



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

January 19, 2012

POLLUTION CONTROL BOARD  
JOHN THERRIAULT ASSISTANT CLERK  
100 W RANDOLPH ST, STE 11-500  
CHICAGO, IL 60601

**RECEIVED**  
CLERK'S OFFICE  
JAN 27 2012  
STATE OF ILLINOIS  
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 36, Issue 4 of the Illinois Register, dated 1/27/2012.

**ADOPTED RULES**

Mobile Sources

35 Ill. Adm. Code 240

Point of Contact: Nancy Miller

1066

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Mobile Sources
- 2) Code Citation: 35 Ill. Adm. Code 240
- 3) Section Numbers:                      Adopted Action:

240.102	Amend
240.104	Amend
240.105	Amend
240.106	Amend
240.151	Amend
240.171	Amend
240.201	New
240.202	New
240.203	New
- 4) Statutory Authority: Section 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-20] and Sections 10, 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28].
- 5) Effective Date of Amendments: February 1, 2012.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) The adopted amendments are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 28, 2011; 35 Ill. Reg. 17178.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version: Non-substantive, grammatical and stylistic changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements letter has been issued because this rulemaking is exempt from the rulemaking requirements of the Administrative Procedure

RECEIVED

JAN 10 2012

SOS-CODE DIV.

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Act. However, amendments proposed by JCAR by electronic mail dated November 3, 2011, have been adopted.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: These amendments amend Part 240 to reflect an amendment (P.A. 97-0106) to the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) (625 ILCS 5/13C). P.A. 97-0106 amends the VEIL of 2005 by repealing the steady-state idle exhaust and evaporative system integrity emissions inspection tests. These inspection tests were substituted for the on-board diagnostic (OBD) test for heavy-duty vehicles not required to be equipped with OBD systems meeting federal OBD II specifications and certain vehicles that could not receive the OBD test due to their design or with known OBD communication or software problems. P.A. 97-0106 exempts pre-2007 heavy-duty vehicles with a gross vehicle weight rating (GVWR) between 8,501 and 14,000 pounds and any heavy-duty vehicles with a GVWR greater than 14,000 pounds from the requirements to be tested. These heavy-duty vehicles are not all required to be equipped with OBD systems meeting federal OBD II specifications. Also, P.A. 97-0106 adds a visual inspection test as a new substitute for the OBD test for vehicles that cannot receive the OBD test due to their design or with known OBD communication or software problems. P.A. 97-0106 makes other relatively minor changes and is effective February 1, 2012.

The amendments to Part 240 specify that the steady-state idle exhaust and evaporative system integrity inspection test standards are effective only through January 31, 2012. Also, the amendments add visual inspection test standards that are effective beginning February 1, 2012 and add a definition of "visual inspection test." Finally, the amendments make other minor changes consistent with the addition of the new visual inspection test standards.

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

Daniel Robertson  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931  
RobertsD@ipcb.state.il.us

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 R12-12 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER k: EMISSION STANDARDS AND LIMITATIONS FOR MOBILE SOURCES

PART 240

MOBILE SOURCES

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	
240.101	Preamble
240.102	Definitions
240.103	Prohibitions
240.104	Inspection
240.105	Penalties
240.106	Determination of Violation
240.107	Incorporations by Reference

SUBPART B: EMISSIONS

Section	
240.121	Smoke Emissions
240.122	Diesel Engine Emissions Standards for Locomotives
240.123	Liquid Petroleum Gas Fuel Systems
240.124	Vehicle Exhaust Emission Standards (Repealed)
240.125	Compliance Determination (Repealed)

SUBPART C: SMOKE OPACITY STANDARDS AND TEST PROCEDURES FOR DIESEL-POWERED HEAVY DUTY VEHICLES

Section	
240.140	Applicability
240.141	Smoke Opacity Standards and Test Procedures for Diesel-Powered Heavy Duty Vehicles

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section	
---------	--

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 240.151      Applicability
- 240.152      Steady-State Idle Mode Vehicle Exhaust Emission Standards
- 240.153      Compliance Determination

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

- Section
- 240.161      Applicability (Repealed)
- 240.162      Vehicle Exhaust Emission Start-Up Standards (Repealed)
- 240.163      Vehicle Exhaust Emission Final Standards (Repealed)
- 240.164      Vehicle Exhaust Emission Fast-Pass Standards (Repealed)
- 240.165      Compliance Determination (Repealed)

SUBPART F: EVAPORATIVE TEST STANDARDS

- Section
- 240.171      Applicability
- 240.172      Evaporative System Integrity Test Standards
- 240.173      Evaporative System Purge Test Standards (Repealed)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

- Section
- 240.181      Applicability
- 240.182      On-Road Remote Sensing Emission Standards
- 240.183      Compliance Determination

SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

- Section
- 240.191      Applicability
- 240.192      On-Board Diagnostic Test Standards
- 240.193      Compliance Determination

SUBPART I: VISUAL INSPECTION TEST STANDARDS

- Section
- 240.201      Applicability
- 240.202      Visual Inspection Test Standards
- 240.203      Compliance Determination

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

240.APPENDIX A	Rule into Section Table
240.APPENDIX B	Section into Rule Table
240.TABLE A	Vehicle Exhaust Emission Start-Up Standards (Repealed)
240.TABLE B	Vehicle Exhaust Emission Final Standards (Repealed)
240.TABLE C	Vehicle Exhaust Emission Fast-Pass Standards (Repealed)

**AUTHORITY:** Implementing Sections 9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9, 10, 27, and 28] and Section 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-20].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228, effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13723, effective July 13, 1998; expedited correction at 22 Ill. Reg. 21120, effective July 13, 1998; amended in R01-12 at 24 Ill. Reg. 19188, effective December 18, 2000; amended in R01-8 at 25 Ill. Reg. 3680, effective February 26, 2001; amended in R02-8 at 25 Ill. Reg. 16379, effective December 18, 2001; amended in R11-19 at 35 Ill. Reg. 5552, effective March 18, 2011; amended in R12-12 at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

~~**BOARD NOTE:** This Part implements the Environmental Protection Act as of July 1, 1994.~~

**NOTE:** Capitalization denotes statutory language.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

**Section 240.102 Definitions**

All terms that appear in this Part have the definitions specified in this Section, the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C], and 35 Ill. Adm. Code 201 and 211. When conflicting definitions occur between this Section and 35 Ill. Adm. Code 201 or 211, the definitions of this Section apply in this Part.

“Agency” means the Illinois Environmental Protection Agency.

“Diesel engine” means all types of internal-combustion engines in which air is compressed to a temperature sufficiently high to ignite fuel injected directly into the cylinder area.

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

“Diesel locomotive” means a diesel engine vehicle designed to move cars on a railway.

“Evaporative system integrity test” means a test of a vehicle’s evaporative system. The test shall either consist of a leak check of a vehicle’s fuel cap with a fuel cap pressure decay tester (fuel cap pressure decay test), a fuel cap leak flow tester (fuel cap leak flow test), or a visual functional check, as applicable.

“Fuel cap” means a device used to seal a vehicle’s fuel inlet.

“Fuel cap leak flow test” means a test which may be performed in accordance with this Part on a vehicle’s fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

“Fuel cap leak flow tester” means a device used to determine the leak flow integrity of a vehicle’s fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

“Fuel cap pressure decay test” means the test performed in accordance with this Part on a vehicle’s fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

“Fuel cap pressure decay tester” means a device used to determine the pressure decay integrity of a vehicle’s fuel cap by monitoring the pressure behind the fuel cap for a ten second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

“Fuel cap visual functional test” means the test performed in accordance with this Part on a vehicle’s fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of this Part.

“Gross vehicle weight rating” or (“GVWR”) means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

“Heavy duty vehicle” means any motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.



ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

“High idle” means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at speed of 2500 ± 300 RPM.

“Idle mode” means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

“Initial idle mode” means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in “as-received” condition.

“Light duty truck 1” means a motor vehicle rated at 6000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

“Light duty truck 2” means a motor vehicle rated between 6001 and 8500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

“Light duty vehicle” means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

“Measured values” means five-second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

“Model year” means the year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then “model year” means the calendar year of manufacture.

“Motor vehicle”, as used in this Part, shall have the same meaning as in Section

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

“Opacity” means the percentage of light transmitted from a source that is prevented from reaching a light detector.

“Preconditioning mode” means a period of steady-state high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failures caused by improper or insufficient warm-up.

“Second-chance idle mode” means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

“Snap-acceleration test” means a test to measure exhaust smoke opacity from heavy-duty diesel powered vehicles in accordance with the SAE J1667 procedure, incorporated by reference at Section 240.107 of this Subpart.

“Steady-state idle test” means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or-high idle preconditioning mode and a second-chance idle mode.

“Vehicle curb weight” means the actual vehicle weight plus standard equipment and a full fuel tank.

“Visual inspection test” means a visual examination of a vehicle’s malfunction indicator lamp (MIL) consisting of verifying the status of the MIL in the key-on/engine off position followed by verifying the status of the MIL in the key-on/engine on position to determine the status of the MIL and existence of an emission related malfunction with the vehicle.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.104 Inspection**

- a) All motor vehicles subject to inspection pursuant to Section 13C-15 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-15] shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.172, 240.182, ~~and 240.192,~~ and 240.202 of this Part.

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) All diesel-powered vehicles subject to inspection pursuant to Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] must comply with applicable smoke opacity standards set forth in Section 240.141(a) of this Part.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.105 Penalties**

- a) Any violations of Sections 240.103, 240.121, 240.122, or 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act [415 ILCS 5/42].
- b) Any violations of Sections 240.104(b), 240.152, 240.172, 240.182, ~~or 240.192~~, or 240.202 of this Part, as applicable, shall be subject to the penalties as set forth in Sections 13C-55 and 13C-60 of the Vehicle Emissions Inspection Law [625 ILCS 5/13C-55 and 13C-60].
- c) Any violation of Section 240.141(a) of this Part will be subject to penalties as set forth in Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1].

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.106 Determination of Violation**

- a) Any violations of Sections 240.103, 240.121, 240.122, or 240.123 of this Part shall be determined by visual observation or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201, Subpart J.
- b) Any violations of Sections 240.152, 240.172, 240.182, ~~or 240.192~~, or 240.202 of this Part, as applicable, shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.
- c) Any violation of Section 240.141(a) of this Part will be determined in accordance with test procedures set forth in Section 240.141(b) of this Part.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS**

ILLINOIS REGISTER

---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

**Section 240.151 Applicability**

This Subpart is effective through January 31, 2012. The standards of this Subpart apply to those vehicles identified in subsection 13C-25(d) of the Vehicle Emissions Inspection Law of 2005.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: EVAPORATIVE TEST STANDARDS

**Section 240.171 Applicability**

This Subpart is effective through January 31, 2012. The standards of this Subpart apply to those vehicles identified in subsection 13C-25(d) of the Vehicle Emissions Inspection Law of 2005

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART I: VISUAL INSPECTION TEST STANDARDS

**Section 240.201 Applicability**

This Subpart is applicable beginning February 1, 2012. The standards of this Subpart apply to those vehicles tested pursuant to Section 13C-25(h) of the Vehicle Emissions Inspection Law of 2005.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.202 Visual Inspection Test Standards**

Vehicles subject to visual inspection testing shall fail the visual inspection test if the MIL does not illuminate in the key-on/engine off position or continuously illuminates in the key-on/engine on position.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.203 Compliance Determination**

Compliance shall be determined based upon a visual examination of the MIL using the visual inspection test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)