



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

October 21, 2011

RECEIVED
CLERK'S OFFICE
OCT 25 2011
STATE OF ILLINOIS
Pollution Control Board

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

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 35, Issue 44 of the Illinois Register, dated 10/28/2011.

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

Notice of Public Information
Point of Contact: Mike McCambridge 17488 R11-14

PROPOSED RULES

Mobile Sources
35 Ill. Adm. Code 240 17178 R12-12
Point of Contact: Nancy Miller

RCRA and UIC Permit Programs
35 Ill. Adm. Code 702 17190 R11-14
Point of Contact: Mike McCambridge

UIC Permit Program
35 Ill. Adm. Code 704 17215 R11-14
Point of Contact: Mike McCambridge

Procedures for Permit Issuance
35 Ill. Adm. Code 705 17256 R11-14
Point of Contact: Mike McCambridge

Underground Injection Control Operating Requirements
35 Ill. Adm. Code 730 17264 R11-14
Point of Contact: Mike McCambridge

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

2011

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
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 and 28).
- 5) A Complete Description of the Subjects and Issues Involved: This proposal for public comment would 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 proposed 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 proposed amendments add visual inspection test standards that are effective beginning February 1, 2012 and add a definition of "visual inspection test."

RECEIVED

OCT 14 2011

SOS-CODE DIV.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Finally, the proposed amendments make other minor changes consistent with the addition of the new visual inspection test standards. The Illinois Pollution Control Board (Board) is required by the VEIL of 2005 to adopt this proposal within 120 days after filing by the Illinois Environmental Protection Agency (Illinois EPA) (625 ILCS 5/13C-20).

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: The Illinois EPA relied on various sources to compose this rulemaking. Copies of these sources are available for review with the Board and are listed below:
1. Clean Air Act (42 U.S.C. 7401 *et seq.*)
 2. Ill. Pub. Act No. 97-0106 (July 14, 2011) (effective Feb. 1, 2012)
 3. 40 C.F.R. § 85.2222 (2010)
 4. *Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program*, United States Environmental Protection Agency, Air and Radiation, June 2001.
 5. *Reinventing the Illinois I/M Program, 2005 Clean Air Conference*, James Matheny, Illinois Environmental Protection Agency, Page 18, September 2005.
 6. *VOC Reduction (TPD) in the Chicago NAA from Existing and Proposed I/M Programs, 2012-2020*, Sam Long, Illinois Environmental Protection Agency, January 11, 2011.
 7. *VOC Reduction (TPD) in the Metro-East + Jersey NAA from Existing and Proposed I/M Programs, 2012-2020*, Sam Long, Illinois Environmental Protection Agency, January 11, 2011.
- 7) Will these proposed amendments replace an emergency rule currently in effect? No.
- 8) Do these amendments contain an automatic repeal date? No.
- 9) Do these proposed amendments contain incorporations by reference? No.
- 10) Are there any other proposed amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

805/3].

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the Illinois Register. Comments should refer to docket R12-12 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R12-10 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Daniel Robertson at 312/814-6931 or e-mail robertsd@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipalities, or not-for-profit corporations that own or operate a vehicle subject to emissions inspection could be affected by the proposed amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposal does not require reporting or bookkeeping. The proposal requires compliance with new visual inspection test standards and use of new inspection procedures established in 35 Ill. Adm. Code Part 276 related to these new standards.
 - C) Types of Professional skills necessary for compliance: No professional skills beyond those currently required by the rule are expected to be necessary.

- 14) Regulatory Agenda in which these amendments were summarized: July 2011.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED 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	
240.151	Applicability

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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
- 240.APPENDIX A Rule into Section Table

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 (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.

“High idle” means a vehicle operating condition with engine disconnected from

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“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 PROPOSED 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

Section 240.151 Applicability

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 subsection 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 _____)