> Dried	0.420 (3.5)	0.80 (6.7)
	ii) Baked	0.360 (3.0)	0.61 (5.1)

- 3) On and after May 1, 2011, the limitations set forth in this subsection (g) shall not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

h) Large Appliance Coating

1)	Prior to May 1, 2011:	kg/l	lb/gal
	A) Air <u>dried</u> Dried	0.34	(2.8)
	B) Baked	0.28	(2.3)
2)	On and after May 1, 2011:	kg/l (lb/gal)	kg/l (lb/gal) solids applied
	A) General, One Component	0.275 (2.3)	0.40 (3.3)
	B) General, Multi-Component		
	i) Air <u>dried</u> Dried	0.340 (2.8)	0.55 (4.5)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	ii)	Baked	0.275 (2.3)	0.40 (3.3)
	C)	Extreme High Gloss		
|	i)	Air <u>dried</u> Dried	0.340 (2.8)	0.55 (4.5)
	ii)	Baked	0.360 (3.0)	0.61 (5.1)
	D)	Extreme Performance		
|	i)	Air <u>dried</u> Dried	0.420 (3.5)	0.80 (6.7)
	ii)	Baked	0.360 (3.0)	0.61 (5.1)
	E)	Heat Resistant		
|	i)	Air <u>dried</u> Dried	0.420 (3.5)	0.80 (6.7)
	ii)	Baked	0.360 (3.0)	0.61 (5.1)
	F)	Metallic	0.420 (3.5)	0.80 (6.7)
	G)	Pretreatment Coatings	0.420 (3.5)	0.80 (6.7)
	H)	Solar Absorbent		
|	i)	Air <u>dried</u> Dried	0.420 (3.5)	0.80 (6.7)
	ii)	Baked	0.360	0.61

- 3) The limitations set forth in this subsection (h) shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period. On and after May 1, 2011, these limitations shall also not apply to stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, touch-up and repair coatings, or coating applications utilizing hand-held aerosol cans.

i)	Magnet Wire Coating	kg/l	lb/gal
		0.20	(1.7)
		0.20*	(1.7)*
j)	<u>Prior to May 1, 2012:</u> Miscellaneous Metal Parts and Products Coating		
1)	Clear coating	0.52	(4.3)
		0.52*	(4.3)*
2)	Extreme performance coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.42	(3.5)
		0.40*	(3.3)*
3)	Steel pail and drum interior coating	0.52	(4.3)
		0.52*	(4.3)*
4)	All other coatings		
A)	Air dried	0.42	(3.5)
		0.40*	(3.3)*
B)	Baked	0.36	(3.0)
		0.34*	(2.8)*
5)	Metallic Coating		
A)	Air dried	0.42	(3.5)
		0.42*	(3.5)*
B)	Baked	0.36	(3.0)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

0.36 (3.0)*

- 6) For purposes of subsection (j)(5) of this Section, "metallic coating" means a coating which contains more than $\frac{1}{4}$ lb/gal of metal particles, as applied.

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

k)	Heavy Off-Highway Vehicle Products Coating	kg/l	lb/gal
1)	Extreme performance prime coat	0.42 0.42*	(3.5) (3.5)*
2)	Extreme performance topcoat (air dried)	0.42 0.42*	(3.5) (3.5)*
3)	Final repair coat (air dried)	0.42 0.42*	(3.5) (3.5)*
4)	All other coatings are subject to the emission limitations for miscellaneous metal parts and products coatings in subsection (j).		
l)	Wood Furniture Coating		
1)	Limitations before March 15, 1998:	kg/l	lb/gal
A)	Clear topcoat	0.67	(5.6)
B)	Opaque stain	0.56	(4.7)
C)	Pigmented coat	0.60	(5.0)
D)	Repair coat	0.67	(5.6)
E)	Sealer	0.67	(5.6)
F)	Semi-transparent stain	0.79	(6.6)
G)	Wash coat	0.73	(6.1)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: ~~(Note:~~ Prior to March 15, 1998, an owner or operator of a wood furniture coating operation subject to this Section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic bell or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

- 2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (l)(2)(A) through (E):

		kg VOM/kg solids	lb VOM/lb solids
A)	Topcoat	0.8	(0.8)
B)	Sealers and topcoats with the following limits:		
	i) Sealer other than acid-cured alkyd amino vinyl sealer	1.9	(1.9)
	ii) Topcoat other than acid-cured alkyd amino conversion varnish topcoat	1.8	(1.8)
	iii) Acid-cured alkyd amino vinyl sealer	2.3	(2.3)
	iv) Acid-cured alkyd amino conversion varnish topcoat	2.0	(2.0)
C)	Meet the provisions of Section 219.215 of this Subpart for use of an averaging approach;		
D)	Achieve a reduction in emissions equivalent to the requirements of subsection (l)(2)(A) or (B) of this Section, as calculated using Section 219.216 of this Subpart; or		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) Use a combination of the methods specified in subsections (1)(2)(A) through (D) of this Section.
- 3) Other wood furniture coating limitations on and after March 15, 1998:
- | | kg/l | lb/gal |
|-------------------------------|------|--------|
| A) Opaque stain | 0.56 | (4.7) |
| B) Non-topcoat pigmented coat | 0.60 | (5.0) |
| C) Repair coat | 0.67 | (5.6) |
| D) Semi-transparent stain | 0.79 | (6.6) |
| E) Wash coat | 0.73 | (6.1) |
- 4) Other wood furniture coating requirements on and after March 15, 1998:
- A) No source subject to the limitations of subsection (1)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied.
- B) Any source subject to the limitations of subsection (1)(2) or (3) of this Section shall comply with the requirements of Section 219.217 of this Subpart.
- C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coaters, shall for each continuous coater, use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:
- i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating and retesting the coating in the reservoir each time solvent is added;

- ii) Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added; and
- iii) Maintain these records at the source for a period of three years.

|	m)	<u>Prior to May 1, 2012:</u> Plastic Parts Coating: Automotive/Transportation	kg/l	lb/gal
	1)	Interiors		
	A)	Baked		
	i)	Color coat	0.49*	(4.1)*
	ii)	Primer	0.46*	(3.8)*
|	B)	Air dried Dried		
	i)	Color coat	0.38*	(3.2)*
	ii)	Primer	0.42*	(3.5)*
	2)	Exteriors (flexible and non-flexible)		
	A)	Baked		
	i)	Primer	0.60*	(5.0)*
	ii)	Primer non-flexible	0.54*	(4.5)*
	iii)	Clear coat	0.52*	(4.3)*
	iv)	Color coat	0.55*	(4.6)*
|	B)	Air dried Dried		
	i)	Primer	0.66*	(5.5)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ii)	Clear coat	0.54*	(4.5)*
iii)	Color coat (red & black)	0.67*	(5.6)*
iv)	Color coat (others)	0.61*	(5.1)*
3)	Specialty		
A)	Vacuum metallizing basecoats, texture basecoats	0.66*	(5.5)*
B)	Black coatings, reflective argent coatings, air bag cover coatings, and soft coatings	0.71*	(5.9)*
C)	Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77*	(6.4)*
D)	Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82*	(6.8)*
E)	Head lamp lens coatings	0.89*	(7.4)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

n)	<u>Prior to May 1, 2012:</u> Plastic Parts Coating: Business Machine	kg/l	lb/gal
1)	Primer	0.14*	(1.2)*
2)	Color coat (non-texture coat)	0.28*	(2.3)*
3)	Color coat (texture coat)	0.28*	(2.3)*
4)	Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.48*	(4.0)*
5)	Specialty Coatings		
A)	Soft coat	0.52*	(4.3)*

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

B)	Plating resist	0.71*	(5.9)*
C)	Plating sensitizer	0.85*	(7.1)*

BOARD NOTE: On and after May 1, 2012, the limitations in Section 219.204(q) shall apply to this category of coating.

- o) Flat Wood Paneling Coatings. On and after August 1, 2010, flat wood paneling coatings shall comply with one of the following limitations:
- 1) 0.25 kg VOM/l of coatings (2.1 lb VOM/gal coatings); or
 - 2) 0.35 kg VOM/l solids (2.9 lb VOM/gal solids).

BOARD NOTE: The Board has omitted subsection (p) and adopted a subsection (q) in order to preserve consistent labeling with similar requirements in 35 Ill. Adm. Code 218.

q) Miscellaneous Metal Parts and Products Coatings and Plastic Parts and Products Coatings On and After May 1, 2012. On and after May 1, 2012, the owner or operator of a miscellaneous metal or plastic parts coating line shall comply with the limitations in this subsection (q). The limitations in this subsection (q) shall not apply to aerosol coating products, powder coatings, or primer sealants and ejection cartridge sealants used in ammunition manufacturing. Primer sealants and ejection cartridge sealants shall instead be regulated under Subpart TT of this Part.

- 1) Metal Parts and Products. For purposes of this subsection (q)(1), "corrosion resistant basecoat" means a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance. Also for purposes of this subsection (q)(1), "marine engine coating" means any extreme performance protective, decorative, or functional coating applied to an engine that is used to propel watercraft. The limitations in this subsection (q)(1) shall not apply to stencil coats, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating. The limitations in Section 219.219, however, shall apply to these coatings unless specifically excluded in Section 219.219.

kg VOM/l lb VOM/gal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	<u>coating solids applied</u>	<u>coating solids applied</u>
<u>A) General one component coating</u>		
i) <u>Air dried</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
ii) <u>Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
<u>B) General multi-component coating</u>		
i) <u>Air dried</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
ii) <u>Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
<u>C) Camouflage coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>D) Electric-insulating varnish</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>E) Etching filler</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>F) Extreme high-gloss coating</u>		
i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
<u>G) Extreme performance coating</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
H)	<u>Heat-resistant coating</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
I)	<u>High performance architectural coating</u>	<u>0.74</u> <u>(6.2)</u>	<u>4.56</u> <u>(38.0)</u>
J)	<u>High temperature coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
K)	<u>Metallic coating</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
L)	<u>Military specification coating</u>		
	i) <u>Air dried</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
	ii) <u>Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
M)	<u>Mold-seal coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

<u>N)</u>	<u>Pan backing coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>O)</u>	<u>Prefabricated architectural coating: multi-component</u>		
	<u>i) Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	<u>ii) Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
<u>P)</u>	<u>Prefabricated architectural coating: one-component</u>		
	<u>i) Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	<u>ii) Baked</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
<u>Q)</u>	<u>Pretreatment coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>R)</u>	<u>Repair coats and touch-up coatings</u>		
	<u>i) Air dried</u>	<u>0.42</u> <u>(3.5)</u>	
	<u>ii) Baked</u>	<u>0.36</u> <u>(3.01)</u>	
<u>S)</u>	<u>Silicone release coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
<u>T)</u>	<u>Solar-absorbent coating</u>		
	<u>i) Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
U)	<u>Vacuum-metalizing coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
V)	<u>Drum coating, new, exterior</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
W)	<u>Drum coating, new, interior</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
X)	<u>Drum coating, reconditioned, exterior</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
Y)	<u>Drum coating, reconditioned, interior</u>	<u>0.50</u> <u>(4.2)</u>	<u>1.17</u> <u>(9.78)</u>
Z)	<u>Steel pail and drum interior coating</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
AA)	<u>Marine engine coating</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked: primer/topcoat</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	iii) <u>Baked: corrosion resistant basecoat</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
	iv) <u>Clear coating</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
BB)	<u>Ammunition sealants</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
	CC) <u>Electrical switchgear compartment coatings</u>		
	i) <u>Air dried</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
	ii) <u>Baked</u>	<u>0.36</u> <u>(3.0)</u>	<u>0.61</u> <u>(5.06)</u>
	DD) <u>All other coatings</u>		
	i) <u>Air dried</u>	<u>0.40</u> <u>(3.3)</u>	<u>0.73</u> <u>(5.98)</u>
	ii) <u>Baked: primer/topcoat</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.54</u> <u>(4.52)</u>
2)	<u>Plastic Parts and Products: Miscellaneous. For purposes of this subsection (q)(2), miscellaneous plastic parts and products are plastic parts and products that are not subject to subsection (q)(3), (q)(4), (q)(5), or (q)(6) of this Section. The limitations in subsection (q)(2) shall not apply to touch-up and repair coatings; stencil coats applied on clear or transparent substrates; clear or translucent coatings; coatings applied at a paint manufacturing facility while conducting performance tests on the coatings; any individual coating category used in volumes less than 189.2 liters (50 gallons) in any one calendar year, if the total usage of all such coatings does not exceed 756.9 liters (200 gallons) per calendar year per source and substitute compliant coatings are not available; reflective coatings applied to highway cones; mask coatings that are less than 0.5 mm thick (dried) if the area coated is less than 25 square inches; electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices if the total usage of all such coatings does not exceed 378.4 liters (100 gallons) per calendar year per source. The limitations in</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 219.219, however, shall apply to such coatings unless specifically excluded in Section 219.219.)

	<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>
A) <u>General one component coating</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(3.35)</u>
B) <u>General multi-component</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
C) <u>Electric dissipating coatings</u> <u>and shock-free coatings</u>	<u>0.80</u> <u>(6.7)</u>	<u>8.96</u> <u>(74.7)</u>
D) <u>Extreme performance</u> <u>(2-pack coatings)</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
E) <u>Metallic coating</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
F) <u>Military specification coating</u>		
i) <u>1-pack coatings</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.54</u> <u>(4.52)</u>
ii) <u>2-pack coatings</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
G) <u>Mold-seal coating</u>	<u>0.76</u> <u>(6.3)</u>	<u>5.24</u> <u>(43.7)</u>
H) <u>Multi-colored coating</u>	<u>0.68</u> <u>(5.7)</u>	<u>3.04</u> <u>(25.3)</u>
I) <u>Optical coating</u>	<u>0.80</u> <u>(6.7)</u>	<u>8.96</u> <u>(74.7)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

J)	<u>Vacuum-metalizing coating</u>	<u>0.80</u> <u>(6.7)</u>	<u>8.96</u> <u>(74.7)</u>
3)	<u>Plastic Parts and Products</u> <u>Automotive/Transportation</u>		
		<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>
A)	<u>High bake coatings – interior and exterior parts</u>		
i)	<u>Flexible primer</u>	<u>0.54</u> <u>(4.5)</u>	<u>1.39</u> <u>(11.58)</u>
ii)	<u>Non-flexible primer</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
iii)	<u>Basecoats</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
iv)	<u>Clear coat</u>	<u>0.48</u> <u>(4.0)</u>	<u>1.05</u> <u>(8.76)</u>
v)	<u>Non-basecoat/clear coat</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
B)	<u>Low bake/air dried coatings – exterior parts</u>		
i)	<u>Primers</u>	<u>0.58</u> <u>(4.8)</u>	<u>1.66</u> <u>(13.80)</u>
ii)	<u>Basecoat</u>	<u>0.60</u> <u>(5.0)</u>	<u>1.87</u> <u>(15.59)</u>
iii)	<u>Clear coats</u>	<u>0.54</u> <u>(4.5)</u>	<u>1.39</u> <u>(11.58)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	iv) <u>Non-basecoat/clear coat</u>	<u>0.60</u> <u>(5.0)</u>	<u>1.87</u> <u>(15.59)</u>
C)	<u>Low bake/air dried coatings – interior parts</u>		
	i) <u>Color coat</u>	<u>0.38</u> <u>(3.2)</u>	<u>0.67</u> <u>(5.66)</u>
	ii) <u>Primer</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.67)</u>
D)	<u>Touchup and repair coatings</u>	<u>0.62</u> <u>(5.2)</u>	<u>2.13</u> <u>(17.72)</u>
E)	<u>Specialty</u>		
	i) <u>Vacuum metallizing basecoats, texture basecoats</u>	<u>0.66</u> <u>(5.5)</u>	<u>2.62</u> <u>(21.8)</u>
	ii) <u>Reflective argent coatings, air bag cover coatings, and soft coatings</u>	<u>0.71</u> <u>(5.9)</u>	<u>3.64</u> <u>(29.7)</u>
	iii) <u>Gloss reducers, vacuum metallizing topcoats, and texture topcoats</u>	<u>0.77</u> <u>(6.4)</u>	<u>6.06</u> <u>(49.1)</u>
	iv) <u>Stencil coats, adhesion primers, ink pad coatings, electrostatic prep coats, and resist coats</u>	<u>0.82</u> <u>(6.8)</u>	<u>(11.67)</u> <u>(89.4)</u>
	v) <u>Head lamp lens coating</u>	<u>0.89</u> <u>(7.4)</u>	
F)	<u>Red, yellow, and black coatings Subject coating lines shall comply with a limit determined by multiplying the appropriate limit in</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subsections (q)(3)(A) through (q)(3)(E) of this Section by 1.15.

- 4) Plastic Parts and Products: Business Machine. The limitations of this subsection (q)(4) shall not apply to vacuum metallizing coatings, gloss reducers, texture topcoats, adhesion primers, electrostatic preparation coatings, stencil coats, and resist coats other than plating resist coats. The limitations in Section 219.219, however, shall apply to such coatings unless specifically excluded in Section 219.219.

	<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>
<u>A) Primers</u>	<u>0.14</u> <u>(1.2)</u>	<u>0.17</u> <u>(1.4)</u>
<u>B) Topcoat</u>	<u>0.35</u> <u>(2.9)</u>	<u>0.57</u> <u>(4.80)</u>
<u>C) Color coat (texture coat)</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(4.80)</u>
<u>D) Color coat (non-texture coat)</u>	<u>0.28</u> <u>(2.3)</u>	<u>0.40</u> <u>(4.80)</u>
<u>E) Texture coats other than color texture coats</u>	<u>0.35</u> <u>(2.9)</u>	<u>0.57</u> <u>(4.80)</u>
<u>F) EMI/RFI shielding coatings</u>	<u>0.48</u> <u>(4.0)</u>	<u>1.05</u> <u>(8.76)</u>
<u>G) Fog coat</u>	<u>0.26</u> <u>(2.2)</u>	<u>0.38</u> <u>(3.14)</u>
<u>H) Touchup and repair</u>	<u>0.35</u> <u>(2.9)</u>	<u>0.57</u> <u>(4.80)</u>
<u>I) Specialty coatings</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	i) <u>Soft coat</u>	<u>0.52</u> <u>(4.3)</u>	<u>1.24</u> <u>(10.34)</u>
	ii) <u>Plating resist</u>	<u>0.71</u> <u>(5.9)</u>	<u>3.64</u> <u>(29.7)</u>
	iii) <u>Plating sensitizer</u>	<u>0.85</u> <u>(7.1)</u>	<u>(23.4)</u> <u>(201.0)</u>
5)	<u>Pleasure Craft Surface Coatings</u>		
		<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>	<u>kg/l</u> <u>(lb/gal)</u> <u>solids</u>
	A) <u>Extreme high gloss coating – topcoat</u>	<u>0.49</u> <u>(4.1)</u>	<u>1.10</u> <u>(9.2)</u>
	B) <u>High gloss coating – topcoat</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
	C) <u>Pretreatment wash primer</u>	<u>0.78</u> <u>(6.5)</u>	<u>6.67</u> <u>(55.6)</u>
	D) <u>Finish primer surfacer</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
	E) <u>High build primer/surfacer</u>	<u>0.34</u> <u>(2.8)</u>	<u>0.55</u> <u>(4.6)</u>
	F) <u>Aluminum substrate antifoulant coating</u>	<u>0.56</u> <u>(4.7)</u>	<u>1.53</u> <u>(12.8)</u>
	G) <u>Other substrate antifoulant coating</u>	<u>0.33</u> <u>(2.8)</u>	<u>0.53</u> <u>(4.4)</u>
	H) <u>All other pleasure craft surface coatings for metal or plastic</u>	<u>0.42</u> <u>(3.5)</u>	<u>0.80</u> <u>(6.7)</u>
6)	<u>Motor Vehicle Materials</u>		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	<u>kg/l</u> <u>(lb/gal)</u> <u>coatings</u>
A) <u>Cavity wax</u>	<u>0.65</u> <u>(5.42)</u>
B) <u>Sealer</u>	<u>0.65</u> <u>(5.42)</u>
C) <u>Deadener</u>	<u>0.65</u> <u>(5.42)</u>
D) <u>Gasket/gasket sealing material</u>	<u>0.20</u> <u>(1.67)</u>
E) <u>Underbody coating</u>	<u>0.65</u> <u>(5.42)</u>
F) <u>Trunk interior coating</u>	<u>0.65</u> <u>(5.42)</u>
G) <u>Bedliner</u>	<u>0.20</u> <u>(1.67)</u>
H) <u>Lubricating wax/compound</u>	<u>0.70</u> <u>(5.84)</u>

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.205 Daily-Weighted Average Limitations

No owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of this Section shall operate the subject coating line unless the owner or operator has demonstrated compliance with subsection (a), (b), (c), (d), (e), (f), (g), (h), ~~or (i), or (j)~~ of this Section (depending upon the category of coating) through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(d) of this Subpart:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) No owner or operator of a coating line subject to only one of the limitations from among Section 219.204(a)(1)(~~A~~), (a)(1)(~~D~~)(4), (a)(2)(A), (a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), (i), ~~or (o)~~, ~~or, prior to May 1, 2011, (e)~~ of this Subpart shall apply coatings on any such coating line, during any day, whose daily-weighted average VOM content exceeds the emission limitation to which the coatings are subject.
- b) ~~Prior to May 1, 2012, no~~ owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 219.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(j) of this Subpart, during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- c) No owner or operator of a can coating line subject to the limitations of Section 219.204(b) of this Subpart shall operate the subject coating line using a coating with a VOM content in excess of the limitations specified in Section 219.204(b) of this Subpart unless all of the following requirements are met:
- 1) An alternative daily emission limitation for the can coating operation, i.e., for all of the can coating lines at the source, shall be determined according to subsection (c)(2) of this Section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$E_b = \sum_{i=1}^n V_i C_i$$

where:

E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of coatings applied in the can coating operation, i.e., all can coating lines at the source;

V_i = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

- 2) The alternative daily emission limitation (A_d) shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, on a daily basis as follows:

$$A_d = \sum_{i=1}^n V_i L_i \frac{(D_i - C_i)}{(D_i - L_i)}$$

where:

A_d = The VOM emissions allowed for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of surface coatings applied in the can coating operation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C_i = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
- D_i = The density of VOM in each coating applied. For the purposes of calculating A_d , the density is 0.882kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- V_i = Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);
- L_i = The VOM emission limitation for each surface coating applied as specified in Section 219.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).
- d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 219.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) No owner or operator of a wood furniture coating line subject to the limitations of Section 219.204(l)(1) or (l)(3) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 219.204(l)(1) of this Subpart, are met.
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- f) Prior to May 1, 2012, no~~Ne~~ owner or operator of a plastic parts coating line subject to the limitations of Section 219.204(m) or (n) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(m) or (n) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- g) No owner or operator of a metal furniture coating line subject to the limitations of Section 219.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met:
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.
- h) No owner or operator of a large appliance coating line subject to the limitations of Section 219.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met.
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) On and after May 1, 2011, no owner or operator of a paper coating line subject to the limitations of Section 219.204(c) of this Subpart shall apply coatings on the subject coating line unless the requirements in subsection (i)(1) or (i)(2) of this Section are met:
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(c) during the same day (e.g., all coatings used on the line are subject to 0.40 kg/kg solids (0.08 kg/kg coatings)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(c) during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.
- j) On and after May 1, 2012, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts or products coating line, pleasure craft surface coating line, or motor vehicle materials coating line subject to the limitations of Section 219.204(q) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (j)(1) or (j)(2) of this Section are met:
- 1) For each coating line that applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(q) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or
 - 2) For each coating line that applies coatings subject to more than one numerical emission limitation in Section 219.204(q) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.207 Alternative Emission Limitations

- a) Any owner or operator of a coating line subject to Section 219.204 of this Subpart, except coating lines subject to Section 219.204(q)(6), may comply with this Section, rather than with Section 219.204 of this Subpart, if a capture system and control device are operated at all times the coating line is in operation and the owner or operator demonstrates compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), ~~(l)~~, or (m) of this Section (depending upon the source category) through the applicable coating analysis and capture system and control device efficiency test methods and procedures specified in Section 219.105 of this Part and the recordkeeping and reporting requirements specified in Section 219.211(e) of this Subpart; and the control device is equipped with the applicable monitoring equipment specified in Section 219.105(d) of this Part and the monitoring equipment is installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use. A capture system and control device, which does not demonstrate compliance with subsection (c), (d), (e), (f), (g), (h), (i), (j), (k), ~~(l)~~, or (m) of this Section may be used as an alternative to compliance with Section 219.204 of this Subpart only if the alternative is approved by the Agency and approved by the USEPA as a SIP revision. The owner or operator of a pleasure craft surface coating operation subject to Section 219.204(q)(5)(A) through (G) of this Subpart may also comply with subsection (n) of this Section, rather than with Section 219.204 of this Subpart.
- b) Alternative Add-On Control Methodologies
- 1) The coating line is equipped with a capture system and control device that provides 81 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency; or
 - 2) The system used to control VOM from the coating line is demonstrated to have an overall efficiency sufficient to limit VOM emissions to no more than what is allowed under Section 219.204 of this Subpart. Use of any control system other than an afterburner, carbon adsorption, condensation, or absorption scrubber system can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. The use of transfer

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

efficiency credits can be allowed only if approved by the Agency and approved by the USEPA as a SIP revision. Baseline transfer efficiencies and transfer efficiency test methods must be approved by the Agency and the USEPA. Such overall efficiency is to be determined as follows:

- A) Obtain the emission limitation from the appropriate subsection in Section 219.204 of this Subpart;
- B) Unless complying with an emission limitation in Section 219.204 that is already expressed in terms of weight of VOM per volume of solids, calculate ~~Calculate~~ "S" according to the equation in Section 219.206 of this Subpart;
- C) Calculate the overall efficiency required according to Section 219.105(e) of this Part. For the purposes of calculating this value, according to the equation in Section 219.105(e)(2) of this Part, VOM_1 is equal to the value of "S" as determined in subsection (b)(2)(B) of this Section. If the coating line is complying with an emission limitation in Section 219.204 of this Subpart that is already expressed in terms of weight of VOM per volume of solids, VOM_1 is equal to that emission limitation.
- c) No owner or operator of a coating line subject to only one of the emission limitations from among Section 219.204(a)(1)(A), (a)(1)(D)(4), (a)(2)(A), (a)(2)(E), (a)(2)(F), (c)(1), (d), (e), (f), or (i), or, prior to May 1, 2011, (e) of this Subpart and equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. No owner or operator of a coating line subject to Section 219.204(a)(1)(B)(2) ~~or (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(3)~~ of this Subpart and equipped with a capture system and control device shall operate the coating line unless the owner or operator demonstrates compliance with such limitation in accordance with the topcoat protocol referenced in Section 219.105(b)(1)(A) or (b)(1)(B) of this Part, as applicable.
- d) No owner or operator of a miscellaneous metal parts and products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

- e) No owner or operator of a heavy off-highway vehicle products coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- f) No owner or operator of a wood furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(l) of this Subpart (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met. If compliance is achieved by meeting the requirements in subsection (b)(2) of this Section, then the provisions in the note to Section 219.204(l) of this Subpart must also be met.
- g) No owner or operator of a can coating line equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (g)(1) or (g)(2) of this Section are met.
- 1) An alternative daily emission limitation for the can coating operation, i.e., for all of the can coating lines at the source, shall be determined according to Section 219.205(c)(2) of this Subpart. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation:

$$E_d = \sum_{i=1}^n V_i C_i (1 - F_i)$$

where:

E_d = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting the specific coating applied;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

n = Total number of surface coatings as applied in the can coating operation;

V_i = Volume of each coating as applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and

F_i = Fraction, by weight, of VOM emissions from the surface coating, reduced or prevented from being emitted to the ambient air. This is the overall efficiency of the capture system and control device.

- 2) The coating line is equipped with a capture system and control device that provide 75 percent reduction in the overall emissions of VOM from the coating line and the control device has a 90 percent efficiency.
- h) No owner or operator of a plastic parts coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- i) Prior to May 1, 2011, no owner or operator of a metal furniture coating line that applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
- j) Prior to May 1, 2011, no owner or operator of a large appliance coating line that

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

applies one or more coatings during the same day, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart (e.g., all coatings used on the line are subject to 0.34 kg/l (2.8 lbs/gal)), and that is equipped with a capture system and control device shall operate the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

- k) On and after May 1, 2011, no owner or operator of a paper coating line, metal furniture coating line, or large appliance coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
- 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator complies with the applicable limitation set forth in Section 219.204 of this Subpart by utilizing a combination of low-VOM coatings and a capture system and control device.
- l) No owner or operator of a flat wood paneling coating line that is equipped with a capture system and control device shall operate the subject coating line unless either:
- 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator of the flat wood paneling coating line complies with all requirements set forth in subsection (b)(2) of this Section.
- m) On and after May 1, 2011, no owner or operator of a miscellaneous metal parts and products coating line, plastic parts and products coating line, or pleasure craft surface coating line that is equipped with a capture system and control device shall operate the subject coating line unless:
- 1) The capture system and control device provide at least 90 percent reduction in the overall emissions of VOM from the coating line; or
 - 2) The owner or operator of the coating line complies with all requirements set forth in subsection (b)(2) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- n) Emissions Averaging Alternative for Pleasure Craft Surface Coating Operations. The owner or operator of a source with coating operations subject to the requirements of Section 219.204(q)(5)(A) through (G) may elect to include such operations in the emissions averaging alternative. Coating operations utilizing this alternative shall comply with a source-specific VOM emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. Subject coating operations that do not utilize the emissions averaging alternative and coating operations subject to Section 219.204(q)(5)(H), shall comply with the requirements in Section 219.204(q)(5) or 219.205, or subsection (m) of this Section, as applicable, as well as with all other applicable requirements in this Subpart.
- 1) The total actual VOM emissions determined by Equation 2 shall be equal to or less than the total allowable VOM emissions determined by Equation 1. The owner or operator of a source subject to this subsection (n) shall use Equation 1 to determine the total allowable source-specific VOM mass emission limit for pleasure craft coatings included in this emissions average:

Equation 1:

$$VOM_{Allowable} = \sum_{i=A}^G LIM_i V_i$$

where:

VOM_{Allowable} ≡ Total allowable mass of VOM that can be emitted from the pleasure craft coating operations included in the average, expressed in kilograms per 12-month period.

LIM_i ≡ The applicable VOM content limit for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i ≡ Volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i ≡ Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (n) shall use Equation 2 to calculate the total actual VOM emissions from the pleasure craft coating operations included in the emissions average.

Equation 2:

$$VOM_{Actual} = \sum_{i=A}^G VOM_i V_i$$

where:

VOM_{Actual} ≡ VOM emissions calculated using the VOM content for all coatings from Section 219.204(q)(5)(A) through (G) that are included in the average and the volume of those coatings used, expressed in kilograms.

VOM_i ≡ Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.

V_i ≡ Total volume of specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G) used in the past 12 months, excluding water and any compounds that are exempt, expressed in liters.

i ≡ Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) For purposes of Equation 2, the owner or operator of a source subject to this subsection (n) shall use Equation 3 to calculate the weighted average VOM content for each coating included in the emissions average for the previous 12 months.

Equation 3:

$$VOM_i = \frac{\sum_{j=1}^n VOM_j V_j}{\sum_{j=1}^n V_j}$$

where:

- VOM_i ≡ Weighted average of actual VOM content for a specified pleasure craft coating category from Section 219.204(q)(5)(A) through (G), expressed in kilograms per liter.
- VOM_j ≡ VOM content of each pleasure craft coating used over the previous 12 months within a specific pleasure craft coating category, i.
- V_i ≡ Volume of each pleasure craft coating used in the previous 12 months, excluding water and any compounds that are exempt, within a specific pleasure craft coating category, i.
- i ≡ Subscript denoting a specific pleasure craft coating category from Section 219.204(q)(5)(A) through (G).
- j ≡ Subscript denoting a specific pleasure craft coating within a specified coating category, i.
- n ≡ Number of coatings applied within a specific coating category, i.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.208 Exemptions From Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 219.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 219.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Prior to May 2012, volatile~~volatile~~ organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. On and after May 1, 2012, VOM emissions from heavy off-highway vehicle products coating lines shall be combined with VOM emissions from miscellaneous metal parts and products coating lines and plastic parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 219.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 219.204 of this Part the coating lines are always subject to the limitations in Section 219.204 of this Subpart.
- b) Applicability for wood furniture coating
- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H (excluding Section 219.405 of this Part), Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
 - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.
- 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and that which:
- A) Are not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H, Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part; and
 - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- 3) If a source ceases to fulfill the criteria of subsection (b)(1) or (b)(2) of this Section, the limitations of Section 219.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 219.204(l) of this Subpart.
- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Subpart are not met.

- 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section subsections 219.204(b), (d), (f), (g), and (i), ~~(j), (m) and (n)~~ of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling 12 ~~twelve~~-month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section.
- d) Prior to May 1, 2012, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by Section 219.204(j), (m), and (n) of this Subpart, provided that the source-wide volume of the coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (e) of this Section.
- ed) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 219.204(b), (d), (f), (g), (i), (j), (m) and (n) of this Subpart because of the provisions of subsection Section 219.208(c) or (d) of this Section Subpart shall:
- 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
 - 2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 219.204 of this Subpart) shall comply with the requirements of Section 219.204, 219.205, 219.207 or 219.208 and Section 219.211 or Sections 219.212 and 219.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e), (f), (g), ~~or~~(h), or (i) of this Section:

- a) No owner or operator of a coating line that is exempt from the limitations of Section 219.204 of this Subpart because of the criteria in Section 219.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.211(b) of this Subpart.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) No owner or operator of a coating line complying by means of Section 219.204 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.204 and 219.211(c) of this Subpart.
- c) No owner or operator of a coating line complying by means of Section 219.205 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.205 and 219.211(d) of this Subpart.
- d) No owner or operator of a coating line complying by means of Section 219.207 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.207 and 219.211(e) of this Subpart.
- e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.204, 219.205 or 219.207 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 219.204, or the alternative control options in Section 219.205 or 219.207 and the requirements of Section 219.211.
- f) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 219.212 and 219.213 of this Subpart.
- g) No owner or operator of a coating line subject to the emission limitations in Section 219.204(c)(2), (g)(2), or (h)(2) of this Subpart shall operate that coating line on or after a date consistent with Section 219.106(c) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.204(c)(2), (g)(2), or (h)(2), as applicable, or the alternative control options in Section 219.205 or 219.207, and all applicable requirements in Sections 219.211 and 219.218 of this Subpart.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- h) No owner or operator of a coating line subject to the emission limitations contained in Section 219.204(o) of this Subpart shall operate that coating line on or after a date consistent with Section 219.106(d) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.204(o) or the alternative control options in Section 219.205 or 219.207, and the requirements of Sections 219.211 and 219.217 of this Subpart, as applicable.
- i) No owner or operator of a coating line subject to the emission limitations in Section 219.204(a)(2) or (q) of this Subpart, or subject to the limitations in Section 219.219 of this Subpart, shall operate the coating line on or after a date consistent with Section 219.106(e) of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.204(a)(2) or (q), if applicable, or the alternative control options in Section 219.205 or 219.207, and all applicable requirements in Sections 219.211 and 219.219 of this Subpart.

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.211 Recordkeeping and Reporting

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line that is exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) or (b) of this Subpart shall comply with the following:
- 1) For sources exempt from Section 219.208(a) of this Subpart, by a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 219.208(a) of this Subpart. Such certification shall include:
 - A) A declaration that the coating line is exempt from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Calculations that demonstrate that the combined VOM emissions from the coating line and all other coating lines in the same category never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$T_e = \sum_{j=1}^m \sum_{i=1}^n (A_i B_i)_j$$

where:

- T_e = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);
- m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 219.104 of this Part (because they belong to the same category, e.g., can coating);
- j = Subscript denoting an individual coating line;
- n = Number of different coatings as applied each day on each coating line;
- i = Subscript denoting an individual coating;
- A_i = Weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and
- B_i = Volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) For sources exempt under Section 219.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 219.208(b) of this Subpart. Such certification shall include:
 - A) A declaration that the source is exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart; and
 - B) Calculations ~~that~~which demonstrate that the source meets the criteria of exemption because of Section 219.208(b) of this Subpart.

- 3) For sources exempt under Section 219.208(a) of this Subpart, on and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating as applied on each coating line; and
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds ~~that~~which are specifically exempted from the definition of VOM) as applied each day on each coating line.

- 4) For sources exempt under Section 219.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating as applied on each coating line; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.
- 5) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 219.204 of this Subpart because of Section 219.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.
- 6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 219.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.
- c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart other than Section 219.204(a)(1)(B), ~~(2)~~ and (a)(1)(C), ~~(a)(2)(B), (a)(2)(C), or (a)(2)(D)(3)~~ of this Subpart and complying by means of Section 219.204 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 219.205, Section 219.207, Section 219.215, or Section 219.216 of this Subpart to Section 219.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:
- A) The name and identification number of each coating as applied on each coating line;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The weight of VOM per volume of each coating (minus water and any compounds that are specifically exempted from the definition of VOM) as applied each day on each coating line;
- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line;
- D) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line;
- E) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the application methods used to apply coatings on the subject coating line and the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line; ~~and~~
- F) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line; ~~and~~
- G) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, and the solids turnover ratio of the EDP operation, with supporting calculations;
- H) For coating lines subject to the limitations of Section 219.204(a)(2)(E), the weight of VOM per volume of each coating as applied each day on each coating line, calculated on an occurrence weighted average basis;
- I) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day, unless otherwise specified, for each coating line and maintain the information at the source for a period of three years:
- A) The name and identification number of each coating as applied on each coating line;
 - B) The weight of VOM per volume of each coating (minus water and any compounds ~~that which~~ are specifically exempted from the definition of VOM) as applied each day on each coating line;
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating;
 - D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitation of Section 219.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating;
 - E) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line, and certified product data sheets for each coating;
 - F) For coating lines subject to the limitations of Section 219.204(g)(2) or 219.204(h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line, and certified product data sheets for each coating; ~~and~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line;
- H) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line, certified product data sheets for each coating, and the solid turnover ratio for the EDP operation, calculated on a calendar monthly basis, with supporting calculations;
- I) For coating lines subject to the limitations of Section 219.204(a)(2)(E), the weight of VOM per volume of each coating as applied each day on each coating line, calculated on an occurrence weighted average basis, and certified product data sheets for each coating;
- J) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line, and certified product data sheets for each coating.
- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 219.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (d)(1), ~~or (e)(1)~~, or (i)(1), as applicable respectively. Upon changing the method of compliance from Section 219.204 to Section 219.205 or Section 219.207 of this Subpart, the owner or operator shall comply with all

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements of subsection (d), ~~or~~ (e), or (i) of this Section, as applicable respectively.

- d) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of Section 219.205 of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 219.204 or Section 219.207 to Section 219.205 of this Subpart; the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.205 on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:
 - A) The name and identification number of each coating line which will comply by means of Section 219.205 of this Subpart.
 - B) The name and identification number of each coating as applied on each coating line.
 - C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
 - E) For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
 - FE) For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.

~~G~~F) For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.

~~H~~G) For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.

~~I~~) For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.

~~J~~H) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

~~K~~I) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

~~L~~J) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line.

B) The weight of VOM per volume and the volume of each coating (minus water and any compounds ~~that~~ which are specifically

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

exempted from the definition of VOM) as applied each day on each coating line.

- C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
- ~~D)~~ For coating lines subject to the limitations of Section 219.204(a)(2)(A) of this Subpart, the weight of VOM per volume of solids in each coating as applied each day on each coating line.
- ~~E)~~ For coating lines subject to the limitations of Section 219.204(c)(2) of this Subpart, the weight of VOM per weight of solids (or the weight of VOM per weight of coatings, as applicable) in each coating as applied each day on each coating line.
- ~~F)~~ For coating lines subject to the limitations of Section 219.204(g)(2) or (h)(2) of this Subpart, the weight of VOM per volume of each coating (or the weight of VOM per volume of solids in each coating, as applicable) as applied each day on each coating line.
- ~~G)~~ For coating lines subject to the limitations of Section 219.204(o) of this Subpart, the weight of VOM per volume of coatings or solids, as applicable, as applied each day on each coating line.
- ~~H)~~ For coating lines subject to the limitations of Section 219.204(q) of this Subpart, the weight of VOM per volume of each coating, or the weight of VOM per volume of solids in each coating, as applicable, as applied each day on each coating line.
- ~~I)~~ The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 219.104 of this Part.
- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Any record showing violation of Section 219.205 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1), ~~(e)(1)~~, or (i)(1) of this Section, as applicable respectively. Upon changing the method of compliance with this Subpart from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart, the owner or operator shall comply with all requirements of subsection (c), ~~(e)~~, or (i) of this Section, as applicable respectively.
- e) Any owner or operator of a coating line subject to the limitations of Section 219.207 and complying by means of Section 219.207(c), (d), (e), (f), (g), (h), or (k), ~~(l)~~, (m), or (n) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 219.204 or Section 219.205 to Section 219.207 of this Subpart, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.
 - 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 219.207(b)(2) of this Subpart.
 - B) Control device monitoring data.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
 - D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
- A) Any record showing violation of Section 219.207 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart ~~Part~~ from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
- f) Any owner or operator of a primer surfacer operation or topcoat operation, or combined primer surfacer and topcoat operation, subject to the limitations of Section 219.204(a) ~~(1)(B), (2)~~ or (a)(1)(B), (a)(2)(C), or (a)(2)(D)(3) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 219.204 of this Subpart on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. The certification shall include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The name and identification number of each coating operation that ~~which~~ will comply by means of Section 219.204(a)(1)(B), ~~(2) and (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(3)~~ of this Subpart and the name and identification number of each coating line in each coating operation.
- B) The name and identification number of each coating as applied on each coating line in the coating operation.
- C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
- D) The transfer efficiency and control efficiency measured for each coating line.
- E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
- F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
- G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) of this Section.
- H) An example format for presenting the records required in subsection (f)(2) of this Section.
- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each topcoat or primer surfacer coating operation and maintain the information at the source for a period of three years:
- A) All information necessary to calculate the daily-weighted average VOM emissions from the coating operations in kg/l (lbs/gal) of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 219.204(a)~~(1)(B), (2) or (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(3)~~ of this Subpart including:

- i) The name and identification number of each coating as applied on each coating operation.
 - ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
- B) If a control device or devices are used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- 3) On and after a date consistent with Section 219.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg/l (lbs/gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 219.204 ~~(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(a)(2) or (a)(3)~~ of this Subpart within 10 days from the end of the month and maintain this information at the source for a period of three years.
 - 4) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:
 - A) Any record showing a violation of Section 219.204 ~~(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or (a)(2)(D)(a)(2) or (a)(3)~~ of this Subpart shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days after the approval of the proposal by the Agency and USEPA.
- g) On and after a date consistent with Section 219.106(c) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.218 of this Subpart shall comply with the following:
- 1) By May 1, 2011, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.218 of this Subpart;
 - 2) Notify the Agency of any violation of Section 219.218 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (g) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- h) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a coating line subject to the requirements of Section 219.219 of this Subpart shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes:
 - A) A description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.219 of this Subpart;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) For sources subject to Section 219.219(a)(6), the work practices plan specified in that Section;
 - C) For sources subject to Section 219.219(b)(6), the application methods used to apply coatings on the subject coating line;
 - 2) Notify the Agency of any violation of Section 219.219 of this Subpart by providing a description of the violation and copies of records documenting the violation to the Agency within 30 days following the occurrence of the violation; and
 - 3) Maintain at the source all records required by this subsection (h) for a minimum of three years from the date the document was created and make those records available to the Agency upon request.
- ih) On and after a date consistent with Section 219.106(~~de~~) of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a flat wood paneling coating line subject to the requirements in Section 219.217 of this Subpart shall comply with the following:
- 1) By August 1, 2010, or upon initial start-up, whichever is later, submit a certification to the Agency that includes a description of the practices and procedures that the source will follow to ensure compliance with the applicable requirements in Section 219.217(c) and (d) of this Subpart; and
 - 2) Notify the Agency of any violation of Section 219.217 of this Subpart by providing a description of the violation and copies of records documenting such violation to the Agency within 30 days following the occurrence of the violation.
- j) Each owner or operator of a pleasure craft surface coating operation subject to the limitations in Section 219.204(q)(5)(A) through (G) of this Subpart and complying by means of Section 219.207(n) of this Subpart shall comply with the following:
- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new pleasure craft surface coating operation, whichever is later, or upon changing the method of compliance for an existing subject coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

operation from Section 219.204, 219.205, or 219.207(k) of this Subpart to Section 219.207(n) of this Subpart, the owner or operator of a subject coating operation shall perform all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207(n) on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.

- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, whichever is later, the owner or operator of a subject pleasure craft coating operation shall:
- A) Collect and record the following information each month:
 - i) The amount of each pleasure craft surface coating used in each subject coating operation;
 - ii) The VOM content of each pleasure craft surface coating used in each subject coating operation;
 - iii) Total monthly VOM emissions for all subject pleasure craft surface coating operations;
 - B) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:
 - i) The VOM mass emission limit for all subject pleasure craft surface coating operations for the applicable 12-month averaging period, with supporting calculations;
 - ii) The total actual emissions of VOM from all subject pleasure craft surface coating operations for the applicable 12-month averaging period;
 - C) Notify the Agency in writing of any violation of the requirements of Section 219.207(n) within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) Notify the Agency in writing at least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207(n) to Section 219.204, 219.205, or 219.207(m). Upon changing the method of compliance, the owner or operator shall comply with all requirements set forth in subsection (c), (d), or (e) of this Section, as applicable.
- E) Maintain at the source all records required by this subsection (j) for a minimum of three years from the date the document was created, and provide such records to the Agency upon request.

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.212 Cross-Line Averaging to Establish Compliance for Coating Lines

- a) On and after March 15, 1996, any owner or operator of a coating line subject to the limitations set forth in Section 219.204 of this Subpart, except coating lines subject to the limitations in Section 219.204(a)(2), (c)(2), (g)(2), (h)(2), ~~or (o)~~ or (q) of this Subpart, and with coating lines in operation prior to January 1, 1991 ("pre-existing coating lines"), may, for pre-existing coating lines only, elect to comply with the requirements of this Section, rather than complying with the applicable emission limitations set forth in Section 219.204, if an operational change of the type described below has been made after January 1, 1991, to one or more pre-existing coating lines at the source. An operational change occurs when a pre-existing coating line is replaced with a line using lower VOM coating for the same purpose as the replaced line ("replacement line"). A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.
- b) An owner or operator of pre-existing coating lines subject to a VOM content limitation in Section 219.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish, by use of the equations in subsection (d) of this Section, that the calculated actual daily VOM emissions from all participating coating lines, as defined in this subsection below, are less than the calculated daily allowable VOM emissions from the same group of coating lines. For any pre-existing coating line to be aggregated for the purposes of Section 219.212, 219.213, or 219.214 of this Subpart ("participating coating lines"), the source must establish that:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) All coatings applied on the participating coating line shall, at all times, have a VOM content less than or equal to the applicable VOM content limitation for such coating listed in Appendix H of this Part; and
 - 2) On the date the source elects to rely on this Section to demonstrate compliance with this Subpart, all coatings applied on the participating coating line are not already in compliance with the VOM content limitation for such coating effective on or after March 15, 1996; or the participating coating line is a replacement line, as defined in subsection (a) of this Section with an operational change occurring on or after January 1, 1991.
- c) Notwithstanding subsection (a) of this Section, any owner or operator of a coating line subject to the limitations set forth in Section 219.204 of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart, may also include as a participating coating line, until December 31, 1999, only, any replacement line that satisfies all of the following conditions:
- 1) The replacement line is operated as a powder coating line;
 - 2) The replacement line was added after July 1, 1988; and
 - 3) The owner or operator also includes as a participating coating line one or more coating lines that satisfy the criteria of a replacement line, as described in subsection (a) of this Section.
- d) To demonstrate compliance with this Section, a source shall establish the following:
- 1) An alternative daily emission limitation shall be determined for all participating coating lines at the source according to subsection (d)(2) of this Section. All participating coating lines shall be factored in each day to demonstrate compliance. Provided compliance is established pursuant to the requirements in this subsection, nothing in this Section requires daily operation of each participating line. Actual daily emissions from all participating coating lines (E_d) shall never exceed the alternative daily emission limitation (A_d) and shall be calculated by use of the following equation:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$E_d = \sum_{i=1}^n V_i C_i$$

where:

- E_d = Actual daily VOM emissions from participating coating lines in units of kg/day (lbs/day);
- i = Subscript denoting a specific coating applied;
- n = Total number of coatings applied by all participating coating lines at the source;
- V_i = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and
- C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

- 2) The alternative daily emission limitation (A_d) shall be determined for all participating coating lines at the source on a daily basis as follows:

$$A_d = A_i + A_p$$

where A_i and A_p are defined in subsections (d)(2)(A) and (d)(2)(B) of this Section.

- A) The portion of the alternative daily emissions limitation for coating operations at a source using non-powder coating (A_i) shall be determined for all such participating non-powder coating lines on a daily basis as follows:

$$A_i = \sum_{i=1}^n V_i L_i \frac{(D_i - C_i)}{(D_i - L_i)}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

A_i = The VOM emissions allowed for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of coatings applied by all participating coating lines at the source;

C_i = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM);

D_i = The density of VOM in each coating applied. For the purposes of calculating A_i , the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);

V_i = Volume of each coating applied for the day in units of l (gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and

L_i = The VOM emission limitation for each coating applied, as specified in Section 219.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM).

- B) The portion of the alternative daily emission limitation for coating operations at a source using powdered coating (A_p) shall be determined for all such participating powder coating lines at the source on a daily basis as follows:

$$A_p = \sum_{h=1}^m \sum_{j=1}^n \frac{V_j L_j D_j K_h}{(D_j - L_j)}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

- A_p = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- h = Subscript denoting a specific powder coating line;
- j = Subscript denoting a specific powder coating applied;
- m = Total number of participating powder coating lines;
- n = Total number of powder coatings applied in the participating coating lines;
- D_j = The assumed density of VOM in liquid coating, 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);
- V_j = Volume of each powder coating consumed for the day in units of l (gal) of coating;
- L_j = The VOM emission limitation for each coating applied, as specified in Section 219.204 of this Subpart, in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds that are specifically exempted from the definition of VOM); and
- K = A constant for each individual coating line representing the ratio of the volume of coating solids consumed on the liquid coating system that has been replaced to the volume of powder coating consumed on the replacement line to accomplish the same coating job. This value shall be determined by the source based on tests conducted and records maintained pursuant to the requirements of Section 219.213 of this Subpart demonstrating the amount of coating solids consumed as both liquid and powder. Tests methods and recordkeeping requirements shall be approved by the Agency and USEPA and contained

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

in the source's operating permit as federally enforceable permit conditions, subject to the following restrictions:

- i) K cannot exceed 0.9 for non-recycled powder coating systems; or
- ii) K cannot exceed 2.0 for recycled powder coating systems.

(Source: Amended at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.219 Work Practice Standards for Automobile and Light-Duty Truck Assembly Coatings and Miscellaneous Metal and Plastic Parts Coatings

- a) Every owner or operator of a coating line subject to the requirements of Section 219.204(a)(2) of this Subpart shall:
 - 1) Store all VOM-containing coatings, thinners, coating-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing those materials;
 - 3) Minimize spills of VOM-containing coatings, thinners, and coating-related waste materials;
 - 4) Convey VOM-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes;
 - 5) Minimize VOM emissions from cleaning of storage, mixing, and conveying equipment;
 - 6) Develop and implement a work practice plan to minimize VOM emissions from cleaning and from purging of equipment associated with coating lines subject to the limitations in Section 219.204(a)(2). The plan shall specify practices and procedures that the source will follow to ensure that VOM emissions from the operations listed in this subsection (a)(6) are

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

minimized. If the owner or operator of the subject coating line has already implemented a work practice plan for the coating line pursuant to Subpart III of 40 CFR 63, incorporated by reference in Section 219.112 of this Part, the owner or operator may revise the plan as necessary to comply with this Section.

- A) Vehicle body wiping;
- B) Coating line purging;
- C) Flushing of coating systems;
- D) Cleaning of spray booth grates, walls, and equipment; and
- F) Cleaning of external spray booth areas.

- b) Except as provided in subsection (c) of this Section, every owner or operator of a coating line described in Section 219.204(q) of this Subpart shall:
- 1) Store all VOM-containing coatings, thinners, coating-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing coatings, thinners, coating-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing these materials;
 - 3) Minimize spills of VOM-containing coatings, thinners, coating-related waste materials, and cleaning materials;
 - 4) Convey VOM-containing coatings, thinners, coating-related waste materials, and cleaning materials from one location to another in closed containers or pipes;
 - 5) Minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 6) Apply all coatings using one or more of the following application methods:
- A) Electrostatic spray;
 - B) High volume low pressure (HVLV) spray;
 - C) Flow coating. For the purposes of this subsection (b)(6)(C), flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;
 - D) Roll coating;
 - E) Dip coating, including electrodeposition. For purposes of this subsection (b)(6)(E), electrodeposition means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;
 - F) Airless spray;
 - G) Air-assisted airless spray; or
 - H) Another coating application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLV spraying, if the method is approved in writing by the Agency.
- c) Notwithstanding subsection (b) of this Section, the application method limitations in subsection (b)(6) shall not apply to the following:
- 1) Coating lines complying with Section 219.207(m)(1);
 - 2) For metal parts and products coating operations: touch-up coatings, repair coatings, textured finishes, stencil coatings, safety-indicating coatings, solid-film lubricants, electric-insulating and thermal-conducting coatings, magnetic data storage disk coatings, and plastic extruded onto metal parts to form a coating;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) For pleasure craft surface coating operations: extreme high gloss coatings;
- 4) For plastic parts and products coating operations: airbrush operations using 18.9 liters (5 gallons) or less of coating per year.
- 5) For ammunition sealant operations: cap sealants and mouth waterproofing sealants.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

SUBPART II: FIBERGLASS BOAT MANUFACTURING MATERIALSSection 219.890 Applicability

- a) Except as provided in subsection (b) of this Section, on and after May 1, 2012, the requirements of this Subpart shall apply to the owners or operators of sources that manufacture hulls or decks of boats from fiberglass, or that build molds to make hulls or decks of boats from fiberglass, and that emit 6.8 kg/day (15 lbs/day) or more of VOM, calculated in accordance with Section 219.894(a)(1)(B), from open molding resin and gel coat operations, resin and gel coat mixing operations, and resin and gel coat application equipment cleaning operations, in the absence of air pollution control equipment. If a source is subject to this Subpart based upon such criteria, the limitations of this Subpart shall apply to the manufacture of all fiberglass boat parts at the source.
- b) Notwithstanding subsection (a) of this Section, the requirements of this Subpart shall not apply to the following:
 - 1) Surface coatings applied to fiberglass boats;
 - 2) Industrial adhesives used in the assembly of fiberglass boats. Polyester resin putties used to assemble fiberglass parts shall not be considered industrial adhesives for purposes of this exclusion;
 - 3) Closed molding operations.
- c) If a source is or becomes subject to one or more of the limitations in this Subpart, the source is always subject to the applicable provisions of this Subpart.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in this Section is subject to the recordkeeping and reporting requirements specified in Section 219.894(a) of this Subpart.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.891 Emission Limitations and Control Requirements

- a) Except as provided in subsection (f) of this Section, no owner or operator of a source subject to the requirements of this Subpart shall use a subject resin or gel coat at the source unless the resin and gel coat comply with subsection (b)(1) or (b)(2), (c), or (d) of this Section, as well as with subsections (e), (g), and (h) of this Section. For sources complying pursuant to subsection (b) or (c) of this Section, if the non-monomer VOM content of a resin or gel coat exceeds 5 percent, by weight, the excess non-monomer VOM shall be added to the monomer VOM content of the resin or gel coat in accordance with the equation below:

$$\frac{\text{Weighted Average Monomer VOM Content}}{\text{Content}} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i} + \frac{\sum_{i=1}^n M_i VOM_{nm} - \sum_{i=1}^n 0.05 * M_i}{\sum_{i=1}^n M_i}$$

where:

- M_i ≡ Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams.
- VOM_i ≡ Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.
- i ≡ Subscript denoting a specific open molding resin or gel coat applied.
- n ≡ Number of different open molding resins or gel coats used in the past 12 months in an operation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$VOM_{nm} \equiv$ Non-monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation.

b) VOM Content Limitations

1) Except as provided in subsection (e) of this Section, the monomer VOM content of a subject resin or gel coat shall not exceed the following limitations:

	<u>Weighted average monomer VOM content (weight percent)</u>
<u>A) Production resin</u>	
<u>i) Atomized spray</u>	<u>28</u>
<u>ii) Non-atomized</u>	<u>35</u>
<u>B) Pigmented gel coat</u>	<u>33</u>
<u>C) Clear gel coat</u>	<u>48</u>
<u>D) Tooling resin</u>	
<u>i) Atomized</u>	<u>30</u>
<u>ii) Non-atomized</u>	<u>39</u>
<u>E) Tooling gel coat</u>	<u>40</u>

2) Except as provided in subsection (e) of this Section, the weighted average monomer VOM content of a subject resin or gel coat shall not exceed the applicable limitation set forth in subsection (b)(1) of this Section on a 12-month rolling average basis. Equation 1 shall be used to determine the weighted average monomer VOM content for resin and gel coat materials.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Equation 1:

$$\frac{\text{Weighted Average Monomer VOM Content}}{\text{Content}} \equiv \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i}$$

where:

M_i \equiv Mass of open molding resin or gel coat (i) used in the past 12 months in an operation, in megagrams;

VOM_i \equiv Monomer VOM content, by weight percent, of open molding resin or gel coat (i) used in the past 12 months in an operation;

n \equiv Number of different open molding resins or gel coats used in the past 12 months in an operation.

c) Emissions Averaging Alternative. The owner or operator of a source subject to the requirements of this Subpart may elect to include some or all of the subject resin and gel coat operations at the source in the emissions averaging alternative. Resin and gel coat operations utilizing the emissions averaging alternative shall comply with a source-specific monomer VOM mass emission limit on a 12-month rolling average basis, calculated at the end of each calendar month. All subject resin and gel coat operations that do not utilize the emissions averaging alternative shall comply with the requirements in subsection (b) or (d) of this Section, as well as with all other applicable requirements in this Section.

1) The owner or operator of a source subject to this subsection (c) shall use Equation 2 to determine the source-specific monomer VOM mass emission limit for resin and gel coats included in the emissions average:

Equation 2:

$$\text{Monomer VOM Limit} \equiv \frac{46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})}{\text{Content}}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

Monomer VOM Limit \equiv Total allowable monomer VOM that can be emitted from the open molding operations included in the average, expressed in kilograms per 12-month period;

M_R \equiv Mass of production resin used in the past 12 months, excluding any materials that are exempt, expressed in megagrams (Mg);

M_{PG} \equiv Mass of pigmented gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{CG} \equiv Mass of clear gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{TR} \equiv Mass of tooling resin used in the past 12 months, excluding any materials that are exempt, expressed in Mg;

M_{TG} \equiv Mass of tooling gel coat used in the past 12 months, excluding any materials that are exempt, expressed in Mg.

The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer VOM emission rates for that particular material in units of kg VOM/Mg of material used.

- 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, the owner or operator of a source subject to this subsection (c) shall use Equation 3 to calculate the monomer VOM emissions from the resin and gel coat operations included in the emissions average to determine whether the emissions exceed the limitation calculated using Equation 2.

Equation 3:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$\frac{\text{Monomer VOM Emissions}}{\text{Emissions}} = \frac{(PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})}{(PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})}$$

where:

Monomer VOM Emissions \equiv Monomer VOM emissions calculated using the monomer VOM emission equations for each operation included in the average, expressed in kg;

PV_R \equiv Weighted-average monomer VOM emission rate for production resin used in the past 12 months, expressed in kg/Mg, calculated in accordance with Equation 4 in subsection (c)(3);

M_R \equiv Mass of production resin used in the past 12 months, expressed in Mg;

PV_{PG} \equiv Weighted-average monomer VOM emission rate for pigmented gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{PG} \equiv Mass of pigmented gel coat used in the past 12 months, expressed in Mg;

PV_{CG} \equiv Weighted-average monomer VOM emission rate for clear gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{CG} \equiv Mass of clear gel coat used in the past 12 months, expressed in Mg;

PV_{TR} \equiv Weighted-average monomer VOM emission rate for tooling resin used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TR} \equiv Mass of tooling resin used in the past 12 months, expressed in Mg;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

PV_{TG} \equiv Weighted-average monomer VOM emission rate for tooling gel coat used in the past 12 months, expressed in kg/Mg, calculated pursuant to Equation 4;

M_{TG} \equiv Mass of tooling gel coat used in the past 12 months, expressed in Mg.

- 3) For purposes of Equation 3, the owner or operator of a source subject to this subsection (c) shall use Equation 4 below to calculate the weighted-average monomer VOM emission rate for the previous 12 months for each resin and gel coat operation included in the emissions average, except as provided in subsection (e) of this Section.

Equation 4:

$$PV_{OP} = \frac{\sum_{i=1}^n M_i PV_i}{\sum_{i=1}^n M_i}$$

where:

PV_{OP} \equiv Weighted-average monomer VOM emission rate for each open molding operation (PV_R , PV_{PG} , PV_{CG} , PV_{TR} , and PV_{TG}) included in the average, expressed in kg of monomer VOM per Mg of material applied;

M_i \equiv Mass of resin or gel coat (i) used within an operation in the past 12 months, expressed in Mg;

n \equiv Number of different open molding resins and gel coats used within an operation in the past 12 months;

PV_i \equiv The monomer VOM emission rate for resin or gel coat (i) used within an operation in the past 12 months, expressed in kg of monomer VOM per Mg of material applied. The monomer VOM emission rate formulas in subsection (c)(4)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

of this Section shall be used to compute PV_i . If a source includes filled resins in the emissions average, the source shall use the value of PV_F , calculated using Equation 5 in subsection (e)(3) of this Section, as the value of PV_i for those resins;

i \equiv Subscript denoting a specific open molding resin or gel coat applied.

4) For purposes of Equation 4 and subsection (e)(3) of this Section, the following monomer VOM emission rate formulas shall apply:

A) Production resin, tooling resin:

i) Atomized: $0.014 \times (\text{Resin VOM}\%)^{2.425}$

ii) Atomized, plus vacuum bagging with roll-out: $0.01185 \times (\text{Resin VOM}\%)^{2.425}$

iii) Atomized, plus vacuum bagging without roll-out: $0.00945 \times (\text{Resin VOM}\%)^{2.425}$

iv) Nonatomized: $0.014 \times (\text{Resin VOM}\%)^{2.275}$

v) Nonatomized, plus vacuum bagging with roll-out: $0.0110 \times (\text{Resin VOM}\%)^{2.275}$

vi) Nonatomized, plus vacuum bagging without roll-out: $0.0076 \times (\text{Resin VOM}\%)^{2.275}$

B) Pigmented gel coat, clear gel coat, tooling gel coat: $0.445 \times (\text{Gel Coat VOM}\%)^{1.675}$

d) Capture System and Control Device Requirements. No owner or operator of a source subject to the requirements of this Subpart that is utilizing a capture system and control device for a subject resin or gel coat operation shall conduct that operation unless the following requirements are satisfied:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) An afterburner or carbon adsorber is installed and operated that meets the limitations set forth in this subsection (d). The owner or operator may use an emissions control system other than an afterburner or carbon adsorber if that device complies with all limitations in this subsection (d), the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the control device, and the plan is approved by the Agency and USEPA within federally enforceable permit conditions;
 - 2) The VOM emissions at the outlet of the control device meet an emissions limitation determined using Equation 2 in subsection (c)(1) of this Section. In Equation 2, however, instead of using the mass of each material used over the past 12 months to determine the emission limitation, the owner or operator shall use the mass of each material used during the applicable control device performance test;
 - 3) The owner or operator complies with all testing and monitoring requirements set forth in Section 219.892 of this Subpart.
- e) Filled Resins. For all filled production and tooling resins, the owner or operator of a source subject to this Subpart shall adjust the monomer VOM emission rates determined pursuant to subsections (b) and (c) of this Section using Equation 5 in subsection (e)(3). If complying pursuant to subsection (b), the emission rate determined using Equation 5 shall not exceed the limitations set forth in subsections (e)(1) and (e)(2) of this Section. If the non-monomer VOM content of a filled resin exceeds 5 percent, by weight, based on the unfilled resin, the excess non-monomer VOM shall be added to the monomer VOM content in accordance with the equation set forth in subsection (a).
- 1) Tooling Resin: 54 kg (119.1 lbs) monomer VOM/Mg filled resin applied;
 - 2) Production Resin: 46 kg (101.4 lbs) monomer VOM/Mg filled resin applied;
 - 3) Equation 5:

$$PV_F = PV_U \times \frac{(100 - \%Filler)}{100}$$

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

where:

PV_F \equiv The as-applied monomer VOM emission rate for the filled production resin or tooling resin, expressed in kg monomer VOM per Mg of filled material;

PV_U \equiv The monomer VOM emission rate for the unfilled resin, before filler is added, calculated using the formulas in Section 219.891(b)(4) of this Subpart;

% Filler \equiv The weight-percent of filler in the as-applied filled resin system.

- f) The limitations in subsections (a) through (e) of this Section shall not apply to the following materials. These materials shall instead comply with the applicable requirements set forth in subsections (f)(1) through (f)(3).
- 1) Production resins, including skin coat resins, that must meet specifications for use in military vessels or must be approved by the United States Coast Guard for use in the construction of lifeboats, rescue boats, and other life-saving appliances approved under 46 CFR Subchapter Q, incorporated by reference in Section 219.112 of this Part, or for use in the construction of small passenger vessels regulated by 40 CFR Subchapter T, incorporated by reference in Section 219.112 of this Part. The owner or operator of a source subject to this Subpart shall apply all such resins with nonatomizing resin application equipment;
 - 2) Production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch ups. These materials shall not exceed 1 percent, by weight, of all resins and gel coats used at a subject source on a 12-month rolling average basis;
 - 3) Pure, 100 percent vinylester resins used for skin coats. The owner or operator of a source subject to this Subpart shall apply these resins with non-atomizing resin application equipment, and the total amount of the resins shall not exceed 5 percent, by weight, of all resins used at the subject source on a 12-month rolling-average basis.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- g) No owner or operator of a source subject to this Subpart shall use VOM-containing cleaning solutions to remove cured resins and gel coats from fiberglass boat manufacturing application equipment. Additionally, no owner or operator shall use VOM-containing cleaning solutions for routine cleaning of application equipment unless:
- 1) The VOM content of the cleaning solution is less than or equal to 5 percent, by weight; or
 - 2) The composite vapor pressure of the cleaning solution is less than or equal to 0.50 mmHg at 68°F.
- h) No owner or operator of a source subject to this Subpart shall use resin or gel coat mixing containers with a capacity equal to or greater than 208 liters (55 gallons), including those used for on-site mixing of putties and polyputties, unless such containers have covers with no visible gaps in place at all times, except when material is being manually added to or removed from a container or when mixing or pumping equipment is being placed in or removed from a container.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.892 Testing and Monitoring Requirements

- a) Testing to demonstrate compliance with the requirements of Section 219.891 of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise specified in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.
- b) Testing to demonstrate compliance with the monomer VOM content limitations for resin and gel coat materials in Section 219.891(b) of this Subpart shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, in accordance with SCAQMD 312-91, incorporated by reference in Section 219.112 of this Part.
- c) The owner or operator of a source complying with this Subpart pursuant to Section 219.891(d) shall comply with the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, conduct an initial performance test of the control device in accordance with this subsection (c) that demonstrates compliance with the emission limitation determined pursuant to Section 219.891(d).
- 2) Subsequent to the initial performance test described in subsection (c)(1) of this Section, conduct at least one performance test per calendar year. Performance tests used to demonstrate compliance with Section 219.891(d) shall be conducted at least six months apart, unless the performance test is being conducted following an exceedance of operating parameters as described in subsection (c)(3) of this Section, or per a request by the Agency.
- 3) Monitor and record relevant operating parameters, including the control efficiency of the control device and the amount of materials used in the fiberglass boat manufacturing process, during each control device performance test used to demonstrate compliance with Section 219.891(d). The owner or operator shall continue to operate the fiberglass boat manufacturing process within the parameters until another performance test is conducted that demonstrates compliance with Section 219.891(d). The owner or operator shall monitor the parameters at all times when the control device is in operation. If the fiberglass boat manufacturing process exceeds any operating parameter by more than 10 percent, the owner or operator shall conduct additional performance testing in accordance with this Section within 10 operating days after the exceedance;
- 4) The methods and procedures of Section 219.105(d) and (f) shall be used for testing to demonstrate compliance with the requirements of Section 219.891(d) of this Subpart, as follows:
 - A) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. The sampling sites for determining efficiency in reducing VOM from the dryer exhaust shall be located between the dryer exhaust and the control device inlet, and between the outlet of the control device and the exhaust to the atmosphere;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part;
- C) To determine the VOM concentration of the exhaust stream entering and exiting the control device, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference at Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used except under the following circumstances, in which case Method 25A must be used:
- i) The allowable outlet concentration of VOM from the control device is less than 50 ppmv, as carbon;
 - ii) The VOM concentration at the inlet of the control device and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon; and
 - iii) Due to the high efficiency of the control device, the anticipated VOM concentration at the control device exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest again using Method 25.
- D) Notwithstanding the criteria or requirements in Method 25, which specifies a minimum probe temperature of 129°C (265°F), the probe must be heated to at least the gas stream temperature of the dryer exhaust, typically close to 176.7°C (350°F); and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- E) During testing, the fiberglass boat manufacturing operation shall be operated at representative operating conditions and flow rates.
- 5) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall:
 - A) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - B) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor.
- 6) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.891(d).
- d) Testing to demonstrate compliance with the VOM content limitations for cleaning solutions in Section 219.891(g) of this Subpart, and with the non-monomer VOM content limitations for resin and gel coat materials in Section 219.891(a) of this Subpart, shall be conducted upon request of the Agency, or as otherwise specified in this Subpart, as follows:
 - 1) The applicable test methods and procedures specified in Section 219.105(a) of this Part shall be used; provided, however, Method 24, incorporated by reference at Section 219.112 of this Part, shall be used to demonstrate compliance; or
 - 2) For cleaning solvents, the manufacturer's specifications for VOM content may be used if the manufacturer's specifications are based on results of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

tests of the VOM content conducted in accordance with methods specified in Section 219.105(a) of this Part; provided, however, Method 24 shall be used to determine compliance.

- e) The owner or operator of a source subject to this Subpart and relying on the VOM content of the cleaning solution to comply with Section 219.891(g)(1) of this Subpart shall:
- 1) For cleaning solutions that are prepared at the source with equipment that automatically mixes cleaning solvent and water (or other non-VOM):
 - A) Install, operate, maintain, and calibrate the automatic feed equipment in accordance with manufacturer's specifications to regulate the volume of each of the cleaning solvent and water (or other non-VOM), as mixed; and
 - B) Pre-set the automatic feed equipment so that the consumption rates of the cleaning solvent and water (or other non-VOM), as applied, comply with Section 219.891(g)(1);
 - 2) For cleaning solutions that are not prepared at the source with automatic feed equipment, keep records of the usage of cleaning solvent and water (or other non-VOM) as set forth in Section 219.894(g) of this Subpart.
- f) Testing to demonstrate compliance with the VOM composite partial vapor pressure limitation for cleaning solvents set forth in Section 219.891(g) of this Subpart shall be conducted in accordance with the applicable methods and procedures set forth in Section 219.110 of this Part.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.894 Recordkeeping and Reporting Requirements

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 219.890(a) of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) A declaration that the source is exempt from the requirements in this Subpart because of the criteria in Section 219.890(a);
 - B) Calculations that demonstrate that combined emissions of VOM from all subject fiberglass boat manufacturing operations (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operation) at the source never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from fiberglass boat manufacturing operations at the source (including solvents used for cleanup operations associated with the fiberglass boat manufacturing operations) and divide the amount by the number of days during that calendar month that the fiberglass boat manufacturing operations were in operation;
- 2) Notify the Agency of any record that shows that the combined emissions of VOM from subject fiberglass boat manufacturing operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of the record upon request by the Agency.
- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, and upon start-up of a new fiberglass boat manufacturing operation at the source, submit a certification to the Agency that includes:
 - A) Identification of each subject fiberglass boat manufacturing operation as of the date of certification;
 - B) A declaration that all subject fiberglass boat manufacturing operations, including related cleaning operations, are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject fiberglass boat manufacturing operation will comply (i.e., the VOM content

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- limitation, the emissions averaging alternative, or the emissions control system alternative);
- D) Initial documentation that each subject fiberglass boat manufacturing operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
- E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
- F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.891(h) of this Subpart;
- G) A description of each fiberglass boat manufacturing operation exempt pursuant to Section 219.890(b) of this Subpart, if any;
- H) A description of materials subject to Section 219.891(f) of this Subpart, if any, used in each fiberglass boat manufacturing operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 219.891(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
- 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
- 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.
- c) The owner or operator of a fiberglass boat manufacturing operation subject to the limitations of Section 219.891 of this Subpart and complying by means of Section 219.891(b) shall comply with the following.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each subject resin and gel coat as applied each day by each subject fiberglass boat manufacturing operation;
- 2) Collect and record the following information each day for each fiberglass boat manufacturing operation complying with Section 219.891(b):
 - A) The name, identification number, and VOM content of each subject resin and gel coat as applied each day by each fiberglass boat manufacturing operation; and
 - B) If complying with Section 219.891(b)(2), the daily weighted average VOM content of all subject resins and gel coats as applied by each subject fiberglass boat manufacturing operation.
- d) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 219.891 of this Subpart and complying by means of Section 219.891(c) shall:
 - 1) On and after May 1, 2012, collect and record the following information each month:
 - A) The amount of production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - B) The VOM content of each production resin, pigmented gel coat, clear gel coat, tooling resin, and tooling gel coat used in each subject fiberglass boat manufacturing operation;
 - C) Total monthly VOM emissions for all subject fiberglass boat manufacturing operations;
 - 2) At the end of the first 12-month averaging period, and at the end of each subsequent month, collect and record the following information:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The monomer VOM mass emission limit for all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period, with supporting calculations;
 - B) The total actual emissions of VOM from all subject fiberglass boat manufacturing operations for the applicable 12-month averaging period.
- e) The owner or operator of a fiberglass boat manufacturing operation subject to the requirements of Section 219.891 of this Subpart and complying by means of Section 219.891(d) shall:
 - 1) By May 1, 2012, or upon initial start-up, whichever is later, and upon start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of control device used to comply with the requirements of Section 219.891(d);
 - B) The results of all tests and calculations necessary to demonstrate compliance with the requirements of Section 219.891(d); and
 - C) A declaration that the monitoring equipment required under Section 219.892 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
 - 2) Within 90 days after conducting testing pursuant to Section 219.892, submit to the Agency a copy of all test results, as well as a certification that includes the following:
 - A) A declaration that all tests and calculations necessary to demonstrate whether the fiberglass boat manufacturing operation is in compliance with Section 219.891(d) have been properly performed;
 - B) A statement whether the fiberglass boat manufacturing operations are or are not in compliance with Section 219.891(d);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) The emissions limitation applicable during the control device performance test, with supporting calculations;
 - D) The operating parameters of the fiberglass boat manufacturing process during testing, as monitored in accordance with Section 219.892;
- 3) Collect and record daily the following information for each fiberglass boat manufacturing operation subject to the requirements of Section 219.891(d), and submit that information to the Agency upon request:
- A) Afterburner or other approved control device monitoring data in accordance with Section 219.892 of this Subpart;
 - B) A log of operating time for the control device and monitoring equipment;
 - C) A maintenance log for the control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages;
 - D) Information to substantiate that the fiberglass boat manufacturing operation is operating in compliance with the parameters determined pursuant to Section 219.892.
- f) The owner or operator of a source subject to the requirements in Section 219.891(f) of this Subpart shall collect and record the following information for each fiberglass boat manufacturing operation:
- 1) The name and identification number of each material subject to Section 219.891(f) as applied each day by each subject fiberglass boat manufacturing operation;
 - 2) If subject to Section 219.891(f)(2), the amount of production and tooling resins, and pigmented, clear, and tooling gel coats used for part or mold repair and touch-ups, used each month at the subject source, and the total amount of all resins and gel coats used each month at the subject source;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) If subject to Section 219.891(f)(3), the amount of pure, 100 percent vinylester resins used for skin coats each month at the subject source, and the total amount of all resins used each month at the subject source.
- g) The owner or operator of a source subject to the requirements of Section 219.891 of this Subpart shall collect and record the following information for each cleaning solution used in each fiberglass boat manufacturing operation:
- 1) For each cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.891(g) of this Subpart and that is prepared at the source with automatic equipment:
- A) The name and identification of each cleaning solution;
 - B) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.892(d) of this Subpart;
 - C) Each change to the setting of the automatic equipment, with date, time, description of changes in the cleaning solution constituents (e.g., cleaning solvents), and a description of changes to the proportion of cleaning solvent and water (or other non-VOM);
 - D) The proportion of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution;
 - E) The VOM content of the as-used cleaning solution, with supporting calculations; and
 - F) A calibration log for the automatic equipment, detailing periodic checks;
- 2) For each batch of cleaning solution for which the owner or operator relies on the VOM content to demonstrate compliance with Section 219.891(g), and that is not prepared at the source with automatic equipment:
- A) The name and identification of each cleaning solution;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The VOM content of each cleaning solvent in the cleaning solution, as determined in accordance with Section 219.892(d);
 - D) The total amount of each cleaning solvent and water (or other non-VOM) used to prepare the as-used cleaning solution; and
 - E) The VOM content of the as-used cleaning solution, with supporting calculations;
- 3) For each batch of cleaning solution for which the owner or operator relies on the vapor pressure of the cleaning solution to demonstrate compliance with Section 219.891(g):
- A) The name and identification of each cleaning solution;
 - B) Date and time of preparation, and each subsequent modification, of the batch;
 - C) The molecular weight, density, and VOM composite partial vapor pressure of each cleaning solvent, as determined in accordance with Section 219.892(f) of this Subpart;
 - D) The total amount of each cleaning solvent used to prepare the as-used cleaning solution; and
 - E) The VOM composite partial vapor pressure of each as-used cleaning solution, as determined in accordance with Section 219.110 of this Part.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

SUBPART JJ: MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 219.900 Applicability

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Except as provided in subsection (b) of this Section, on and after May 1, 2012, the requirements of this Subpart shall apply to miscellaneous industrial adhesive application operations at sources where the total actual VOM emissions from all such operations, including related cleaning activities, equal or exceed 6.8 kg/day (15 lbs/day), calculated in accordance with Section 219.904(a)(1)(B), in the absence of air pollution control equipment.
- b) Notwithstanding subsection (a) of this Section:
- 1) The requirements of this Subpart shall not apply to miscellaneous industrial adhesive application operations associated with the following:
 - A) Aerospace coatings;
 - B) Metal furniture coatings;
 - C) Large appliance coatings;
 - D) Flat wood paneling coatings;
 - E) Paper, film, and foil coatings;
 - F) Lithographic printing;
 - G) Letterpress printing;
 - H) Flexible package printing;
 - I) Coil coating;
 - J) Fabric coating;
 - K) Rubber tire manufacturing.
 - 2) The requirements of Section 219.901(b) through (e) of this Subpart shall not apply to the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Adhesives or adhesive primers being tested or evaluated in any research and development operation or quality assurance or analytical laboratory;
 - B) Adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace or undersea-based weapon systems;
 - C) Adhesives or adhesive primers used in medical equipment manufacturing operations;
 - D) Cyanoacrylate adhesive application operations;
 - E) Aerosol adhesive and aerosol adhesive primer application operations;
 - F) Operations using polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities;
 - G) Operations using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 0.47 liters (16 oz) or less, or a net weight of 0.45 kg (1 lb) or less.
- c) If a miscellaneous industrial adhesive application operation at a source is or becomes subject to one or more of the limitations in this Subpart, the miscellaneous industrial adhesive application operation is always subject to the applicable provisions of this Subpart.
- d) The owner or operator of a source exempt from the emission limitations and control requirements of this Subpart because of the criteria in subsection (a) of this Section is subject to the recordkeeping and reporting requirements specified in Section 219.904(a) of this Subpart.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.901 Emission Limitations and Control Requirements

- a) The owner or operator of a source subject to the requirements of this Subpart shall comply with the limitations in subsection (b), (c), or (d) of this Section, as well as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

with the limitations in subsections (e) and (f) of this Section. Notwithstanding this requirement, sources subject to Section 219.900(b)(2) shall comply with the limitations in subsection (f) of this Section only.

- b) The owner or operator of adhesive application operations listed in this subsection (b) shall comply with the following VOM emission limitations. If an adhesive is used to bond dissimilar substrates together, the substrate category with the highest VOM emission limitation shall apply:

		<u>kg VOM/l adhesive or adhesive primer applied</u>	<u>lb VOM/gal adhesive or adhesive primer applied</u>
1)	<u>General adhesive application operations</u>		
	A) <u>Reinforced plastic composite</u>	<u>0.200</u>	<u>(1.7)</u>
	B) <u>Flexible vinyl</u>	<u>0.250</u>	<u>(2.1)</u>
	C) <u>Metal</u>	<u>0.030</u>	<u>(0.3)</u>
	D) <u>Porous material (except wood)</u>	<u>0.120</u>	<u>(1.0)</u>
	E) <u>Rubber</u>	<u>0.250</u>	<u>(2.1)</u>
	F) <u>Wood</u>	<u>0.030</u>	<u>(0.3)</u>
	G) <u>Other substrates</u>	<u>0.250</u>	<u>(2.1)</u>
2)	<u>Specialty adhesive application operations</u>		
	A) <u>Ceramic tile installation</u>	<u>0.130</u>	<u>(1.1)</u>
	B) <u>Contact adhesive</u>	<u>0.250</u>	<u>(2.1)</u>
	C) <u>Cove base installation</u>	<u>0.150</u>	<u>(1.3)</u>
	D) <u>Indoor floor covering installation</u>	<u>0.150</u>	<u>(1.3)</u>
	E) <u>Outdoor floor covering installation</u>	<u>0.250</u>	<u>(2.1)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

F)	<u>Installation of perimeter bonded sheet flooring</u>	<u>0.660</u>	<u>(5.5)</u>
G)	<u>Metal to urethane/rubber molding or casting</u>	<u>0.850</u>	<u>(7.1)</u>
H)	<u>Motor vehicle adhesive</u>	<u>0.250</u>	<u>(2.1)</u>
I)	<u>Motor vehicle weatherstrip adhesive</u>	<u>0.750</u>	<u>(6.3)</u>
J)	<u>Multipurpose construction</u>	<u>0.200</u>	<u>(1.7)</u>
K)	<u>Plastic solvent welding (acrylonitrile butadiene styrene (ABS) welding)</u>	<u>0.400</u>	<u>(3.3)</u>
L)	<u>Plastic solvent welding (except ABS welding)</u>	<u>0.500</u>	<u>(4.2)</u>
M)	<u>Sheet rubber lining installation</u>	<u>0.850</u>	<u>(7.1)</u>
N)	<u>Single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane)</u>	<u>0.250</u>	<u>(2.1)</u>
O)	<u>Structural glazing</u>	<u>0.100</u>	<u>(0.8)</u>
P)	<u>Thin metal laminate</u>	<u>0.780</u>	<u>(6.5)</u>
Q)	<u>Tire repair</u>	<u>0.100</u>	<u>(0.8)</u>
R)	<u>Waterproof resorcinol glue</u>	<u>0.170</u>	<u>(1.4)</u>
3)	<u>Adhesive primer application operations</u>		
A)	<u>Motor vehicle glass bonding primer</u>	<u>0.900</u>	<u>(7.5)</u>
B)	<u>Plastic solvent welding adhesive primer</u>	<u>0.650</u>	<u>(5.4)</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

C)	<u>Single-ply roof membrane adhesive primer</u>	<u>0.250</u>	<u>(2.1)</u>
D)	<u>Other adhesive primer</u>	<u>0.250</u>	<u>(2.1)</u>

c) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation unless the daily-weighted average VOM content of subject adhesives as applied each day by the operation, calculated in accordance with subsection (c)(1) of this Section, is less than or equal to the emissions limitation calculated in accordance with subsection (c)(2) of this Section.

1) Weighted Average of VOM Content of Adhesives Applied Each Day

$$VOM_{WA} = \frac{\sum_{i=1}^n M_i VOM_i}{\sum_{i=1}^n M_i}$$

where:

VOM_{WA} ≡ The weighted average VOM content in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day;

i ≡ Subscript denoting a specific adhesive as applied;

n ≡ The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

M_i ≡ The mass of each adhesive, as applied, in units of kg/l (lb/gal);

VOM_i ≡ The VOM content in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied;

2) Mass Weighted Average VOM Limit for an Averaging Operation

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

$$Limit_{WA} = \frac{\sum_{i=1}^n M_i Limit_i}{\sum_{i=1}^n M_i}$$

where:

Limit_{WA} ≡ The mass weighted average VOM limit in units of kg (lbs) VOM per volume in l (gal) of all subject adhesives as applied each day in a single operation;

i ≡ Subscript denoting a specific adhesive as applied;

n ≡ The number of different adhesives as applied each day by each miscellaneous industrial adhesive application operation;

M_i ≡ The mass of each adhesive, as applied, in units of kg/l (lb/gal);

Limit_i ≡ The VOM limit, taken from subsection (b) of this Section, in units of kg (lbs) VOM per volume in l (gal) of each adhesive as applied.

- d) No owner or operator of a source subject to this Subpart shall operate a miscellaneous industrial adhesive application operation employing a capture system and control device unless either:
- 1) An afterburner or carbon adsorption system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation;
 - 2) An alternative capture and control system is used that provides at least 85 percent reduction in the overall emissions of VOM from the application operation and is approved by the Agency and USEPA within federally enforceable permit conditions. The owner or operator shall submit a plan to the Agency detailing appropriate monitoring devices, test methods,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

recordkeeping requirements, and operating parameters for the control device; or

- 3) The owner or operator complies with the applicable limitation set forth in subsection (b) of this Section by utilizing a combination of low-VOM adhesives and an afterburner or carbon adsorption system. The owner or operator may use an alternative capture and control system if the owner or operator submits a plan to the Agency detailing appropriate monitoring devices, test methods, recordkeeping requirements, and operating parameters for the capture and control system and the system is approved by the Agency and USEPA within federally enforceable permit conditions.

e) The owner or operator of a source subject to this Subpart shall apply all miscellaneous industrial adhesives using one or more of the following methods:

- 1) Electrostatic spray;
- 2) High volume low pressure (HVLV) spray;
- 3) Flow coating. For the purposes of this Subpart, flow coating means a non-atomized technique of applying coating to a substrate with a fluid nozzle with no air supplied to the nozzle;
- 4) Roll coating or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
- 5) Dip coating, including electrodeposition. For purposes of this Subpart, "electrodeposition" means a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created;
- 6) Airless spray;
- 7) Air-assisted airless spray; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 8) Another adhesive application method capable of achieving a transfer efficiency equal to or better than that achieved by HVLP spraying, if the method is approved in writing by the Agency.
- f) The owner or operator of a source subject to this Subpart shall comply with the following work practices for each subject miscellaneous adhesive application operation at the source:
- 1) Store all VOM-containing adhesives, adhesive primers, process-related waste materials, cleaning materials, and used shop towels in closed containers;
 - 2) Ensure that mixing and storage containers used for VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials are kept closed at all times except when depositing or removing those materials;
 - 3) Minimize spills of VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials;
 - 4) Convey VOM-containing adhesives, adhesive primers, process-related waste materials, and cleaning materials from one location to another in closed containers or pipes; and
 - 5) Minimize VOM emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.902 Testing Requirements

- a) Testing to demonstrate compliance with the requirements of this Subpart shall be conducted by the owner or operator within 90 days after a request by the Agency, or as otherwise provided in this Subpart. The testing shall be conducted at the expense of the owner or operator and the owner or operator shall notify the Agency in writing 30 days in advance of conducting the testing to allow the Agency to be present during testing.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Testing to demonstrate compliance with the VOM content limitations in Section 219.901(b) of this Subpart shall be conducted as follows:
- 1) Method 24, incorporated by reference in Section 219.112 of this Part, shall be used for non-reactive adhesives. ~~If it is demonstrated to the satisfaction of the Agency and the USEPA that plant adhesive formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern;~~
 - 2) Appendix A of 40 CFR 63, Subpart P, incorporated by reference in Section 219.112 of this Part, shall be used for reactive adhesives;
 - 3) The manufacturer's specifications for VOM content for adhesives may be used if the specifications are based on results of tests of the VOM content conducted in accordance with methods specified in subsections (b)(1) and (b)(2) of this Section, as applicable.
- c) For afterburners and carbon adsorbers, the methods and procedures of Section 219.105(d) through (f) of this Part shall be used for testing to demonstrate compliance with the requirements of Section 219.901(d) of this Subpart, as follows:
- 1) To select the sampling sites, Method 1 or 1A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - 2) To determine the volumetric flow rate of the exhaust stream, Method 2, 2A, 2C, or 2D, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part;
 - 3) To determine the VOM concentration of the exhaust stream entering and exiting the emissions control system, Method 25 or 25A, as appropriate, 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part. For thermal and catalytic afterburners, Method 25 must be used, except under the following circumstances, in which case Method 25A must be used:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The allowable outlet concentration of VOM from the emissions control system is less than 50 ppmv, as carbon;
 - B) The VOM concentration at the inlet of the emissions control system and the required level of control result in exhaust concentrations of VOM of 50 ppmv, or less, as carbon;
 - C) Due to the high efficiency of the emissions control system, the anticipated VOM concentration at the emissions control system exhaust is 50 ppmv or less, as carbon, regardless of inlet concentration. If the source elects to use Method 25A under this option, the exhaust VOM concentration must be 50 ppmv or less, as carbon, and the required destruction efficiency must be met for the source to have demonstrated compliance. If the Method 25A test results show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, a retest is required. The retest shall be conducted using either Method 25 or Method 25A. If the retest is conducted using Method 25A and the test results again show that the required destruction efficiency apparently has been met, but the exhaust concentration is above 50 ppmv, as carbon, the source must retest using Method 25;
 - D) During testing, the cleaning equipment shall be operated at representative operating conditions and flow rates.
- d) An owner or operator using an emissions control system other than an afterburner or carbon adsorber shall conduct testing to demonstrate compliance with the requirements of Section 219.901(d) as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.901(d)(3).

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.903 Monitoring Requirements

- a) If an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Install, calibrate, operate, and maintain temperature monitoring devices with an accuracy of 3°C or 5°F on the emissions control system in accordance with Section 219.105(d)(2) of this Part and in accordance with the manufacturer's specifications. Monitoring shall be performed at all times when the emissions control system is operating; and
 - 2) Install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring devices, such as a strip chart, recorder or computer, with at least the same accuracy as the temperature monitor;
- b) If an emissions control system other than an afterburner or carbon adsorber is used to demonstrate compliance, the owner or operator of a source subject to Section 219.901(d) of this Subpart shall install, maintain, calibrate, and operate the monitoring equipment as set forth in the owner's or operator's plan approved by the Agency and USEPA pursuant to Section 219.901(d)(3).

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

Section 219.904 Recordkeeping and Reporting Requirements

- a) The owner or operator of a source exempt from the limitations of this Subpart because of the criteria in Section 219.900(a) of this Subpart shall comply with the following:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) A declaration that the source is exempt from the requirements of this Section because of the criteria in Section 219.900(a);
 - B) Calculations that demonstrate that combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, never equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment. To calculate daily emissions of VOM, the owner or operator shall determine the monthly emissions of VOM from miscellaneous industrial adhesive application operations at the source (including related cleaning activities) and divide this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

amount by the number of days during that calendar month that miscellaneous industrial adhesive application operations at the source were in operation;

- 2) Collect and record the following information each month for each miscellaneous industrial adhesive application operation, maintain the information at the source for a period of three years, and provide the information to the Agency upon request.
 - A) The name and identification number of each adhesive as applied by each miscellaneous industrial adhesive application operation; and
 - B) The weight of VOM per volume and the volume of each adhesive (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each month by each miscellaneous industrial adhesive application operation;
 - 3) Notify the Agency of any record that shows that the combined emissions of VOM from miscellaneous industrial adhesive application operations at the source, including related cleaning activities, ever equal or exceed 6.8 kg/day (15 lbs/day), in the absence of air pollution control equipment, within 30 days after the event occurs, and provide copies of those records upon request by the Agency.
- b) All sources subject to the requirements of this Subpart shall:
- 1) By May 1, 2012, or upon initial start-up of the source, whichever is later, submit a certification to the Agency that includes:
 - A) Identification of each subject adhesive application operation as of the date of certification;
 - B) A declaration that all subject adhesive application operations are in compliance with the requirements of this Subpart;
 - C) The limitation with which each subject adhesive application operation will comply (i.e., the VOM content limitation, the daily weighted averaging alternative, or the emissions control system alternative);

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) Initial documentation that each subject adhesive application operation will comply with the applicable limitation, including copies of manufacturer's specifications, test results (if any), formulation data, and calculations;
 - E) Identification of the methods that will be used to demonstrate continuing compliance with the applicable limitations;
 - F) A description of the practices and procedures that the source will follow to ensure compliance with the limitations in Section 219.901(f) of this Subpart;
 - G) A description of each adhesive application operation exempt pursuant to Section 219.900(b)(2) of this Subpart, if any; and
 - H) The application methods used by each subject adhesive application operation;
- 2) At least 30 calendar days before changing the method of compliance in accordance with Section 219.901(b), (c), and (d), notify the Agency in writing of the change. The notification shall include a demonstration of compliance with the newly applicable subsection;
 - 3) Notify the Agency in writing of any violation of the requirements of this Subpart within 30 days following the occurrence of the violation and provide records documenting the violation upon request by the Agency;
 - 4) Retain all records required by this Section for at least three years and make those records available to the Agency upon request.
- c) The owner or operator of an adhesive application operation subject to the limitations of Section 219.901 of this Subpart and complying by means of Section 219.901(b) shall comply with the following:
- 1) By May 1, 2012, or upon the initial start-up date, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Collect and record the name, identification number, and VOM content of each adhesive as applied each day by each adhesive application operation complying with Section 219.901(b).
- d) The owner or operator of an adhesive application operation subject to the limitations of Section 219.901 of this Subpart and complying by means of Section 219.901(c) shall comply with the following:
 - 1) By May 1, 2012, or upon initial start-up, whichever is later, submit a certification to the Agency that includes the name, identification number, and VOM content of each adhesive as applied by each subject adhesive application operation;
 - 2) Collect and record the following information each day for each adhesive application operation complying by means of Section 219.901(c):
 - A) The name, identification number, and VOM content of each adhesive as applied each day by each subject adhesive application operation;
 - B) The daily weighted average VOM content of all adhesives as applied by each subject adhesive application operation.
- e) The owner or operator of an adhesive application operation subject to the requirements of Section 219.901 of this Subpart and complying by means of Section 219.901(d) shall:
 - 1) By May 1, 2012, or upon the initial start-up date, whichever is later, and upon initial start-up of a new control device, submit a certification to the Agency that includes the following:
 - A) The type of afterburner or other approved control device used to comply with the requirements of Section 219.901(d);
 - B) The results of all tests and calculations necessary to demonstrate compliance with the control requirements of Section 219.901(d);
and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) A declaration that the monitoring equipment required under Section 219.903 of this Subpart has been properly installed and calibrated according to manufacturer's specifications;
- 2) Within 90 days after conducting testing pursuant to Section 219.902 of this Subpart, submit to the Agency a copy of all test results, as well as a certification that includes the following:
 - A) A declaration that all tests and calculations necessary to demonstrate whether the adhesive application operations are in compliance with Section 219.901(d) have been properly performed;
 - B) A statement whether the adhesive application operations are or are not in compliance with Section 219.901(d); and
 - C) The operating parameters of the afterburner or other approved control device during testing, as monitored in accordance with Section 219.903 of this Subpart;
- 3) Collect and record daily the following information for each adhesive application operation subject to the requirements of Section 219.901(d):
 - A) Afterburner or other approved control device monitoring data in accordance with Section 219.903 of this Subpart;
 - B) A log of operating time for the afterburner or other approved control device, monitoring equipment, and the associated application unit; and
 - C) A maintenance log for the afterburner or other approved control device and monitoring equipment detailing all routine and non-routine maintenance performed, including dates and duration of any outages.

(Source: Added at 34 Ill. Reg. 14326, effective September 14, 2010)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Alternate Fuels Program

Code Citation: 35 Ill. Adm. Code 275

<u>Section Numbers:</u>	275.100	275.200	275.240
	275.110	275.210	275.250
	275.120	275.215	275.APPENDIX A
	275.130	275.220	
	275.140	275.230	

Date Originally Published in the Illinois Register: 4/16/10
34 Ill. Reg. 5492

At its meeting on September 14, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that EPA be more timely in updating its rules to reflect statutory changes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

OFFICE OF THE STATE FIRE MARSHAL

Heading of the Part: Fire Protection District Grant

Code Citation: 41 Ill. Adm. Code 295

Section Numbers: 295.10
295.20
295.30

Date Originally Published in the Illinois Register: 7/9/10
34 Ill. Reg. 8868

At its meeting on September 14, 2010, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that OSFM be more timely in implementing new statute. PA 84-1421, the underlying statute, became effective 9/24/86.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION AND
RECOMMENDATION TO EMERGENCY RULEMAKING

ILLINOIS WORKERS' COMPENSATION COMMISSION

Heading of the Part: Miscellaneous

Code Citation: 50 Ill. Adm. Code 7110

Section Numbers: 7110.90

Date Originally Published in the Illinois Register: 7/16/10
34 Ill. Reg. 10222

At its meeting on September 14, 2010, the Joint Committee on Administrative Rules objected to the Illinois Workers' Compensation Commission, through its emergency rule titled Miscellaneous (50 Ill. Adm. Code 7110; 34 Ill. Reg. 10222), recognizing accredited, but unlicensed, ambulatory surgical treatment facilities for reimbursement under WCC's Medical Fee Schedule. The emergency rule should be limited to unlicensed ambulatory treatment facilities that are not otherwise required by statute to be licensed. JCAR also recommended that the agency, between now and the October JCAR meeting, submit to the Committee its best argument as to whether the emergency rule is consistent with the requirement of the Workers' Compensation Act that the medical fee schedule be charged-based.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection or the Statement of Recommendation shall be deemed a refusal to amend or repeal the emergency rule and/or to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF HUMAN SERVICES

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Register citation of proposed rulemaking and other pertinent action: 34 Ill. Reg. 13597; September 24, 2010
- 4) Explanation: In the rule description on the notice page of last week's (Issue 39) proposed DHS amendment for Part 121, a typographical error created an incorrect proposed effective date for the amendment. The proposed date, as shown on the notice page filed by DHS with SOS, is 1/1/11. JCAR apologizes for inadvertently publishing a different date on the Illinois Register notice page.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 14, 2010 through September 20, 2010 and has been scheduled for review by the Committee at its October 19, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/29/10	<u>Secretary of State, Regulations Under the Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)</u>	7/30/10 34 Ill. Reg. 10697	10/19/10
10/29/10	<u>Department of Human Services, Child Care (89 Ill. Adm. Code 50)</u>	5/21/10 34 Ill. Reg. 7010	10/19/10
10/29/10	<u>Department of Human Services, Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)</u>	5/14/10 34 Ill. Reg. 6558	10/19/10
10/29/10	<u>Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)</u>	5/14/10 34 Ill. Reg. 6560	10/19/10
10/29/10	<u>Department of Human Services, General Assistance (89 Ill. Adm. Code 114)</u>	5/14/10 34 Ill. Reg. 6562	10/19/10
10/29/10	<u>Department of Human Services, Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)</u>	5/14/10 34 Ill. Reg. 6564	10/19/10
10/29/10	<u>Department of Financial and Professional Regulation, Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)</u>	12/18/09 33 Ill. Reg. 17009	10/19/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/31/10	<u>Department of Human Services</u> , Maternal and Child Health Services Code (77 Ill. Adm. Code 630)	5/28/10 34 Ill. Reg. 7428	10/19/10
----------	---	---------------------------------	----------

PROCLAMATIONS

2010-319**GUBERNATORIAL PROCLAMATION**

The severe storms with high wind and torrential rain that moved through northern Illinois from the Mississippi River to Lake Michigan on July 22 through July 24, 2010, resulted in a gubernatorial proclamation of disaster on July 26, 2010. Upon further review of climate observations for the month of July, it has been determined that the severe storms that caused a major disaster in northern Illinois counties during the period of July 22 through August 7, 2010, actually were part of a series of severe storms that moved into western Illinois along the Mississippi River on July 19, 2010. These severe storms continued to move through central Illinois. The extreme amounts of rainfall, high wind and subsequent flooding occurring between July 19 and August 7, 2010, resulted in downed trees and power lines in addition to damage to roads, bridges and other public infrastructure in the counties most severely impacted.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically declare Moultrie County as a State Disaster Area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster recovery. In addition, this proclamation will facilitate a request for federal disaster assistance. A complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and the affected local governments alone.

Date: September 16, 2010

Filed: September 16, 2010

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 34, Issue 40 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

68 - 1515	.....	13727
77 - 2250	.....	13733
89 - 144	.....	13742
77 - 250	.....	13748
92 - 1040	.....	13775
26 - 100	.....	13898
26 - 125	.....	13947
26 - 210	.....	14004

ADOPTED RULES

68 - 1300	9/17/2010	.....	14010
68 - 1300	9/17/2010	.....	14012
68 - 1305	9/17/2010	.....	14117
35 - 211	9/14/2010	.....	14119
35 - 218	9/14/2010	.....	14174
35 - 219	9/14/2010	.....	14326

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF RECOMMENDATION**

35 - 275	.....	14473
41 - 295	.....	14474

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF OBJECTION**

50 - 7110	14475
-----------	-------	-------

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

10 - 319	9/16/2010	14479
----------	-----------	-------	-------

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

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

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