

Electronic Filing: Received, Clerk's Office 05/26/2026 P.C. #17

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Paruchuri, Anupama](#); [Bilbruck, Shannon O.](#)
Subject: FW: Review of PCB documents -35-240
Date: Tuesday, May 26, 2026 9:41:21 AM
Attachments: [35-240NT-P Agency 4.14.26.docx](#)
[35-240NT-P JCAR 4.14.26.docx](#)
[35-240RG-P Agency 4.14.26.docx](#)
[35-240RG-P JCAR 5.22.26.docx](#)
[image001.png](#)

Good morning, Mr. Clerk,

Please docket as a public comment in R18-21 this email, including its attachments, sent from JCAR's Melissa Shipley to the Board's Shannon Bilbruck.

Thank you.

Richard R. McGill, Jr.
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Illinois Pollution Control Board
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From: Shipley, Melissa A. <MelissaS@ilga.gov>
Sent: Friday, May 22, 2026 4:31 PM
To: Bilbruck, Shannon O. <Shannon.O.Bilbruck@Illinois.gov>
Cc: EXT eadministrativecode, ILSOS <eadministrativecode@ilsos.gov>; Schultz, Kimberly A. <KimberlyS@ilga.gov>; Bockewitz, Chrystal <crystalb@ilga.gov>
Subject: [External] Review of PCB documents -35-240

Hi Shannon

JCAR has completed predraft technical review of the attached rulemaking for 35-240. The goal of this technical review is to ensure the drafts contain accurate background text, comply with the SOS Style manual (subsection labeling, spacing and indenting), and use consistent capitalization and punctuation.

We would appreciate a review of these documents prior to filing to correct any items flagged. We also noticed that from time to time subsection headers have inconsistent punctuation (period v. no punctuation). Using one punctuation style in these instances would be preferred.

Thank you for the chance to comment prior to filing.

Melissa Shipley
Joint Committee on Administrative Rules
700 Stratton Building
Springfield, IL 62706

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Mobile Sources

Commented [JS1]: This document is incorrectly saved; it should be "NT-P".

2) Code Citation: 35 Ill. Adm. Code 240

3) Section Numbers: Proposed Actions:

240.101	Amendment
240.102	Amendment
240.103	Amendment
240.104	Amendment
240.105	Amendment
240.106	Amendment
240.107	Amendment
240.121	Amendment
240.122	Amendment
240.123	Amendment
240.140	Amendment
240.141	Amendment
240.151	Repealed
240.152	Repealed
240.153	Repealed
240.171	Repealed
240.172	Repealed
240.181	Amendment
240.182	Amendment
240.183	Amendment
240.191	Amendment
240.192	Amendment
240.193	Amendment
240.201	Amendment
240.202	Amendment
240.203	Amendment
Section 240.APPENDIX A	Repealed
Section 240.APPENDIX B	Repealed

Commented [JS2]: Omit both instances of "Section".

4) Statutory 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 13C-20].

Commented [AL3]: This should be [625 ILCS 5/13C-20]

5) A Complete Description of the Subjects and Issues Involved: Subtitle B of the Board's rules addresses air pollution and includes permitting provisions, emissions standards and

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limitations, and monitoring requirements. Part 240 addresses emissions from motor vehicles.

This rulemaking originated with a proposal by the Illinois Environmental Protection Agency (IEPA). IEPA cited Executive Order 2016-13, which directed agencies to review their rules to identify provisions that are outdated, repetitive, confusing, or unnecessary and then revise or repeal them as appropriate. At that time, the Board had begun its own review with the same general purposes.

The Board proposes to repeal outdated provisions. In addition, the Board throughout Part 237 proposes numerous revisions, including matters of punctuation, abbreviation, organization, spelling, and concision. The Board also proposed amendments such as changing passive to active voice, avoiding unnecessary nominalizations, updating statutory references, simplifying cross references, making the form of definitions more consistent with one another, and using “must” to be more clearly mandatory.

The Board intends that each of its proposed revisions is non-substantive in nature.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? Yes
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 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 at least 45 days after the date of publication in the Illinois Register. Public comments should refer to Docket R18-21 and be filed electronically through the Clerk’s Office On-Line (COOL) on the Board’s website at <https://pcb.illinois.gov/>. Public comments may be addressed to:

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Clerk's Office
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, IL 60605

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

Interested persons may download copies of the Board's opinions and orders in R18-21 from the Board's Web site at <https://pcb.illinois.gov/> and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Description of the type of small businesses, not for profit corporations or small municipalities subject to the proposed rule amendment: None
 - B) Description of the proposed reporting, bookkeeping and other procedures required for compliance with the rule amendment: None
 - C) Description of the types of professional skills necessary for compliance: None
- 14) Small Business Economic Impact Analysis: Because the Board proposes non-substantive amendments as described above in (5), it does not reasonably foresee adverse economic impacts such as loss of revenue or increased expenses on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas, although it had been included on the July 2018 agenda (42 Ill. Reg. 13328 (July 6, 2018)).
- 16) Any other information or justification for the proposed amendment that the agency believes would be helpful to the public regarding the proposed amendment. For example, a discussion or analysis of the benefits the proposed amendment is projected to have on the Illinois public, consumers, investors or other similar groups. See (5).

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

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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~~ ~~HEAVY-DUTY~~ VEHICLES

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

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section	
240.151	Applicability (Repealed)

Commented [JS1]: Incorrect file name. Should be "RG-P".

Commented [JS2]: As you want to adjust the wording of a SUBPART, you must first file a NOTICE OF RECODIFICATION (see 1 IAC 100.1100, subsection f) before this rule can be considered.

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NOTICE OF PROPOSED AMENDMENTS

- 240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards [\(Repealed\)](#)
- 240.153 Compliance Determination [\(Repealed\)](#)

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 [\(Repealed\)](#)
- 240.172 Evaporative System Integrity Test Standards [\(Repealed\)](#)
- 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

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

Commented [JS3]: Omit all five instances of "Section" here.

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. 1066, effective February 1, 2012; amended in R18-21 at 50 Ill. Reg. _____, effective _____.

SUBPART A: **DEFINTIONS** AND GENERAL PROVISIONS

Commented [SKA4]: Spelling Error DEFINITIONS

Section 240.101 Preamble

As the state of knowledge and technology relating to the control of emissions from motor vehicles advances, and ~~to further in furtherance of~~ the purposes of the Environmental Protection Act ~~[415 ILCS 5] (Act)~~, the Pollution Control Board ~~must (Board) shall~~ provide ~~by~~ rules and regulations for the control of emissions from motor vehicles. ~~The Such~~ rules and regulations ~~must shall~~ prescribe requirements for ~~installing and using the installation and use of~~ equipment designed to reduce or eliminate emissions and for ~~properly maintaining the proper maintenance of the such~~ equipment and ~~of~~ vehicles. Any rules and regulations promulgated ~~under pursuant to~~ this Section ~~must shall~~ be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.102 Definitions

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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~~ in this Section and 35 Ill. Adm. Code 201 or 211 ~~conflict~~, the definitions of this Section apply in this Part.

~~"Agency"~~ means the Illinois Environmental Protection Agency.

Commented [J55]: Indent all Definitions to the 1" mark.

~~"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 railway.

~~"Evaporative system integrity test"~~ means a test of a vehicle's evaporative system. The test ~~must~~ ~~shall either~~ consist of ~~either~~ 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 ~~compliance~~ ~~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 ~~compliance~~ ~~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 ~~10-second~~ ~~ten second~~ period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

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"Fuel cap visual functional test" means the test performed in ~~compliance 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 ~~that either is~~ rated at more than 8,500 pounds GVWR, ~~or that~~ has a vehicle curb weight of more than 6,000 pounds, or ~~that~~ has a basic vehicle frontal area ~~exceeding in excess of~~ 45 square feet.

"High idle" means a vehicle operating condition with ~~the~~ engine disconnected from an external load (placed in either neutral or park) and operating at speed of 2,500 ± 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 6,000 pounds maximum GVWR or less ~~with and which has~~ a vehicle frontal area of 45 square feet or less, and ~~is:~~

~~Designed which is designed~~ primarily ~~to transport for purposes of transportation of~~ property or is a derivation of such a vehicle; ~~or is designed~~

~~Designed~~ primarily ~~to transport for transportation of~~ persons, ~~with and has~~ a capacity of more than 12 persons; or

~~Available is available~~ with special features enabling off-street or off-highway operation and use.

"Light-duty truck 2" means a motor vehicle rated between 6,001 and 8,500 pounds maximum GVWR ~~with and which has~~ a vehicle frontal area of 45 square feet or less, and ~~is: which is designed~~

~~Designed~~ primarily ~~to transport for purposes of transportation of~~ property or is a derivation of such a vehicle; ~~or is designed~~

Commented [JS6]: Indent these to the 1.5" mark.

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Designed primarily ~~to transport~~~~for transportation of~~ persons, ~~with and has~~ a capacity of more than 12 persons; ~~or is available~~

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 ~~on 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, ~~has shall have~~ the same meaning as in Section 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 ~~used utilized~~ as a second chance to pass idle exhaust emission standards immediately ~~after following~~ an initial idle mode failure.

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

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"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~~ ~~emission related~~ malfunction with the vehicle.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.103 Prohibitions

Except as permitted or authorized by law, ~~a no~~ person ~~must not shall~~ fail to maintain in good working order or remove, dismantle, or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control systems or mechanisms of a motor vehicle ~~as~~ required by rules or regulations of the Board and the United States Environmental Protection Agency to be maintained in or on the vehicle.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.104 Inspection

- a) All motor vehicles subject to inspection ~~under pursuant to~~ Section 13C-15 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-15] ~~must shall~~ comply with applicable vehicle emission standards ~~contained~~ in Sections 240.152, 240.172, 240.182, 240.192, and 240.202 ~~of this Part~~.
- b) All diesel-powered vehicles subject to inspection ~~under 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 50 Ill. Reg. _____, effective _____)

Section 240.105 Penalties

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- a) Any violations of Sections 240.103, 240.121, 240.122, or 240.123 ~~are 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, 240.192, or 240.202 ~~of this Part~~, as applicable, ~~are 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) ~~is 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 50 Ill. Reg. _____, effective _____)

Section 240.106 Determination of Violation

- a) Any violations of Sections 240.103, 240.121, 240.122, or 240.123 ~~must of this Part shall~~ be determined by visual observation or by a test procedure employing an opacity measurement system ~~under as qualified by~~ 35 Ill. Adm. Code 201.5 Subpart J.
- b) Any violations of Sections 240.152, 240.172, 240.182, 240.192, or 240.202 ~~of this Part~~, as applicable, ~~must shall~~ be determined in ~~compliance accordance~~ with test procedures ~~adopted by the Agency~~ in 35 Ill. Adm. Code 276.
- c) Any violation of Section 240.141(a) ~~must of this Part will~~ be determined in ~~compliance accordance~~ with test procedures ~~set forth~~ in Section 240.141(b) ~~of this Part~~.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.107 Incorporations by Reference

The following material is incorporated by reference and includes no later editions or amendments:

Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096-0001, www.sae.org: ~~SAE Report~~ J1667 ~~201802~~ Snap-Acceleration Smoke Test Procedure for Heavy-Duty ~~Diesel-Powered~~ Diesel-Powered Vehicles (~~Feb. 2018~~ February 1996).

Commented [SKA7]: Section is on file. Please strike "Section" and add "Sections"

Commented [BW8]: Remove hard return

Commented [SKA9]: Section is on file. Please strike "Section" and add "Sections"

Commented [BW10]: No space on original

Commented [SKA11]: Is this underscoring intentional?

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART B: EMISSIONS

Section 240.121 Smoke Emissions

- a) There ~~must shall~~ be no visible emissions of smoke from a motor vehicle, i.e. zero opacity.
- b) Motor vehicles traveling Illinois public highways from out of State must comply with subsection (a).
- c) A No-used motor vehicle ~~must not shall~~ be sold or transferred in Illinois unless that ~~said~~ vehicle meets subsection (a).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.122 Diesel Engine Emission Standards for Locomotives

- a) A No person ~~must not shall~~ cause or allow the emission of smoke from any diesel locomotive in the State of Illinois to exceed ~~thirty percent (30%)~~ opacity.
- b) Subsection (a) ~~does shall~~ not apply to:
 - 1) Smoke ~~emitted for 30 minutes or less~~ resulting from starting a cold locomotive: ~~for a period of time not to exceed 30 minutes~~.
 - 2) Smoke emitted for 40 seconds or less while accelerating under load from a throttle setting other than idle to a higher throttle setting: ~~for a period of time not to exceed 40 seconds~~.
 - 3) Smoke emitted for two minutes or less upon locomotive loading following idle: ~~for a period of time not to exceed 2 minutes~~.
 - 4) Smoke emitted for three consecutive minutes or less, and a total of 10 minutes in any 60-minute period, during locomotive testing, maintenance, adjustment, rebuilding, repairing, or breaking in: ~~for a period of time not to exceed 3 consecutive minutes and an aggregate of 10 minutes in any 60 minute period~~.

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- 5) Smoke emitted by a locomotive which, because of its age or design, makes replacement or retrofit parts necessary to achieve smoke reduction unavailable. These locomotives ~~must~~ be retired at the earliest possible time.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.123 Liquid Petroleum Gas Fuel Systems

- a) Motor vehicles ~~which are solely~~ fueled solely with liquid petroleum gas ~~must~~ have excess air injection systems ~~made~~ inoperative, where ~~the such~~ systems are installed by the vehicle manufacturers.

b)

- 1) Motor vehicles ~~operating which operate~~ on liquid petroleum gas or gasoline fuels alternately in dual fuel systems, ~~must~~ have excess air injection systems inoperative when operating on liquid petroleum gas, where excess air injection systems are installed by the vehicle manufacturers.
- 2) Motor vehicles ~~operating which operate~~ on liquid petroleum gas or gasoline fuels alternately in a dual fuel system, ~~must~~ have excess air injection systems operational when operating on gasoline, where excess air injection systems are installed by the vehicle manufacturers.
- 3) Motor vehicles ~~operating which operate~~ on liquid petroleum gas or gasoline fuels alternately in a dual fuel system, ~~must~~ always have the intake manifold heat riser system to the carburetor operational ~~at all times~~ when the motor vehicles are operating.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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

Section 240.140 Applicability

Commented [SKA12]: Strike and move to b)

Commented [SKA13]: Strike and add c)

Commented [SKA14]: Strike and add d)

Commented [SKA15]: unstrike

Commented [BW16]: See JP's comment above regarding recodification on SUBPART

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This Subpart applies to all on-road, diesel-powered ~~heavy-duty~~ heavy-duty vehicles operating in the State of Illinois.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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

- a) Diesel-powered ~~heavy-duty~~ heavy-duty vehicles described in Section 240.140 ~~of this Subpart~~ are subject to the following smoke opacity standards:
- 1) Diesel-powered ~~heavy-duty~~ heavy-duty vehicles that are model year 1991 or newer must not exceed ~~40%~~ forty percent peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.
 - 2) Except ~~under as set forth in~~ subsection (a)(3) ~~of this Section~~, diesel-powered ~~heavy-duty~~ heavy-duty vehicles that are model year 1990 or older must not exceed ~~55%~~ fifty-five percent peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.
 - 3) Until December 31, 2002, diesel-powered ~~heavy-duty~~ heavy-duty vehicles that are model year 1973 or older must not exceed ~~70%~~ seventy percent peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~. Beginning on January 1, 2003, diesel-powered ~~heavy-duty~~ heavy-duty vehicles that are model year 1973 or older must not exceed ~~55%~~ fifty-five percent peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.
- b) Test procedures and equipment for measuring peak smoke opacity from diesel-powered ~~heavy-duty~~ heavy-duty vehicles must be in ~~compliance accordance~~ with the Society of Automotive Engineer's (SAE) ~~Recommended Practice~~ J1667 ~~201802~~, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty ~~Diesel-Powered~~ Diesel-Powered Vehicles" ~~20181996~~, (February ~~2018~~1996), incorporated by reference in Section 240.107 ~~of this Part~~.

BOARD NOTE: The Illinois Department of Transportation also addresses the use of diesel smoke test procedures in 92 Ill. Adm. Code 460.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section 240.151 Applicability (Repealed)

~~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: Repealed at 50 Ill. Reg. _____, effective _____)

Section 240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards (Repealed)

- a) ~~Exhaust emissions from light duty vehicles shall not exceed the following limitations:~~

Model Year	Carbon Monoxide	Hydrocarbons as Hexane
	(%)	(ppm)
1996 and newer	1.2	220

- b) ~~Exhaust emissions from light duty trucks 1 and light duty trucks 2 shall not exceed the following limitations:~~

Model Year	Carbon Monoxide	Hydrocarbons as Hexane
	(%)	(ppm)
1996 and newer	1.2	220

- e) ~~Exhaust emissions from heavy duty vehicles shall not exceed the following limitations:~~

Model Year	Carbon Monoxide	Hydrocarbons as Hexane
	(%)	(ppm)
1996 and newer	3.0	300

(Source: Repealed at 50 Ill. Reg. _____, effective _____)

Section 240.153 Compliance Determination (Repealed)

~~Compliance shall be determined based upon the measurement of exhaust emissions using the steady state idle test while the vehicle to be tested is operating in the idle mode. The vehicle shall pass exhaust emissions inspection if at any time during the initial idle mode or second-chance idle mode of the steady state idle test the measured values are at or below the applicable~~

Commented [SKA17]: strike

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~~limits of Section 240.152 of this Subpart. Vehicles failing the initial idle mode shall undergo a high idle preconditioning mode and receive a second chance idle mode unless no measured values less than 1800 ppm HC are obtained within an elapsed time of 30 seconds.~~

(Source: Repealed at 50 Ill. Reg. _____, effective _____)

SUBPART F: EVAPORATIVE TEST STANDARDS

Section 240.171 Applicability (Repealed)

~~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: Repealed at 50 Ill. Reg. _____, effective _____)

Section 240.172 Evaporative System Integrity Test Standards (Repealed)

~~Vehicles subject to evaporative system integrity testing shall fail the evaporative system integrity test if one of the following occurs:~~

- a) ~~Fuel Cap Pressure Decay Standards—While tested using the fuel cap pressure decay tester, the pressure decays by 6 inches of water or more during a 10 second period after being pressurized to 28±1 inches of water column;~~
- b) ~~Fuel Cap Leak Flow Test Standards—While tested using the fuel cap leak flow tester, the fuel cap leak flow rate exceeds 60 cc/min at a pressure of 30±1 inches of water column. Determination will be made by comparing the fuel cap's measured leak flow rate with the flow rate obtained from a calibrated master orifice with a National Institute of Standards and Technology traceable flow rate which will result in a pass/fail flow rate threshold of 60 cc/min of air at 30±1 inches of water column;~~
- e) ~~Visual Functional Test Standards—While tested using the visual functional test, an inspection of the fuel cap reveals one or more of the following:~~
 - 1) ~~a missing fuel cap;~~
 - 2) ~~a missing or damaged o-ring, gasket, or seal;~~

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- 3) ~~missing or damaged threads, flanges, prongs, or other parts used to secure the fuel cap to the fuel tank filler neck; and/or~~
- 4) ~~cracks, holes, or other visible forms of tampering or damage.~~

(Source: Repealed at 50 Ill. Reg. _____, effective _____)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section 240.181 Applicability

~~This~~ ~~The standards of this~~ Subpart ~~applies apply~~ to ~~those~~ vehicles tested ~~under pursuant to~~ subsection 13C-15(b)(11) of the Vehicle Emissions Inspection Law of 2005 ~~[625 ILCS 5/13C-15(b)(11)]~~.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.182 On-Road Remote Sensing Emission Standards

Exhaust emissions ~~must~~ shall not exceed the following limitations:

Model Year	Hydrocarbons (ppm)	Carbon Monoxide (%)
1996 and newer	400	2.0

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.183 Compliance Determination

Compliance ~~must~~ shall be determined based ~~on measuring upon the measurement of~~ exhaust emissions using the on-road remote sensing test procedures adopted by the Agency. If, during the course of on-road inspections, a vehicle is found to exceed the on-road remote sensing emission standards ~~specified~~ in Section 240.182 for the model year and type of vehicle, the Agency ~~must~~ shall send a notice to the vehicle owner of the violation ~~and, which notice will~~ include the time and location of the reading. The notice of a second on-road remote sensing ~~exceedance exceedence~~ ~~must~~ shall, in addition to the information ~~contained~~ in the first notice, indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. ~~The In no case shall the~~ Agency ~~must not~~ send a notice of an on-road ~~exceedance exceedence~~ to the owner of a vehicle that was found to exceed

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the on-road remote sensing emission standards if the vehicle is registered outside the affected counties.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section 240.191 Applicability

~~This~~ ~~The standards of this~~ Subpart ~~applies apply~~ to vehicles tested ~~underpursuant to~~ subsection 13C-25(c) of the Vehicle Emissions Inspection Law of 2005 ~~[625 ILCS 5/13C-25(c)]~~.

Commented [SKA18]: Background text error: "those" is on file here. Please add it.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.192 On-Board Diagnostic Test Standards

Vehicles subject to on-board diagnostic testing ~~must~~~~shall~~ fail the on-board diagnostic test if one of the following occurs:

- a) ~~The~~~~the~~ vehicle connector is missing, has been tampered with, or is otherwise inoperable; ~~or~~
- b) ~~The MIL~~~~the malfunction indicator light~~ is commanded to be illuminated ~~but~~~~and it~~ is not visually illuminated according to visual inspection; ~~or~~
- c) ~~The MIL~~~~the malfunction indicator light~~ is commanded to be illuminated for any on-board diagnostic trouble codes; or
- d) ~~The~~~~the malfunction indicator light~~ (MIL) does not illuminate at all when the vehicle is in the key-on/engine-off ~~position~~~~condition~~.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.193 Compliance Determination

Compliance ~~must~~~~shall~~ be determined based ~~on inspecting upon the inspection of~~ the on-board diagnostic vehicle connector, ~~MIL~~~~malfunction indicator light~~, and electronic retrieval of data stored in the vehicle's on-board diagnostic system using the on-board diagnostic test procedures ~~adopted by the Agency~~ in 35 Ill. Adm. Code 276.

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(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART I: VISUAL INSPECTION TEST STANDARDS

Section 240.201 Applicability

This Subpart ~~applies is applicable~~ beginning February 1, 2012. ~~The standards of this Subpart apply to these~~ vehicles tested ~~under pursuant to~~ Section 13C-25(h) of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-25(h)].

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.202 Visual Inspection Test Standards

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

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.203 Compliance Determination

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

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.APPENDIX A Rule into Section Table ~~(Repealed)~~

RULE	SECTION
701	240.101
702	240.102
703	240.103
704	240.104
705	240.105
706	240.121
707	240.122
708	240.123
709	240.106

Commented [JS19]: Put this in bold.

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(Source: Repealed at 50 Ill. Reg. _____, effective _____)

Section 240.APPENDIX B Section into Rule Table (~~Repealed~~)

Commented [JS20]: Put this in bold.

SECTION	RULE
240.101	701
240.102	702
240.103	703
240.104	704
240.105	705
240.106	709
240.121	706
240.122	707
240.123	708

(Source: Repealed at 50 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
240.101	Amendment
240.102	Amendment
240.103	Amendment
240.104	Amendment
240.105	Amendment
240.106	Amendment
240.107	Amendment
240.121	Amendment
240.122	Amendment
240.123	Amendment
240.140	Amendment
240.141	Amendment
240.151	Repealed
240.152	Repealed
240.153	Repealed
240.171	Repealed
240.172	Repealed
240.181	Amendment
240.182	Amendment
240.183	Amendment
240.191	Amendment
240.192	Amendment
240.193	Amendment
240.201	Amendment
240.202	Amendment
240.203	Amendment
240.APPENDIX A	Repealed
240.APPENDIX B	Repealed
- 4) Statutory 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].
- 5) A Complete Description of the Subjects and Issues Involved: Subtitle B of the Board's rules addresses air pollution and includes permitting provisions, emissions standards and

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limitations, and monitoring requirements. Part 240 addresses emissions from motor vehicles.

This rulemaking originated with a proposal by the Illinois Environmental Protection Agency (IEPA). IEPA cited Executive Order 2016-13, which directed agencies to review their rules to identify provisions that are outdated, repetitive, confusing, or unnecessary and then revise or repeal them as appropriate. At that time, the Board had begun its own review with the same general purposes.

The Board proposes to repeal outdated provisions. In addition, the Board throughout Part 237 proposes numerous revisions, including matters of punctuation, abbreviation, organization, spelling, and concision. The Board also proposed amendments such as changing passive to active voice, avoiding unnecessary nominalizations, updating statutory references, simplifying cross references, making the form of definitions more consistent with one another, and using "must" to be more clearly mandatory.

The Board intends that each of its proposed revisions is non-substantive in nature.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? Yes
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 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 at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-21 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at <https://pcb.illinois.gov/>. Public comments may be addressed to:

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Clerk's Office
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, IL 60605

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

Interested persons may download copies of the Board's opinions and orders in R18-21 from the Board's Web site at <https://pcb.illinois.gov/> and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Description of the type of small businesses, not for profit corporations or small municipalities subject to the proposed rule amendment: None
 - B) Description of the proposed reporting, bookkeeping and other procedures required for compliance with the rule amendment: None
 - C) Description of the types of professional skills necessary for compliance: None
- 14) Small Business Economic Impact Analysis: Because the Board proposes non-substantive amendments as described above in (5), it does not reasonably foresee adverse economic impacts such as loss of revenue or increased expenses on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas, although it had been included on the July 2018 agenda (42 Ill. Reg. 13328 (July 6, 2018)).
- 16) Any other information or justification for the proposed amendment that the agency believes would be helpful to the public regarding the proposed amendment. For example, a discussion or analysis of the benefits the proposed amendment is projected to have on the Illinois public, consumers, investors or other similar groups. See (5).

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

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER k: EMISSION STANDARDS AND LIMITATIONS
5 FOR MOBILE SOURCES

6
7 PART 240
8 MOBILE SOURCES
9

10 SUBPART A: DEFINITIONS AND GENERAL PROVISIONS
11

12	Section	
13	240.101	Preamble
14	240.102	Definitions
15	240.103	Prohibitions
16	240.104	Inspection
17	240.105	Penalties
18	240.106	Determination of Violation
19	240.107	Incorporations by Reference

20
21 SUBPART B: EMISSIONS
22

23	Section	
24	240.121	Smoke Emissions
25	240.122	Diesel Engine Emissions Standards for Locomotives
26	240.123	Liquid Petroleum Gas Fuel Systems
27	240.124	Vehicle Exhaust Emission Standards (Repealed)
28	240.125	Compliance Determination (Repealed)

29
30 SUBPART C: SMOKE OPACITY STANDARDS AND TEST PROCEDURES
31 FOR DIESEL-POWERED HEAVY DUTY VEHICLES
32

33	Section	
34	240.140	Applicability
35	240.141	Smoke Opacity Standards and Test Procedures for Diesel-Powered Heavy-
36		DutyHeavy Duty Vehicles

37
38 SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS
39

40	Section	
41	240.151	Applicability (Repealed)
42	240.152	Steady-State Idle Mode Vehicle Exhaust Emission Standards (Repealed)
43	240.153	Compliance Determination (Repealed)

44
45 SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

- 46
47 Section
48 240.161 Applicability (Repealed)
49 240.162 Vehicle Exhaust Emission Start-Up Standards (Repealed)
50 240.163 Vehicle Exhaust Emission Final Standards (Repealed)
51 240.164 Vehicle Exhaust Emission Fast-Pass Standards (Repealed)
52 240.165 Compliance Determination (Repealed)

53
54 SUBPART F: EVAPORATIVE TEST STANDARDS

- 55
56 Section
57 240.171 Applicability ([Repealed](#))
58 240.172 Evaporative System Integrity Test Standards ([Repealed](#))
59 240.173 Evaporative System Purge Test Standards (Repealed)

60
61 SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

- 62
63 Section
64 240.181 Applicability
65 240.182 On-Road Remote Sensing Emission Standards
66 240.183 Compliance Determination

67
68 SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

- 69
70 Section
71 240.191 Applicability
72 240.192 On-Board Diagnostic Test Standards
73 240.193 Compliance Determination

74
75 SUBPART I: VISUAL INSPECTION TEST STANDARDS

- 76
77 Section
78 240.201 Applicability
79 240.202 Visual Inspection Test Standards
80 240.203 Compliance Determination
81
82 240.APPENDIX A Rule into Section Table ([Repealed](#))
83 240.APPENDIX B Section into Rule Table ([Repealed](#))
84 240.TABLE A Vehicle Exhaust Emission Start-Up Standards (Repealed)
85 240.TABLE B Vehicle Exhaust Emission Final Standards (Repealed)
86 240.TABLE C Vehicle Exhaust Emission Fast-Pass Standards (Repealed)

87
88 AUTHORITY: Implementing Sections 9 and 10 and authorized by Sections 27 and 28 of the
89 Environmental Protection Act [415 ILCS 5/9, 10, 27, and 28] and Section 13C-20 of the Vehicle
90 Emissions Inspection Law of 2005 [625 ILCS 5/13C-20].
91

92 SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective
93 April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective
94 June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-
95 20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228,
96 effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13723, effective July 13, 1998;
97 expedited correction at 22 Ill. Reg. 21120, effective July 13, 1998; amended in R01-12 at 24 Ill.
98 Reg. 19188, effective December 18, 2000; amended in R01-8 at 25 Ill. Reg. 3680, effective
99 February 26, 2001; amended in R02-8 at 25 Ill. Reg. 16379, effective December 18, 2001;
100 amended in R11-19 at 35 Ill. Reg. 5552, effective March 18, 2011; amended in R12-12 at 36 Ill.
101 Reg. 1066, effective February 1, 2012; amended in R18-21 at 50 Ill. Reg. _____, effective
102 _____.

103
104 SUBPART A: DEFINITIONS AND GENERAL PROVISIONS
105

106 **Section 240.101 Preamble**
107

108 As the state of knowledge and technology relating to the control of emissions from motor
109 vehicles advances, and ~~to further in furtherance of~~ the purposes of the Environmental Protection
110 Act ~~[415 ILCS 5] (Act)~~, the Pollution Control Board ~~must (Board) shall~~ provide ~~by~~ rules and
111 regulations for the control of emissions from motor vehicles. ~~The Such~~ rules and regulations
112 ~~must shall~~ prescribe requirements for ~~installing and using the installation and use of~~ equipment
113 designed to reduce or eliminate emissions and for ~~properly maintaining the proper maintenance~~
114 ~~of such~~ equipment and ~~of~~ vehicles. Any rules and regulations promulgated ~~under pursuant to~~ this
115 Section ~~must shall~~ be consistent with provisions of federal law, if any, relating to control of
116 emissions from the vehicles concerned.

117
118 (Source: Amended at 50 Ill. Reg. _____, effective _____)
119

120 **Section 240.102 Definitions**
121

122 All terms ~~that appear~~ in this Part have the definitions ~~specified~~ in this Section, the Vehicle
123 Emissions Inspection Law of 2005 [625 ILCS 5/13C], and 35 Ill. Adm. Code 201 and 211.
124 When ~~conflicting~~ definitions ~~in occur between~~ this Section and 35 Ill. Adm. Code 201 or 211
125 ~~conflict~~, the definitions of this Section apply in this Part.
126

127 "Agency" means the Illinois Environmental Protection Agency.
128

129 "Diesel engine" means all types of internal-combustion engines in which air is

130 compressed to a temperature sufficiently high to ignite fuel injected directly into
 131 the cylinder area.

132
 133 "Diesel locomotive" means a diesel engine vehicle designed to move cars on a
 134 railway.

135
 136 "Evaporative system integrity test" means a test of a vehicle's evaporative system.
 137 The test ~~must~~~~shall~~ ~~either~~ consist of ~~either~~ a leak check of a vehicle's fuel cap with
 138 a fuel cap pressure decay tester (fuel cap pressure decay test), a fuel cap leak flow
 139 tester (fuel cap leak flow test), or a visual functional check, as applicable.

140
 141 "Fuel cap" means a device used to seal a vehicle's fuel inlet.

142
 143 "Fuel cap leak flow test" means a test which may be performed in
 144 ~~compliance~~~~accordance~~ with this Part on a vehicle's fuel cap using a fuel cap leak
 145 flow tester to determine whether the vehicle complies with the evaporative system
 146 emission standards of this Part.

147
 148 "Fuel cap leak flow tester" means a device used to determine the leak flow
 149 integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel
 150 cap with an established fuel cap leak flow standard.

151
 152 "Fuel cap pressure decay test" means the test performed in ~~compliance~~~~accordance~~
 153 with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to
 154 determine whether the vehicle complies with the evaporative system emission
 155 standards of this Part.

156
 157 "Fuel cap pressure decay tester" means a device used to determine the pressure
 158 decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel
 159 cap for a ~~10-second~~~~ten second~~ period and comparing the measured pressure decay
 160 of the fuel cap to an established fuel cap pressure decay standard.

161
 162 "Fuel cap visual functional test" means the test performed in
 163 ~~compliance~~~~accordance~~ with this Part on a vehicle's fuel cap using visual analysis
 164 to determine whether the vehicle complies with the evaporative system emission
 165 standards of this Part.

166
 167 "Gross vehicle weight rating" or "GVWR" means the value specified by the
 168 manufacturer as the maximum design loaded weight of a single vehicle.

169
 170 "~~Heavy-duty~~~~Heavy duty~~ vehicle" means any motor vehicle ~~that either is~~ rated at
 171 more than ~~8,500~~~~8500~~ pounds GVWR, ~~or that~~ has a vehicle curb weight of more
 172 than ~~6,000~~~~6000~~ pounds, ~~or that~~ has a basic vehicle frontal area ~~exceeding~~~~in excess~~

173 of 45 square feet.

174
175 "High idle" means a vehicle operating condition with the engine disconnected
176 from an external load (placed in either neutral or park) and operating at speed of
177 2,500~~2500~~ ± 300 RPM.

178
179 "Idle mode" means that portion of a vehicle emission test procedure conducted
180 with the engine disconnected from an external load and operating at minimum
181 throttle.

182
183 "Initial idle mode" means the first of up to two idle mode sampling periods during
184 a steady-state idle mode test, during which exhaust emission measurements are
185 made with the vehicle in "as-received" condition.

186
187 "~~Light-duty~~ Light-duty truck 1" means a motor vehicle rated at 6,000~~6000~~ pounds
188 maximum GVWR or less ~~with and which has~~ a vehicle frontal area of 45 square
189 feet or less, and is:

190
191 ~~Designed which is designed~~ primarily to transport for purposes of
192 ~~transportation of~~ property or is a derivation of such a vehicle; ~~or is~~
193 ~~designed~~

194
195 Designed primarily to transport for transportation of persons, with and has
196 a capacity of more than 12 persons; ~~or~~ or

197
198 Available is available with special features enabling off-street or off-
199 highway operation and use.

200
201 "~~Light-duty~~ Light-duty truck 2" means a motor vehicle rated between 6,001~~6001~~
202 and 8,500~~8500~~ pounds maximum GVWR ~~with and which has~~ a vehicle frontal
203 area of 45 square feet or less, and is: ~~which is designed~~

204
205 Designed primarily to transport for purposes of transportation of property
206 or is a derivation of such a vehicle; ~~or is designed~~

207
208 Designed primarily to transport for transportation of persons, with and has
209 a capacity of more than 12 persons; ~~or is available~~

210
211 Available with special features enabling off-street or off-highway
212 operation and use.

213
214 "~~Light-duty~~ Light-duty vehicle" means a passenger car or passenger car derivative
215 capable of seating 12 passengers or fewer.

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"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 ~~on~~^{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, ~~has~~^{shall have} the same meaning as in Section 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 ~~used~~^{utilized} as a second chance to pass idle exhaust emission standards immediately ~~after~~^{following} an initial idle mode failure.

"Snap-acceleration test" means a test to measure exhaust smoke opacity from heavy-duty ~~diesel-powered~~^{diesel-powered} vehicles in ~~compliance~~^{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~~^{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~~^{key-on/engine-off} position, followed by verifying the status of the MIL in the ~~key-on/engine-on~~^{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 50 Ill. Reg. _____, effective _____)

Section 240.103 Prohibitions

Except as permitted or authorized by law, ~~any~~ person ~~must not~~ fail to maintain in good working order or remove, dismantle, or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control systems or mechanisms of a motor vehicle ~~as~~ required by rules or regulations of the Board and the United States Environmental Protection Agency to be maintained in or on the vehicle.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.104 Inspection

- a) All motor vehicles subject to inspection ~~under~~ pursuant to Section 13C-15 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-15] ~~must~~ shall comply with applicable vehicle emission standards ~~contained~~ in Sections 240.152, 240.172, 240.182, 240.192, and 240.202 ~~of this Part~~.
- b) All diesel-powered vehicles subject to inspection ~~under~~ 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 50 Ill. Reg. _____, effective _____)

Section 240.105 Penalties

- a) Any violations of Section 240.103, 240.121, 240.122, or 240.123 ~~are~~ 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 Section 240.104(b), 240.152, 240.172, 240.182, 240.192, or 240.202 ~~of this Part~~, as applicable, ~~are~~ 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) ~~is~~ 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 50 Ill. Reg. _____, effective _____)

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Section 240.106 Determination of Violation

- a) Any violations of Sections 240.103, 240.121, 240.122, or 240.123 ~~must of this Part shall~~ be determined by visual observation or by a test procedure employing an opacity measurement system ~~underas qualified by~~ 35 Ill. Adm. Code ~~201.Subpart201, Subpart~~ J.
- b) Any violations of Sections 240.152, 240.172, 240.182, 240.192, or 240.202 ~~of this Part,~~ as applicable, ~~mustshall~~ be determined in ~~complianceaceordanee~~ with test procedures ~~adopted by the Agency~~ in 35 Ill. Adm. Code 276.
- c) Any violation of Section 240.141(a) ~~must of this Part will~~ be determined in ~~complianceaceordanee~~ with test procedures ~~set forth~~ in Section 240.141(b) ~~of this Part.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.107 Incorporations by Reference

The following material is incorporated by reference and includes no later editions or amendments:

Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096-0001, www.sae.org: ~~SAE Report~~ J1667 ~~201802~~ Snap-Acceleration Smoke Test Procedure for Heavy-Duty ~~Diesel-Powered~~ Diesel-Powered Vehicles (~~Feb. 2018~~ February 1996).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART B: EMISSIONS

Section 240.121 Smoke Emissions

- a) There ~~mustshall~~ be no visible emissions of smoke from a motor vehicle, ~~i.e.~~ zero opacity.
- b) Motor vehicles traveling Illinois public highways from out of State must comply with subsection (a).
- c) ~~A~~ ~~Ne~~ used motor vehicle ~~must notshall~~ be sold or transferred in Illinois unless that ~~said~~ vehicle meets subsection (a).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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Section 240.122 Diesel Engine Emission Standards for Locomotives

- a) ~~A~~~~N~~o person ~~must not~~~~shall~~ cause or allow the emission of smoke from any diesel locomotive in the State of Illinois to exceed ~~thirty percent (30%)~~ opacity.
- b) Subsection (a) ~~does~~~~shall~~ not apply to:
 - 1) Smoke emitted for 30 minutes or less resulting from starting a cold locomotive: ~~for a period of time not to exceed 30 minutes.~~
 - 2) Smoke emitted for 40 seconds or less while accelerating under load from a throttle setting other than idle to a higher throttle setting: ~~for a period of time not to exceed 40 seconds.~~
 - 3) Smoke emitted for two minutes or less upon locomotive loading following idle: ~~for a period of time not to exceed 2 minutes.~~
 - 4) Smoke emitted for three consecutive minutes or less, and a total of 10 minutes in any 60-minute period, during locomotive testing, maintenance, adjustment, rebuilding, repairing, or breaking in: ~~for a period of time not to exceed 3 consecutive minutes and an aggregate of 10 minutes in any 60 minute period.~~
 - 5) Smoke emitted by a locomotive which, because of its age or design, makes replacement or retrofit parts necessary to achieve smoke reduction unavailable. These locomotives ~~must~~~~shall~~ be retired at the earliest possible time.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.123 Liquid Petroleum Gas Fuel Systems

- a) Motor vehicles ~~which are solely~~ fueled solely with liquid petroleum gas ~~must~~~~shall~~ have excess air injection systems ~~made~~ inoperative, where ~~these~~~~such~~ systems are installed by the vehicle manufacturers.
- b) ~~1)~~ Motor vehicles ~~operating~~~~which operate~~ on liquid petroleum gas or gasoline fuels alternately in dual fuel systems ~~must,~~~~shall~~ have excess air injection systems inoperative when operating on liquid petroleum, gas, where excess air injection systems are installed by the vehicle manufacturers.
- c) ~~2)~~ Motor vehicles ~~operating~~~~which operate~~ on liquid petroleum gas or gasoline fuels

alternately in a dual fuel system ~~must, shall~~ have excess air injection systems operational when operating on gasoline, where excess air injection systems are installed by the vehicle manufacturers.

- d)3) Motor vehicles ~~operating which operate~~ on liquid petroleum gas or gasoline fuels alternately in a dual fuel system, ~~must always shall~~ have the intake manifold heat riser system to the carburetor operational ~~at all times~~ when the motor vehicles are operating.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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

Section 240.140 Applicability

This Subpart applies to all on-road, diesel-powered ~~heavy-duty heavy-duty~~ vehicles operating in the State of Illinois.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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

- a) Diesel-powered ~~heavy-duty heavy-duty~~ vehicles described in Section 240.140 ~~of this Subpart~~ are subject to the following smoke opacity standards:
- 1) Diesel-powered ~~heavy-duty heavy-duty~~ vehicles that are model year 1991 or newer must not exceed ~~40% forty percent~~ peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.
 - 2) Except ~~under as set forth in~~ subsection (a)(3) ~~of this Section~~, diesel-powered ~~heavy-duty heavy-duty~~ vehicles that are model year 1990 or older must not exceed ~~55% fifty five percent~~ peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.
 - 3) Until December 31, 2002, diesel-powered ~~heavy-duty heavy-duty~~ vehicles that are model year 1973 or older must not exceed ~~70% seventy percent~~ peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~. Beginning on January 1, 2003, diesel-powered ~~heavy-duty heavy-duty~~ vehicles that are model year 1973 or older must not exceed ~~55% fifty five percent~~ peak smoke opacity when tested in ~~compliance accordance~~ with subsection (b) ~~of this Section~~.

431
432 b) Test procedures and equipment for measuring peak smoke opacity from diesel-
433 powered ~~heavy-duty~~ heavy-duty vehicles must be in ~~compliance~~ accordance with
434 the Society of Automotive Engineer's (SAE) ~~Recommended Practice~~
435 J1667 ~~201802~~, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty
436 ~~Diesel-Powered~~ Diesel-Powered Vehicles", (February ~~2018~~1996), incorporated
437 by reference in Section 240.107 ~~of this Part~~.

438
439 BOARD NOTE: The Illinois Department of Transportation also addresses the
440 use of diesel smoke test procedures in 92 Ill. Adm. Code 460.

441
442 (Source: Amended at 50 Ill. Reg. _____, effective _____)

443
444 SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

445
446 **Section 240.151 Applicability (Repealed)**

447
448 ~~This Subpart is effective through January 31, 2012. The standards of this Subpart apply to those~~
449 ~~vehicles identified in subsection 13C-25(d) of the Vehicle Emissions Inspection Law of 2005.~~

450
451 (Source: Repealed at 50 Ill. Reg. _____, effective _____)

452
453 **Section 240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards (Repealed)**

454
455 a) ~~Exhaust emissions from light duty vehicles shall not exceed the following~~
456 ~~limitations:~~

457

Model Year	Carbon Monoxide	Hydrocarbons as Hexane
	(%)	(ppm)
1996 and newer	1.2	220

458
459 b) ~~Exhaust emissions from light duty trucks 1 and light duty trucks 2 shall not~~
460 ~~exceed the following limitations:~~

461

Model Year	Carbon Monoxide	Hydrocarbons as Hexane
	(%)	(ppm)
1996 and newer	1.2	220

462
463 e) ~~Exhaust emissions from heavy duty vehicles shall not exceed the following~~
464 ~~limitations:~~

465

Model Year	Carbon Monoxide	Hydrocarbons as Hexane
	(%)	(ppm)

~~an inspection of the fuel cap reveals one or more of the following:~~

- ~~1) a missing fuel cap;~~
- ~~2) a missing or damaged o-ring, gasket, or seal;~~
- ~~3) missing or damaged threads, flanges, prongs, or other parts used to secure the fuel cap to the fuel tank filler neck; and/or~~
- ~~4) cracks, holes, or other visible forms of tampering or damage.~~

(Source: Repealed at 50 Ill. Reg. _____, effective _____)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section 240.181 Applicability

~~This~~The standards of this Subpart ~~applies~~apply to ~~those~~ vehicles tested ~~under~~pursuant to subsection 13C-15(b)(11) of the Vehicle Emissions Inspection Law of 2005 [\[625 ILCS 5/13C-15\(b\)\(11\)\]](#).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.182 On-Road Remote Sensing Emission Standards

Exhaust emissions ~~must~~shall not exceed the following limitations:

Model Year	Hydrocarbons (ppm)	Carbon Monoxide (%)
1996 and newer	400	2.0

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.183 Compliance Determination

Compliance ~~must~~shall be determined based ~~on measuring~~upon the measurement of exhaust emissions using the on-road remote sensing test procedures adopted by the Agency. If, during the course of on-road inspections, a vehicle is found to exceed the on-road remote sensing emission standards ~~specified~~ in Section 240.182 for the model year and type of vehicle, the Agency ~~must~~shall send a notice to the vehicle owner of the violation ~~and, which notice will~~ include the time and location of the reading. The notice of a second on-road remote sensing ~~exceedance must~~exceedence shall, in addition to the information ~~contained~~ in the first notice,

547 indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up
 548 inspection at an official inspection station. ~~The~~In no case shall the Agency must not send a
 549 notice of an on-road ~~exceedance~~exceedence to the owner of a vehicle that was found to exceed
 550 the on-road remote sensing emission standards if the vehicle is registered outside the affected
 551 counties.

552
 553 (Source: Amended at 50 Ill. Reg. _____, effective _____)
 554

555 **SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS**

556
 557 **Section 240.191 Applicability**

558
 559 ~~This~~The standards of this Subpart applies~~apply~~ to those vehicles tested under~~pursuant to~~
 560 subsection 13C-25(c) of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-25(c)].
 561

562 (Source: Amended at 50 Ill. Reg. _____, effective _____)
 563

564 **Section 240.192 On-Board Diagnostic Test Standards**

565
 566 Vehicles subject to on-board diagnostic testing must~~shall~~ fail the on-board diagnostic test if one
 567 of the following occurs:
 568

- 569 a) ~~The~~the vehicle connector is missing, has been tampered with, or is otherwise
 570 inoperable;~~or~~
- 571
 572 b) ~~The MIL~~the malfunction indicator light is commanded to be illuminated but~~and it~~
 573 is not visually illuminated according to visual inspection;~~or~~
- 574
 575 c) ~~The MIL~~the malfunction indicator light is commanded to be illuminated for any
 576 on-board diagnostic trouble codes; or
- 577
 578 d) ~~The~~the malfunction indicator light (MIL) does not illuminate at all when the
 579 vehicle is in the key-on/engine-off position~~condition~~.

580
 581 (Source: Amended at 50 Ill. Reg. _____, effective _____)
 582

583 **Section 240.193 Compliance Determination**

584
 585 Compliance must~~shall~~ be determined based on inspecting~~upon the inspection of~~ the on-board
 586 diagnostic vehicle connector, MIL~~malfunction indicator light~~, and electronic retrieval of data
 587 stored in the vehicle's on-board diagnostic system using the on-board diagnostic test procedures
 588 adopted by the Agency in 35 Ill. Adm. Code 276.
 589

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART I: VISUAL INSPECTION TEST STANDARDS

Section 240.201 Applicability

This Subpart ~~applies~~ ~~is applicable~~ beginning February 1, 2012, ~~The standards of this Subpart apply to those~~ vehicles tested ~~under~~ ~~pursuant to~~ Section 13C-25(h) of the Vehicle Emissions Inspection Law of 2005 [\[625 ILCS 5/13C-25\(h\)\]](#).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.202 Visual Inspection Test Standards

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

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 240.203 Compliance Determination

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

(Source: Amended at 50 Ill. Reg. _____, effective _____)

617 Section 240.APPENDIX A Rule into Section Table (Repealed)

618

Rules into Section Table

<u>RULE</u>	<u>SECTION</u>
701	240.101
702	240.102
703	240.103
704	240.104
705	240.105
706	240.121
707	240.122
708	240.123
709	240.106

619

620 (Source: Repealed at 50 Ill. Reg. _____, effective _____)

621

622 Section 240.APPENDIX B Section into Rule Table (Repealed)

623

Section into Rule Table

<u>SECTION</u>	<u>RULE</u>
240.101	701
240.102	702
240.103	703
240.104	704
240.105	705
246.106	709
240.121	706
240.122	707
240.123	708

624

625 (Source: Repealed at 50 Ill. Reg. _____, effective _____)