# TABLE OF CONTENTS

November 28, 2003  Volume 27, Issue 48

## PROPOSED RULES

<table>
<thead>
<tr>
<th>Agency</th>
<th>Title</th>
<th>Code</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCE COMMISSION, ILLINOIS</td>
<td>Voluntary Medication Practice</td>
<td>83 Ill. Adm. Code 201</td>
<td>17479</td>
</tr>
<tr>
<td>STATE TOLL HIGHWAY AUTHORITY, ILLINOIS</td>
<td>State Toll Highway Rules</td>
<td>92 Ill. Adm. Code 2520</td>
<td>17492</td>
</tr>
<tr>
<td>POLLUTION CONTROL BOARD</td>
<td>Sewer Discharge Criteria</td>
<td>35 Ill. Adm. Code 307</td>
<td>17494</td>
</tr>
<tr>
<td></td>
<td>Pretreatment Programs</td>
<td>35 Ill. Adm. Code 310</td>
<td>17808</td>
</tr>
<tr>
<td>PROFESSIONAL REGULATION, DEPARTMENT OF</td>
<td>Dietetic and Nutrition Services Practice Act</td>
<td>68 Ill. Adm. Code 1245</td>
<td>17905</td>
</tr>
<tr>
<td></td>
<td>Funeral Directors and Embalmers Licensing Code</td>
<td>68 Ill. Adm. Code 1250</td>
<td>17935</td>
</tr>
<tr>
<td>PUBLIC HEALTH, ILLINOIS DEPARTMENT OF</td>
<td>Intermediate Care for the Developmentally Disabled Facilities Code</td>
<td>77 Ill. Adm. Code 350</td>
<td>17957</td>
</tr>
<tr>
<td>REVENUE, ILLINOIS DEPARTMENT OF</td>
<td>Income Tax</td>
<td>86 Ill. Adm. Code 100</td>
<td>17970</td>
</tr>
<tr>
<td>STATE UNIVERSITIES RETIREMENT SYSTEM</td>
<td>Universities Retirement</td>
<td>80 Ill. Adm. Code 1600</td>
<td>17986</td>
</tr>
</tbody>
</table>

## ADOPTED RULES

<table>
<thead>
<tr>
<th>Agency</th>
<th>Title</th>
<th>Code</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CARNIVAL AND AMUSEMENT SAFETY BOARD</td>
<td>Carnival and Amusement Ride Inspection Law</td>
<td>56 Ill. Adm. Code 6000</td>
<td>17992</td>
</tr>
<tr>
<td>COMMERCE COMMISSION, ILLINOIS</td>
<td>Standards of Service for Local Exchange Telecommunication Carriers</td>
<td>83 Ill. Adm. Code 730</td>
<td>17997</td>
</tr>
<tr>
<td>POLLUTION CONTROL BOARD</td>
<td>Permits</td>
<td>35 Ill. Adm. Code 602</td>
<td>18030</td>
</tr>
<tr>
<td>PUBLIC HEALTH, ILLINOIS DEPARTMENT OF</td>
<td>Postsurgical Recovery Care Center Demonstration Program Code</td>
<td>77 Ill. Adm. Code 210</td>
<td>18037</td>
</tr>
</tbody>
</table>
Alzheimer's Disease Management Center Demonstration Program Code
77 Ill. Adm. Code 225 .................................................................18053

Children's Respite Care Center Demonstration Program Code
77 Ill. Adm. Code 260 .................................................................18070

Assisted Living and Shared Housing Establishment Code
77 Ill. Adm. Code 295 .................................................................18087

Skilled Nursing and Intermediate Care Facilities Code
77 Ill. Adm. Code 300 .................................................................18105

Sheltered Care Facilities Code
77 Ill. Adm. Code 330 .................................................................18130

Illinois Veterans' Homes Code
77 Ill. Adm. Code 340 .................................................................18148

Intermediate Care for the Developmentally Disabled Facilities Code
77 Ill. Adm. Code 350 .................................................................18160

Community Living Facilities Code
77 Ill. Adm. Code 370 .................................................................18183

Long-Term Care for Under Age 22 Facilities Code
77 Ill. Adm. Code 390 .................................................................18204

REVENUE, ILLINOIS DEPARTMENT OF
Income Tax
86 Ill. Adm. Code 100 .................................................................18225

EMERGENCY RULES
STATE TOLL HIGHWAY AUTHORITY, ILLINOIS
State Toll Highway Rules
92 Ill. Adm. Code 2520 .................................................................18238

SECRETARY OF STATE, OFFICE OF THE
Department of Personnel
80 Ill. Adm. Code 420 .................................................................18259

PEREMPTORY RULES
AGRICULTURE, DEPARTMENT OF
Meat and Poultry Inspection Act
8 Ill. Adm. Code 125 .................................................................18270

PUBLIC HEARINGS ON PROPOSED RULES
LABOR RELATIONS BOARD, ILLINOIS
General Procedures
80 Ill. Adm. Code 1200 .................................................................18284

Representation Proceedings
80 Ill. Adm. Code 1210 .................................................................18285

SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received .............................................................18286

NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS BANKS AND REAL ESTATE, OFFICE OF
Notice of Fine Imposed Under the Residential Mortgage License Act of 1987
Ill. Adm. Code .................................................................18287

LABOR, DEPARTMENT OF
Contractor Prohibited From An Award of a Contract or Subcontract For Public Works Projects
Ill. Adm. Code .................................................................18288

EXECUTIVE ORDERS AND PROCLAMATIONS
PROCLAMATIONS
Rule of Law Week
Ill. Adm. Code .................................................................18289
ILLINOIS REGISTER

03

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Voluntary Mediation Practice

2) **Code Citation:** 83 Ill. Adm. Code 201

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>201.10</td>
<td>New Section</td>
</tr>
<tr>
<td>201.20</td>
<td>New Section</td>
</tr>
<tr>
<td>201.30</td>
<td>New Section</td>
</tr>
<tr>
<td>201.40</td>
<td>New Section</td>
</tr>
<tr>
<td>201.50</td>
<td>New Section</td>
</tr>
<tr>
<td>201.100</td>
<td>New Section</td>
</tr>
<tr>
<td>201.110</td>
<td>New Section</td>
</tr>
<tr>
<td>201.120</td>
<td>New Section</td>
</tr>
<tr>
<td>201.130</td>
<td>New Section</td>
</tr>
<tr>
<td>201.200</td>
<td>New Section</td>
</tr>
<tr>
<td>201.210</td>
<td>New Section</td>
</tr>
<tr>
<td>201.220</td>
<td>New Section</td>
</tr>
<tr>
<td>201.230</td>
<td>New Section</td>
</tr>
<tr>
<td>201.240</td>
<td>New Section</td>
</tr>
<tr>
<td>201.250</td>
<td>New Section</td>
</tr>
<tr>
<td>201.251</td>
<td>New Section</td>
</tr>
<tr>
<td>201.252</td>
<td>New Section</td>
</tr>
<tr>
<td>201.260</td>
<td>New Section</td>
</tr>
<tr>
<td>201.270</td>
<td>New Section</td>
</tr>
<tr>
<td>201.280</td>
<td>New Section</td>
</tr>
<tr>
<td>201.300</td>
<td>New Section</td>
</tr>
<tr>
<td>201.310</td>
<td>New Section</td>
</tr>
<tr>
<td>201.400</td>
<td>New Section</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Implementing and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/10-101.1]

5) **A Complete Description of the Subjects and Issues Involved:** Section 10-101.1 of the Public Utilities Act was added by P.A. 92-22. Section 10-101.1 covers the subjects of mediation, arbitration, and case management. Proposed Part 201 deals with voluntary mediation of disputes before the disputes become contested cases before the Commission. The Commission has patterned these proposed rules after 83 Ill. Adm. Code 734, "Mediation Practice", that deals with mediation in matters involving telecommunications. The proposed rules cover requests for mediation, participation in the process, the mediation procedures, post-mediation procedures, and the effect of a mediated
NOTICE OF PROPOSED RULES

agreement. The proposed rules also include certain provisions of the Uniform Mediation Act (P.A. 93-0399).

6) **Will these proposed rules replace emergency rules currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed rules contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:**

   Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 03-0708, with:

   Chief Clerk  
   Illinois Commerce Commission  
   527 East Capitol Avenue  
   Springfield IL  62701  
   (217)782-7434

12) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not for profit corporations affected:** These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.

   B) **Reporting, bookkeeping or other procedures required for compliance:** Filing procedures

   C) **Types of professional skills necessary for compliance:** None
ILLINOIS COMMERCIAL COMMISSION

NOTICE OF PROPOSED RULES

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

The full text of the Proposed Rules begins on the next page:
### Part 201

**Voluntary Mediation Practice**

**Subpart A: General Provisions**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>201.10</td>
<td>Procedure Governed</td>
</tr>
<tr>
<td>201.20</td>
<td>Definitions</td>
</tr>
<tr>
<td>201.30</td>
<td>Appointment of Mediator</td>
</tr>
<tr>
<td>201.40</td>
<td>Participation of Commission Staff</td>
</tr>
<tr>
<td>201.50</td>
<td>Participation of Intervenor</td>
</tr>
</tbody>
</table>

**Subpart B: Request for Mediation**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>201.100</td>
<td>Request for Mediation</td>
</tr>
<tr>
<td>201.110</td>
<td>Submitting a Request for Mediation</td>
</tr>
<tr>
<td>201.120</td>
<td>Notice of Mediation</td>
</tr>
<tr>
<td>201.130</td>
<td>Scheduling of Mediation</td>
</tr>
</tbody>
</table>

**Subpart C: Mediation Procedure**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>201.200</td>
<td>Authority of a Mediation Participant’s Representative</td>
</tr>
<tr>
<td>201.210</td>
<td>Role of Counsel</td>
</tr>
<tr>
<td>201.220</td>
<td>Role of Mediator</td>
</tr>
<tr>
<td>201.230</td>
<td>Adjournment</td>
</tr>
<tr>
<td>201.240</td>
<td>Supervision of Exchange of Information</td>
</tr>
<tr>
<td>201.250</td>
<td>Privilege Against Disclosure; Admissibility; Discovery</td>
</tr>
<tr>
<td>201.251</td>
<td>Waiver and Preclusion of Privilege</td>
</tr>
<tr>
<td>201.252</td>
<td>Exceptions to Privilege</td>
</tr>
<tr>
<td>201.260</td>
<td>Duration of Mediation</td>
</tr>
<tr>
<td>201.270</td>
<td>Settlement Shall be Reduced to Writing</td>
</tr>
<tr>
<td>201.280</td>
<td>Document Retention</td>
</tr>
</tbody>
</table>
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

SUBPART D: POST-MEDIATION PROCEDURE

Section
201.300 Failure to Agree
201.310 Enforcement of Settlement Agreement

SUBPART E: EFFECT OF A MEDIATED AGREEMENT

Section
201.400 Continuing Authority of the Commission


SOURCE: Adopted at 28 Ill. Reg. ______, effective ____________.

SUBPART A: GENERAL PROVISIONS

Section 201.10 Procedure Governed

This Part governs practice and procedure before the Illinois Commerce Commission (Commission) in the mediation proceedings under Section 10-101.1 of the Public Utilities Act [220 ILCS 5/10-101.1]. This Part does not apply in the mediation proceedings under Section 13-713 of the Act [220 ILCS 5/13-713].

Section 201.20 Definitions

The following terms as used in this Part shall have the following meanings:

"Act" means the Public Utilities Act [220 ILCS 5].

“Mediation” means a process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. (Section 2(1) of the Uniform Mediation Act [710 ILCS 35/2(i)]

“Mediation participant” means an interested person whose rights or interests would be affected by a dispute and who participates in a mediation pursuant to this Part.
“Mediator” means an independent neutral third party or trained member of Commission staff who acts in a non-judicial capacity to facilitate communication, promote understanding, focus the mediation participants on their interests, and seek creative problem solving to enable the mediation participants to reach their own resolution of the dispute.

“Party” shall have the same meaning as it does in 83 Ill. Adm. Code 200.40.

“Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity. [710 ILCS 35/2(6)]

Section 201.30 Appointment of Mediator

a) The Executive Director of the Commission or his/her designee shall appoint a mediator who shall not have any financial or personal interest in the result of the mediation. If an Administrative Law Judge is appointed as a mediator, the same Administrative Law Judge shall not preside over a docketed matter concerning the same dispute for which he/she acts or acted as the mediator. If a member of Commission staff is appointed as a mediator, the same member of Commission staff shall not participate in a docketed matter concerning the same dispute for which he/she acts or acted as the mediator, unless all parties to the docketed matter waive, in writing, any objection to the Commission staff member’s involvement in the docketed matter.

b) Each mediation participant initiating a mediation shall have a one-time right to request that the appointed mediator be replaced by another mediator selected by the Executive Director of the Commission or his/her designee. Mediation participants choosing to exercise this right shall notify the Executive Director or, if known, his/her designee of their request in writing within seven days after being informed of the identity of the mediator, as provided in Section 201.120. Upon receipt of the request, the Executive Director or his/her designee shall appoint a replacement mediator within two business days. The period between the date that a mediation participant submits a request that the appointed mediator be replaced and the date that the Chief Clerk issues a notice identifying the replacement mediator, as described in Section 201.120, shall not be included in the calculation of the duration of the mediation process as provided for in Section 201.260.

Section 201.40 Participation of Commission Staff
Section 201.50 Participation of Intervenor

a) For the purposes of this Part, a person who intervenes in a pending docket in which the existing parties have already requested mediation shall be able to participate in the mediation. If such intervening party chooses not to participate in the mediation, the mediation may proceed without the intervening party. If the mediation concludes successfully, any resulting agreement brought into the pending docket shall be treated as a settlement proposal offered by the mediation participants and, if rejected by any party, shall be treated as a contested matter in the pending docket as provided in Commission rules (see 83 Ill. Adm. Code 200).

b) An intervening party that chooses to participate in the mediation may raise new issues for mediation with the consent of all other then-existing mediation participants.

SUBPART B: REQUEST FOR MEDIATION

Section 201.100 Request for Mediation

a) Persons with disputes subject to the Commission’s jurisdiction may request voluntary mediation prior to the filing of, or at any point during, the pendency of a contested matter. [220 ILCS 10-101.1(c)] Persons with disputes are encouraged to request mediation prior to initiating a docket to resolve a contested matter.

b) End-user customers with non-docketed contested matters whose disputes are subject to the Commission’s jurisdiction may request voluntary mediation under this Part after filing an informal complaint with the Commission’s Consumer Services Division and upon completion of the informal complaint process.

Section 201.110 Submitting a Request for Mediation

a) A request for mediation shall be in writing and shall be jointly submitted to the Chief Clerk of the Commission by agreement of all persons party to the dispute.

b) A request for mediation shall include:
NOTICE OF PROPOSED RULES

1) A brief statement of the issues to be addressed in the mediation;

2) Disclosure of whether any of the issues for which mediation is sought is the subject of any pending formal proceeding and, if so:
   A) the docket number of the formal Commission proceeding, or
   B) the case name, docket number, and forum if a civil court matter;

3) Disclosure of whether any of the issues for which mediation is sought has been the subject of an informal complaint with the Commission’s Consumer Services Division and, if so, the informal complaint number assigned by the Consumer Services Division;

4) The name, address, telephone number, and, if available, the facsimile number and e-mail address of each mediation participant or an alternate contact person for each mediation participant submitting the request for mediation;

5) The location where the mediation participants prefer the mediation to occur (i.e., Springfield or Chicago);

6) The specific relief requested by each mediation participant; and

7) An express statement that the mediation is being requested under 83 Ill. Adm. Code 201.

c) A request for mediation may include any additional documents that the mediation participants believe are pertinent to the matter.

Section 201.120 Notice of Mediation

a) Within seven calendar days after receipt of a request for mediation, the Chief Clerk of the Commission shall issue a notice to the mediation participants identifying the mediator and explaining the mediation process.

b) If, pursuant to Section 201.30(b), a mediation participant that is among those that initiated the mediation exercises its right to request that the appointed mediator be
replaced, the Chief Clerk of the Commission shall issue a notice to the mediation participants identifying the replacement mediator.

Section 201.130  Scheduling of Mediation

The mediation shall be scheduled taking into consideration the availability of the mediation participants. With the consent of all mediation participants and the mediator, the mediation may be conducted telephonically.

SUBPART C: MEDIATION PROCEDURE

Section 201.200  Authority of a Mediation Participant’s Representative

A person who has authority to mediate and bind the mediation participant to any agreement that is reached in mediation shall represent the mediation participant. All representatives shall be required to affirm in writing that they have authority to bind the mediation participants that they represent prior to the commencement of mediation.

Section 201.210  Role of Counsel

An attorney or other individual designated by a mediation participant may accompany the mediation participant to and participate in a mediation and shall also be permitted to communicate privately with the mediation participant.

Section 201.220  Role of Mediator

The mediator shall at all times be in control of the mediation and the procedures to be followed in the mediation. The mediator may meet and consult privately with any mediation participant and his/her representative during the mediation session.

Section 201.230  Adjournment

The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for mediation participants present at the adjourned conference.

Section 201.240  Supervision of Exchange of Information

The mediator shall supervise the exchange of information between the mediation participants during the mediation.
Section 201.250 Privilege Against Disclosure; Admissibility; Discovery

a) Except as otherwise provided in Section 201.252, mediation communications, including notes and writings, are privileged as provided in subsection (b) and are not subject to discovery or admissible in evidence in a proceeding unless waived or precluded as provided by Section 201.251.

b) In a proceeding, the following privileges apply:

1) A mediation participant may refuse to disclose, and may prevent any other person from disclosing, a mediation communication.

2) A mediator may refuse to disclose a mediation communication, and may prevent any other person from disclosing a mediation communication of the mediator.

c) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation. [710 ILCS 35/4]

Section 201.251 Waiver and Preclusion of Privilege

a) A privilege under Section 201.250 may be waived in a record or orally during a proceeding if it is expressly waived by all participants to the mediation, and in the case of the privilege of a mediator, if it is expressly waived by the mediator.

b) A person that discloses or makes a representation about a mediation communication which prejudices another person in a proceeding is precluded from asserting a privilege under Section 201.250, but only to the extent necessary for the person prejudiced to respond to the representation or disclosure.

c) A person that intentionally uses a mediation to plan, attempt to commit or commit a crime, or to conceal an ongoing crime or ongoing criminal activity is precluded from asserting a privilege under Section 201.250. [710 ILCS 35/5]

Section 201.252 Exceptions to Privilege

a) There is no privilege under Section 201.250 for a mediation communication that is:
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) in a written agreement resulting from the mediation;

2) available to the public under the Freedom of Information Act [5 ILCS 140] or made during a session or a mediation which is open, or is required by law to be open, to the public;

3) a threat or statement of a plan to inflict bodily injury or commit a crime of violence;

4) intentionally used to plan a crime, attempt to commit a crime, or to conceal an ongoing crime or ongoing criminal activity;

5) sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediator; or

6) except as otherwise provided in subsection (c), sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediation participant or representative of a participant based on conduct occurring during a mediation.

b) There is no privilege under Section 201.250 if a court, administrative agency, or arbitrator finds, after a hearing in camera, that the person seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that there is a need for the evidence that substantially outweighs the interest in protecting confidentiality, and that the mediation communication is sought or offered in:

1) a court proceeding involving a felony; or

2) except as otherwise provided in subsection (c), a proceeding:

   A) to prove a claim arising out of a mediated agreement;

   B) to rescind or reform a mediated agreement; or

   C) in which a defense is prepared against a claim arising out of a mediated agreement.
NOTICE OF PROPOSED RULES

c) A mediator may not be compelled to provide evidence of a mediation communication referred to in subsection (a)(6) or (b)(2).

d) If a mediation communication is not privileged under subsection (a) or (b), only the portion of the communication necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under subsection (a) or (b) does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose. [710 ILCS 35/6]

Section 201.260 Duration of Mediation

Unless otherwise agreed to by all of the mediation participants, the mediation process shall be completed no later than 45 days after the Chief Clerk’s receipt of a joint request for mediation. In no event shall the mediation process be extended beyond the statutory deadline of an underlying pending docket, unless the statute permits a waiver of the deadline and all of the mediation participants and any non-mediating parties waive the deadline.

Section 201.270 Settlement Shall be Reduced to Writing

a) If agreement is reached, the agreement shall be reduced to writing by the mediation participants or the mediator at the conclusion of the mediation.

b) The writing shall contain mutual conditions, payment arrangements, or other terms that resolve the dispute in part or in its entirety.

c) Each mediation participant shall execute the agreement.

Section 201.280 Document Retention

At the conclusion of the mediation, any document received by the mediator and a copy of the executed agreement shall be submitted to the Chief Clerk’s Office.

SUBPART D: POST-MEDIATION PROCEDURE

Section 201.300 Failure to Agree

If the mediation participants are unable to reach agreement at the end of 45 days, or other deadline as agreed to by the mediation participants and any non-mediating parties in a docketed matter pursuant to Section 201.260, the mediation is terminated. The mediator shall report the lack of an agreement and termination of the mediation to the Chief Clerk’s Office and, if the
mediation arises from a docketed proceeding, to the Administrative Law Judge presiding over the docketed proceeding.

Section 201.310  Enforcement of Settlement Agreement

If any mediation participant fails to abide by the terms of the settlement agreement, a mediation participant may exercise any rights it may have with respect to the agreement either as provided in Commission rules (see 83 Ill. Adm. Code 200) or in law or equity.

SUBPART E: EFFECT OF A MEDIATED AGREEMENT

Section 201.400  Continuing Authority of the Commission

Nothing contained in the mediation agreement shall be construed as a limitation on the authority of the Commission to exercise its statutory authority under the Act.
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** State Toll Highway Rules

2) **Code Citation:** 92 Ill. Adm. Code 2520

3) **Section Numbers:** Proposed Action:
   
   - 2520.110 Amend
   - 2520.223 Amend
   - 2520.700 Amend
   - 2520.702 Amend
   - 2520.704 Amend
   - 2520.705 Amend
   - 2520.706 Amend
   - 2520.707 Repeal
   - 2520.708 Amend
   - 2520.709 Amend
   - 2520.710 Repeal
   - 2520.711 Amend
   - 2520.712 Amend
   - 2520.713 Amend
   - 2520.715 New Section
   - 2520.716 New Section
   - 2520.717 New Section

4) **Statutory Authority:** 605 ILCS 10/10 (a), Senate Bill 1848 of the 93rd General Assembly.

5) **A complete description of the subjects and issues involved:** These proposed amendments clarify and, pursuant to pending Senate Bill 1848, expand the Tollway's available remedies with respect to the collection of unpaid tolls and resulting fines.

6) **Will these proposed amendments replace an emergency rule currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** These proposed amendments do not create or enlarge a state mandate.
NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on these proposed amendments: Persons who wish to comment on these proposed amendments may submit written comments within 45 days after the publication of this notice in the Illinois Register to:

Robert T. Lane, Assistant Attorney General
The Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, Illinois 60515
(630)241-6800 ext.1530

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated.

The full text of the Proposed Amendments is identical the the Emergency Amendment that begins on page 18238 of this issue of the Illinois Register.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Sewer Discharge Criteria

2) **Code citation:** 35 Ill. Adm. Code 307

3) **Section numbers:** Proposed Action:

### POLLUTION CONTROL BOARD

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Amendment Numbers</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.3502, 307.3503, 307.3504</td>
<td>Amend</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3809, 307.3810, 307.3811 Amend
307.6505, 307.6801, 307.6802 Amend
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 21

5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in the larger rulemaking of which the amendments to Part 307 are a single segment. Also affected is 35 Ill. Adm. Code 310, each of which is covered by a separate notice in this issue of the Illinois Register. A comprehensive description is contained in the Board’s opinion and order of November 6, 2003, proposing amendments in docket R04-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

The R04-1 proceeding updates Parts 307 and 310 of the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) which appeared in the Federal Register during the period January 1, 2003 through June 30, 2003. During this period, USEPA amended its regulations as follows:

USEPA amended the effluent limitations guidelines and standards applicable to concentrated animal feeding operation (CAFO) facilities.

USEPA adopted a direct final rule that amended the effluent limitations guidelines and standards applicable to the Pharmaceutical Manufacturing Point Source Category.

USEPA established a first set of effluent limitations guidelines and standards applicable to the Metal Products and Machinery Point Source Category.

USEPA withdrew segments of the March 13, 2003 direct final rule that amended the effluent limitations guidelines and standards applicable to the Pharmaceutical
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Manufacturing Point Source Category.

No Board action will be necessary on certain of the May 13, 2003 effluent guidelines and standards for the Metal Products and Machinery Point Source Category. Those amendments did not include standards relating to wastewater pretreatment. Those new rules related only to direct discharges that are subject to the permit requirements under the National Pollutant Discharge Elimination System (NPDES) requirements.

Specifically, the segment of the amendments involved in Part 307 incorporate the federal amendments of February 12, March 13, and June 11, 2003. In addition, the Board has added to this proceeding a number of corrective amendments to sections of the rules not affected by the underlying federal amendments. These corrections are principally non-substantive in effect.

Tables appear in the Board’s opinion and order of November 6, 2003 in docket R04-1 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 6, 2003 opinion and order in docket R04-1.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The text of Part 307 includes a number of incorporations by reference, and the present amendments affect many of those incorporations. The substantive federal requirements are largely incorporated by reference. The Board updated the incorporations of the various affected federal regulations by reference to the 2003 edition of the Code of Federal Regulations, which includes all the amendments that occurred in the period involved. The Board further generally updated the edition of the Code of Federal Regulations for all incorporations generally, which allowed the deletion of all references to the Federal
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Register for later federal amendments than those included in the previously incorporated edition of the Code of Federal Regulations.

9) Are there any other amendments pending on this Part?  No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent those units of local government dispose of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-1 and be addressed to:

    Ms. Dorothy M. Gunn, Clerk  
    Illinois Pollution Control Board  
    State of Illinois Center, Suite 11-500  
    100 W. Randolph St.  
    Chicago, IL 60601

Please direct inquiries to the following person and reference Docket R04-1:

    Michael J. McCambridge  
    Staff Attorney  
    Illinois Pollution Control Board  
    100 W. Randolph 11-500  
    Chicago, IL 60601  
    Phone: 312-814-6924  
    E-mail: mccambm@ipcb.state.il.us

Request copies of the Board’s opinion and order at 312-814-3620, or download a copy from the Board’s Website at http://www.ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

    A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These
proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (2002)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (2002)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (2002)].

13) Regulatory agenda on which this rulemaking was summarized: July 2003

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.101</td>
<td>Preamble (Renumbered)</td>
</tr>
<tr>
<td>307.102</td>
<td>General Requirements (Renumbered)</td>
</tr>
<tr>
<td>307.103</td>
<td>Mercury (Renumbered)</td>
</tr>
<tr>
<td>307.104</td>
<td>Cyanide (STORET number 00720) (Renumbered)</td>
</tr>
<tr>
<td>307.105</td>
<td>Pretreatment Requirements (Repealed)</td>
</tr>
<tr>
<td>307.1001</td>
<td>Preamble</td>
</tr>
<tr>
<td>307.1002</td>
<td>Definitions</td>
</tr>
<tr>
<td>307.1003</td>
<td>Test Procedures for Measurement</td>
</tr>
<tr>
<td>307.1005</td>
<td>Toxic Pollutants</td>
</tr>
</tbody>
</table>

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.1101</td>
<td>General and Specific Requirements</td>
</tr>
<tr>
<td>307.1102</td>
<td>Mercury</td>
</tr>
<tr>
<td>307.1103</td>
<td>Cyanide</td>
</tr>
</tbody>
</table>

SUBPART F: DAIRY PRODUCTS PROCESSING

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.1501</td>
<td>Receiving Stations</td>
</tr>
<tr>
<td>307.1502</td>
<td>Fluid Products</td>
</tr>
<tr>
<td>307.1503</td>
<td>Cultured Products</td>
</tr>
<tr>
<td>307.1504</td>
<td>Butter</td>
</tr>
<tr>
<td>307.1505</td>
<td>Cottage Cheese and Cultured Cream Cheese</td>
</tr>
<tr>
<td>307.1506</td>
<td>Natural and Processed Cheese</td>
</tr>
<tr>
<td>307.1507</td>
<td>Fluid Mix for Ice Cream and other Frozen Desserts</td>
</tr>
<tr>
<td>307.1508</td>
<td>Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts</td>
</tr>
<tr>
<td>307.1509</td>
<td>Condensed Milk</td>
</tr>
<tr>
<td>307.1510</td>
<td>Dry Milk</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.1511 Condensed Whey
307.1512 Dry Whey

SUBPART G: GRAIN MILLS

Section
307.1601 Corn Wet Milling
307.1602 Corn Dry Milling
307.1603 Normal Wheat Flour Milling
307.1604 Bulgur Wheat Flour Milling
307.1605 Normal Rice Milling
307.1606 Parboiled Rice Milling
307.1607 Animal Feed
307.1608 Hot Cereal
307.1609 Ready-to-Eat Cereal
307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
307.1700 General Provisions
307.1701 Apple Juice
307.1702 Apple Products
307.1703 Citrus Products
307.1704 Frozen Potato Products
307.1705 Dehydrated Potato Products
307.1706 Canned and Preserved Fruits
307.1707 Canned and Preserved Vegetables
307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
307.1801 Farm-raised Catfish
307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
307.1901 Beet Sugar Processing
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.1902 Crystalline Cane Sugar Refining
307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
307.2001 Wool Scouring
307.2002 Wool Finishing
307.2003 Low Water Use Processing
307.2004 Woven Fabric Finishing
307.2005 Knit Fabric Finishing
307.2006 Carpet Finishing
307.2007 Stock and Yarn Finishing
307.2008 Nonwoven Manufacturing
307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section
307.2101 Nonleaching
307.2102 Leaching
307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS/FEEDLOTS

Section
307.2201 General
307.2202 Ducks

SUBPART N: ELECTROPLATING

Section
307.2300 General Provisions
307.2301 Electroplating of Common Metals
307.2302 Electroplating of Precious Metals
307.2304 Anodizing
307.2305 Coatings
307.2306 Chemical Etching and Milling
307.2307 Electroless Plating
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

307.2308 Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section
307.2400 General Provisions
307.2401 Rayon Fibers
307.2402 Other Fibers
307.2403 Thermoplastic Resins
307.2404 Thermosetting Resins
307.2405 Commodity Organic Chemicals
307.2406 Bulk Organic Chemicals
307.2407 Specialty Organic Chemicals
307.2410 Indirect Discharge Point Sources
307.2490 Non-Complexed Metal-Bearing and Cyanide-Bearing Wastestreams
307.2491 Complexed Metal-Bearing Wastestreams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section
307.2500 General Provisions
307.2501 Aluminum Chloride Production
307.2502 Aluminum Sulfate Production
307.2503 Calcium Carbide Production
307.2504 Calcium Chloride Production
307.2505 Calcium Oxide Production
307.2506 Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508 Hydrofluoric Acid Production
307.2509 Hydrogen Peroxide Production
307.2511 Potassium Metal Production
307.2512 Potassium Dichromate Production
307.2513 Potassium Sulfate Production
307.2514 Sodium Bicarbonate Production
307.2516 Sodium Chloride Production
307.2517 Sodium Dichromate and Sodium Sulfate Production
307.2520 Sodium Sulfite Production
307.2522 Titanium Dioxide Production
307.2523 Aluminum Fluoride Production
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2524 Ammonium Chloride Production
307.2527 Borax Production
307.2528 Boric Acid Production
307.2529 Bromine Production
307.2530 Calcium Carbonate Production
307.2531 Calcium Hydroxide Production
307.2533 Carbon Monoxide and Byproduct Hydrogen Production
307.2534 Chrome Pigments Production
307.2535 Chromic Acid Production
307.2536 Copper Salts Production
307.2538 Ferric Chloride Production
307.2540 Fluorine Production
307.2541 Hydrogen Production
307.2542 Hydrogen Cyanide Production
307.2543 Iodine Production
307.2544 Lead Monoxide Production
307.2545 Lithium Carbonate Production
307.2547 Nickel Salts Production
307.2549 Oxygen and Nitrogen Production
307.2550 Potassium Chloride Production
307.2551 Potassium Iodide Production
307.2553 Silver Nitrate Production
307.2554 Sodium Bisulfite Production
307.2555 Sodium Fluoride Production
307.2560 Stannic Oxide Production
307.2563 Zinc Sulfate Production
307.2564 Cadmium Pigments and Salts Production
307.2565 Cobalt Salts Production
307.2566 Sodium Chlorate Production
307.2567 Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section
307.2701 Soap Manufacturing by Batch Kettle
307.2702 Fatty Acid Manufacturing by Fat Splitting
307.2703 Soap Manufacturing by Fatty Acid Neutralization
307.2704 Glycerine Concentration
307.2705 Glycerine Distillation
307.2706 Manufacture of Soap Flakes and Powders
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.2707 Manufacture of Bar Soaps
307.2708 Manufacture of Liquid Soaps
307.2709 Oleum Sulfonation and Sulfation
307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711 Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712 Sulfamic Acid Sulfation
307.2713 Chlorosulfonic Acid Sulfation
307.2714 Neutralization of Sulfuric Acid Esters and Sulphonic Acids
307.2715 Manufacture of Spray Dried Detergents
307.2716 Manufacture of Liquid Detergents
307.2717 Manufacturing of Detergents by Dry Blending
307.2718 Manufacture of Drum Dried Detergents
307.2719 Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section
307.2801 Phosphate
307.2802 Ammonia
307.2803 Urea
307.2804 Ammonium Nitrate
307.2805 Nitric Acid
307.2806 Ammonium Sulfate Production
307.2807 Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section
307.2901 Topping
307.2902 Cracking
307.2903 Petrochemical
307.2904 Lube
307.2905 Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section
307.3000 General Provisions
307.3001 Cokemaking
307.3002 Sintering
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3003 Ironmaking
307.3004 Steelmaking
307.3005 Vacuum Degassing
307.3006 Continuous Casting
307.3007 Hot Forming
307.3008 Salt Bath Descaling
307.3009 Acid Pickling
307.3010 Cold Forming
307.3011 Alkaline Cleaning
307.3012 Hot Coating
307.3013 Other Operations

SUBPART V: NONFERROUS METALS MANUFACTURING

Section
307.3100 General Provisions
307.3101 Bauxite Refining
307.3102 Primary Aluminum Smelting
307.3103 Secondary Aluminum Smelting
307.3104 Primary Copper Smelting
307.3105 Primary Electrolytic Copper Refining
307.3106 Secondary Copper
307.3107 Primary Lead
307.3108 Primary Zinc
307.3109 Metallurgical Acid Plants
307.3110 Primary Tungsten
307.3111 Primary Columbium-Tantalum
307.3112 Secondary Silver
307.3113 Secondary Lead
307.3114 Primary Antimony
307.3115 Primary Beryllium
307.3116 Primary and Secondary Germanium and Gallium
307.3117 Secondary Indium
307.3118 Secondary Mercury
307.3119 Primary Molybdenum and Rhenium
307.3120 Secondary Molybdenum and Vanadium
307.3121 Primary Nickel and Cobalt
307.3122 Secondary Nickel
307.3123 Primary Precious Metals and Mercury
307.3124 Secondary Precious Metals
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3125 Primary Rare Earth Metals
307.3126 Secondary Tantalum
307.3127 Secondary Tin
307.3128 Primary and Secondary Titanium
307.3129 Secondary Tungsten and Cobalt
307.3130 Secondary Uranium
307.3131 Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section
307.3301 Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section
307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403 Slag Processing
307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405 Other Calcium Carbide Furnaces
307.3406 Electrolytic Manganese Products
307.3407 Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section
307.3500 General Provisions
307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502 Hair Save, Chrome Tan, Retan-Wet Finish
307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504 Retan-Wet Finish-Sides
307.3505 No Beamhouse
307.3506 Through-the-Blue
307.3507 Shearling
307.3508 Pigskin
307.3509 Retan-Wet Finish-Splits
307.3590 Potassium Ferricyanide Titration Method
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART BA: GLASS MANUFACTURING

Section
307.3601 Insulation Fiberglass
307.3602 Sheet Glass Manufacturing
307.3603 Rolled Glass Manufacturing
307.3604 Plate Glass Manufacturing
307.3605 Float Glass Manufacturing
307.3606 Automotive Glass Tempering
307.3607 Automotive Glass Laminating
307.3608 Glass Container Manufacturing
307.3609 Glass Tubing (Danner) Manufacturing
307.3610 Television Picture Tube Envelope Manufacturing
307.3611 Incandescent Lamp Envelope Manufacturing
307.3612 Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

Section
307.3701 Asbestos-Cement Pipe
307.3702 Asbestos-Cement Sheet
307.3703 Asbestos Paper (Starch Binder)
307.3704 Asbestos Paper (Elastomeric Binder)
307.3705 Asbestos Millboard
307.3706 Asbestos Roofing
307.3707 Asbestos Floor Tile
307.3708 Coating or Finishing of Asbestos Textiles
307.3709 Solvent Recovery
307.3710 Vapor Absorption
307.3711 Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

Section
307.3801 Tire and Inner Tube Plants
307.3802 Emulsion Crumb Rubber
307.3803 Solution Crumb Rubber
307.3804 Latex Rubber
307.3805 Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806 Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.3807 Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808 Wet Digestion Reclaimed Rubber
307.3809 Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810 Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811 Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section
307.3900 General Provisions
307.3901 Barking
307.3902 Veneer
307.3903 Plywood
307.3904 Dry Process Hardboard
307.3905 Wet Process Hardboard
307.3906 Wood Preserving – Water Borne or Nonpressure
307.3907 Wood Preserving – Steam
307.3908 Wood Preserving – Boulton
307.3909 Wet Storage
307.3910 Log Washing
307.3911 Sawmills and Planing Mills
307.3912 Finishing
307.3913 Particleboard Manufacturing
307.3914 Insulation Board
307.3915 Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

SUBPART BE: PULP, PAPER, AND PAPERBOARD

Section
307.4000 General Provisions
307.4001 Dissolving Kraft
307.4002 Bleached Papergrade Kraft and Soda
307.4003 Unbleached Kraft
307.4004 Dissolving Sulfite
307.4005 Papergrade Sulfite
307.4006 Semi-Chemical
307.4007 Mechanical Pulp
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.4008 Non-Wood Chemical Pulp
307.4009 Secondary Fiber Deink
307.4010 Secondary Fiber Non-Deink
307.4011 Fine and Lightweight Papers from Purchased Pulp
307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013 Groundwood-Thermo-Mechanical (Repealed)
307.4014 Groundwood-CMN Papers (Repealed)
307.4015 Groundwood-Fine Papers (Repealed)
307.4016 Soda (Repealed)
307.4017 Deink (Repealed)
307.4018 Nonintegrated-Fine Papers (Repealed)
307.4019 Nonintegrated-Tissue Papers (Repealed)
307.4020 Tissue From Wastepaper (Repealed)
307.4021 Papergrade Sulfite (Drum Wash) (Repealed)
307.4022 Unbleached Kraft and Semi-Chemical (Repealed)
307.4023 Wastepaper-Molded Products (Repealed)
307.4024 Nonintegrated-Lightweight Papers (Repealed)
307.4025 Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026 Nonintegrated-Paperboard (Repealed)

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section
307.4101 Builder's Paper and Roofing Felt (Repealed)

SUBPART BG: MEAT PRODUCTS

Section
307.4201 Simple Slaughterhouse
307.4202 Complex Slaughterhouse
307.4203 Low-Processing Packinghouse
307.4204 High-Processing Packinghouse
307.4205 Small Processor
307.4206 Meat Cutter
307.4207 Sausage and Luncheon Meats Processor
307.4208 Ham Processor
307.4209 Canned Meats Processor
307.4210 Renderer

SUBPART BH: METAL FINISHING
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>General Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.4300</td>
<td>Metal Finishing</td>
</tr>
</tbody>
</table>

**SUBPART BL: CENTRALIZED WASTE TREATMENT**

<table>
<thead>
<tr>
<th>Section</th>
<th>General Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.4700</td>
<td>Metals Treatment and Recovery</td>
</tr>
<tr>
<td>307.4701</td>
<td>Oils Treatment and Recovery</td>
</tr>
<tr>
<td>307.4702</td>
<td>Organics Treatment and Recovery</td>
</tr>
<tr>
<td>307.4704</td>
<td>Multiple Wastestreams</td>
</tr>
</tbody>
</table>

**SUBPART BN: PHARMACEUTICAL MANUFACTURING**

<table>
<thead>
<tr>
<th>Section</th>
<th>General Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.4900</td>
<td>Fermentation Products</td>
</tr>
<tr>
<td>307.4901</td>
<td>Extraction Products</td>
</tr>
<tr>
<td>307.4902</td>
<td>Chemical Synthesis Products</td>
</tr>
<tr>
<td>307.4904</td>
<td>Mixing/Compounding and Formulation</td>
</tr>
<tr>
<td>307.4905</td>
<td>Research (Repealed)</td>
</tr>
</tbody>
</table>

**SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING**

<table>
<thead>
<tr>
<th>Section</th>
<th>General Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.5200</td>
<td>Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos</td>
</tr>
<tr>
<td>307.5201</td>
<td>Rail Tank Cars Transporting Chemical and Petroleum Cargos</td>
</tr>
<tr>
<td>307.5202</td>
<td>Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos</td>
</tr>
<tr>
<td>307.5204</td>
<td>Tanks Transporting Food Grade Cargos</td>
</tr>
</tbody>
</table>

**SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)**

<table>
<thead>
<tr>
<th>Section</th>
<th>General Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>307.5301</td>
<td>Asphalt Emulsion</td>
</tr>
<tr>
<td>307.5302</td>
<td>Asphalt Concrete</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.5303 Asphalt Roofing
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

Section 307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section 307.5500 General Provisions
307.5501 RCRASubtitle C Hazardous Waste Landfill
307.5502 RCRASubtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

Section 307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section 307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section 307.6500 General Provisions
307.6501 Organic Pesticide Chemicals Manufacturing
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
307.6503 Pesticide Chemicals Formulating and Packaging
307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

Section 307.6801 Carbon Black Furnace Process
307.6802 Carbon Black Thermal Process
307.6803 Carbon Black Channel Process
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
307.7100 General Provisions
307.7101 Cadmium
307.7102 Calcium
307.7103 Lead
307.7104 Leclanche
307.7105 Lithium
307.7106 Magnesium
307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section
307.7300 General Provisions
307.7301 Contact Cooling and Heating Water
307.7302 Cleaning Water
307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section
307.7400 General Provisions
307.7401 Aluminum Casting
307.7402 Copper Casting
307.7403 Ferrous Casting
307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section
307.7500 General Provisions
307.7501 Steel Basis Material
307.7502 Galvanized Basis Material
307.7503 Aluminum Basis Material
307.7504 Canmaking
NOTICE OF PROPOSED AMENDMENTS

SUBPART CO: PORCELAIN ENAMELING

Section
307.7600 General Provisions
307.7601 Steel Basis Material
307.7602 Cast Iron Basis Material
307.7603 Aluminum Basis Material
307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

Section
307.7700 General Provisions
307.7701 Rolling With Neat Oils
307.7702 Rolling With Emulsions
307.7703 Extrusion
307.7704 Forging
307.7705 Drawing With Neat Oils
307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

Section
307.7800 General Provisions
307.7801 Copper Forming
307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section
307.7901 Semiconductor
307.7902 Electronic Crystals
307.7903 Cathode Ray Tube
307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section
307.8100 General Provisions
307.8101 Lead-Tin-Bismuth Forming
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

307.8102 Magnesium Forming
307.8103 Nickel-Cobalt Forming
307.8104 Precious Metals Forming
307.8105 Refractory Metals Forming
307.8106 Titanium Forming
307.8107 Uranium Forming
307.8108 Zinc Forming
307.8109 Zirconium-Hafnium Forming
307.8110 Metal Powders

307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].


SUBPART A: GENERAL PROVISIONS

Section 307.1001 Preamble

a) This Part places certain restrictions on the types, concentrations, and quantities of...
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

contaminants that which can be discharged into sewer systems in the State.

1) Subpart B of this Part includes standards for the discharge of contaminants to sewer systems. These apply to dischargers to publicly owned treatment works (POTWs) and to dischargers to other types of treatment works as specified in each Section.

2) Subparts F et seq. of this Part include standards for the discharge of contaminants from certain industrial categories into POTWs.

b) 35 Ill. Adm. Code 310 specifies requirements for pretreatment programs for POTWs.

c) This Part incorporates federal regulations by reference. Such incorporations include no later amendments or editions.

1) Such incorporations include no later amendments or editions.

2) Except where the contrary is clearly indicated, the Board intends to set forth all procedural requirements in full in this Part and 35 Ill. Adm. Code 310, and to utilize only the definitions, requirements, or standards from the incorporated material.

3) Except where the contrary is clearly indicated, references to other federal regulations within incorporated material are to be construed as referencing Board regulations derived from the referenced material, rather than the other federal regulation.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1003 Test Procedures for Measurement

The test procedures for measurement that which are prescribed at 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 310.107, apply to expressions of pollutant amounts, characteristics, or properties in pretreatment standards as set forth in this Part, unless otherwise noted or defined in individual Subparts of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 307.1101 General and Specific Requirements

No person may introduce the following types of pollutants into a POTW:

a) General requirements:
   1) Pollutants pass through the POTW;
   2) Pollutants interfere with the operation or performance of the POTW.

b) Specific requirements:
   1) Pollutants create a fire or explosion hazard within the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 35 Ill. Adm. Code 721.121;
   2) Pollutants would cause safety hazards to the personnel operating the treatment works;
   3) Pollutants will cause corrosive damage to the POTW;
   4) Pollutants would be injurious in any other way to sewers, treatment works, or structures;
   5) Discharges with a pH less than 5.0, unless the POTW is specifically designed to accommodate such discharges;
   6) Solid or viscous pollutants in amounts will cause obstruction to the flow in the POTW resulting in interference;
   7) Any pollutant, including oxygen demanding pollutants, at a flow rate or concentration will cause interference with the POTW;
   8) Heat in amounts will inhibit biological activity in the POTW and interfere with the POTW;
   9) Heat in amounts results in temperatures in the influent to the POTW treatment plant in excess of 40°C (104°F).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

F) unless the Agency approves alternate temperature limits in pretreatment plan;

10) Pollutants that would cause the effluent from the treatment works to violate applicable effluent standards;

11) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

12) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; or

13) Any trucked or hauled pollutants, except at discharge points designated by the POTW.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.1102 Mercury

a) Except as provided below, no person shall cause or allow the concentration of mercury in any discharge to a publicly owned or publicly regulated sewer system to exceed the following level, subject to the averaging rule contained in 35 Ill. Adm. Code 304.104(a):

<table>
<thead>
<tr>
<th>STORET CONSTITUENT</th>
<th>CONCENTRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mercury</td>
<td>71990</td>
</tr>
<tr>
<td></td>
<td>0.0005</td>
</tr>
</tbody>
</table>

b) It shall be an exception to subsection (a) of this Section if the discharge is to a publicly owned or publicly regulated sewer system that is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the discharge limitation shall be the same as that applicable to the publicly owned or regulated sewer system to which it discharges.

c) It shall be an exception to subsection (a) of this Section if all the following
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

conditions are met:

1) The discharger does not use mercury, or, the discharger uses mercury and this use cannot be eliminated, or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and,

2) The discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 Ill. Adm. Code 304.104(a); and,

3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness, and sound engineering judgment. This may include no treatment for mercury; and,

4) The discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury discharges.

d) The discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of subsection (a) of this Section if all the following conditions are met:

1) The total plant discharge is less than 227 g (one half pound) as Hg in any year;

2) This discharge is to a public sewer system; and

3) The discharge does not, alone or in conjunction with other sources, cause the effluent from the sewer system or treatment plant to exceed 0.0005 mg/l of mercury.

e) No person shall cause or allow any discharge of mercury to a publicly owned or publicly regulated sewer system which, alone or in combination with other sources, causes a violation by the sewer treatment plant discharge of the water quality standard of 35 Ill. Adm. Code 302 for mercury applicable in the receiving stream.

f) For purposes of permit issuance the Agency may consider application of the exception of subsection (b) or (c) of this Section to determine compliance with this Section. The Agency may impose permit conditions necessary or required to
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

assure continued application of the exception. When subsection (b) or (c) of this Section applies, the Agency may impose an effluent limitation in the permit that allows the discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.

g) The mercury standards of Section 307.1102 will not apply to the Reilly Industries, Inc., Granite City, which discharges to any publicly-owned treatment works that receives such a manufacturing facility's wastewater. The amount of mercury discharged by any such manufacturing facility must not exceed a monthly average of 0.025 mg/l nor a maximum of 0.035 mg/l or 7.5 grams per day, subject to the Board's averaging rules during any one day.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1103 Cyanide

a) No waste to any public sewer system must contain more than 10 mg/l total cyanide (STORET number 00720) provided any sample tested must not release more than 2 mg/l of cyanide when tested at a pH of 4.5 and at a temperature of 66ºC (150ºF) for a period of 30 minutes, except as permitted by subsection (b) of this Section.

b) Upon application by a county, municipality, sanitary district or public utility and approval by the Agency, based upon determination by the Agency that no violation of the effluent standards of 35 Ill. Adm. Code 304 will result and that no hazard to workers in such sewage works will result, limited additional amounts of cyanide exceeding the standards in subsection (a) of this Section may be discharged to the sewage works of such county, sanitary district, municipality or public utility.

c) Nothing in this Section may be construed as limiting the authority of any county, municipality, sanitary district, or public utility to impose any more stringent standards or limitations on cyanide discharges to its sewage works.

d) Any actions undertaken pursuant to subsection (b) of this Section shall be subject to the limitations of Section 307.2400(b)(7).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART F: DAIRY PRODUCTS PROCESSING
Section 307.1501 Receiving Stations

a) Applicability. This Section applies to discharges resulting from the operation of receiving stations engaged in the assembly and reshipment of bulk milk for the use of manufacturing or processing plants.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.11 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 405.16 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1502 Fluid Products

a) Applicability. This Section applies to discharges resulting from the manufacture of market milk (ranging from 3.5 percent fat to fat-free), flavored milk (chocolate and others), and cream (of various fat concentrations, plain and whipped).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1503 Cultured Products

a) Applicability. This Section applies to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yoghurt, sour cream, and dips of various types.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:

NOTICE OF PROPOSED AMENDMENTS

amended at 60 Fed. Reg. 33926, effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1504 Butter

a) Applicability. This Section applies to discharges resulting from the manufacture of butter, either by churning or continuous process.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1505 Cottage Cheese and Cultured Cream Cheese

a) Applicability. This Section applies to discharges resulting from the manufacture of cottage cheese and cultured cream cheese.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.51 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources,‡


2) No person subject to the pretreatment standards incorporated by reference
NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.1506 Natural and Processed Cheese

a) Applicability. This Section applies to discharges resulting from the manufacture of natural cheese (hard curd) and processed cheese.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.61 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.
Section 307.1507 Fluid Mix for Ice Cream and other Frozen Desserts

a) Applicability. This Section applies to discharges resulting from the manufacture of fluid mixes for ice cream and other frozen desserts for later freezing in other plants; it does not include freezing of the products as one of the affected operations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.71 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

Section 307.1508 Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts

a) Applicability. This Section applies to discharges resulting from the manufacture
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of ice cream, ice milk, sherbet, water ices, stick confections, frozen novelties products, frozen desserts, melorine, pudding, and other dairy product base desserts. If fluid mixes prepared at another plant are employed, the appropriate values from Section 307.1507 should be deducted from the limitations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.81 (2003)-(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1509 Condensed Milk

a) Applicability. This Section applies to discharges resulting from the manufacture of condensed whole milk, condensed skim milk, sweetened condensed milk, condensed buttermilk.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.91.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1510 Dry Milk

a) Applicability. This Section applies to discharges resulting from the manufacture of dry whole milk, dry skim milk, and dry buttermilk.


c) Existing sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1511 Condensed Whey

a) Applicability. This Section applies to discharges resulting from the manufacture of condensed sweet whey and condensed acid whey.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.1512 Dry Whey

a) Applicability. This Section applies to discharges resulting from the manufacture of sweet or acid dry whey.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.121 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART G: GRAIN MILLS

Section 307.1601 Corn Wet Milling

a) Applicability. This Section applies to discharges resulting from the process in
which shelled corn is steeped in a dilute solution of sulfurous acid and then
processed by wet means into such products as animal feed, regular and modified
starches, corn oil, corn syrup, and dextrose.

b) Specialized definitions. The Board incorporates by reference 40 CFR 406.11

c) Existing sources.

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This
incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference
in subsection (c)(1) of this Section shall cause, threaten, or allow the
discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This
incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference
in subsection (d)(1) of this Section may cause, threaten, or allow the
discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

**Section 307.1602 Corn Dry Milling**

a) Applicability. This Section applies to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil, and animal feed. This Section does not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

**Section 307.1603 Normal Wheat Flour Milling**
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.

b) Specialized definitions. The Board incorporates by reference 40 CFR 406.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:

   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

   3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.1604 Bulgur Wheat Flour Milling

a) Applicability. This Section applies to discharges resulting from the process in which wheat is parboiled, dried, and partially debranned in the production of bulgur.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1605 Normal Rice Milling

a) Applicability. This Section applies to discharges resulting from the process in which rice is cleaned and milled by dry processes.


c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1606 Parboiled Rice Milling

a) Applicability. This Section applies to discharges resulting from the process in which rice is cleaned, cooked, and dried before being milled.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

NOTICE OF PROPOSED AMENDMENTS

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1607 Animal Feed

a) Applicability. This Section applies to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) using primarily grain and grain by-products that may be supplemented by proteins, pharmaceuticals, vitamins, or mineral additives.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 307.1608 Hot Cereal

a) Applicability. This Section applies to discharges resulting from the production of various breakfast cereals from grains, principally wheat and oats, requiring cooking prior to normal human consumption.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.1609 Ready-to-Eat Cereal

a) Applicability. This Section applies to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.1610 Wheat Starch and Gluten

a) Applicability. This Section applies to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section 307.1700 General Provisions

Proration. When a plant is subject to limitations covering more than one subcategory, the plant discharge limitation **shall** be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.1701 Apple Juice

a) Applicability. This Section applies to discharges resulting from the processing of apples into apple juice or apple cider.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) **must** cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) **must** cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.1702 Apple Products

a) Applicability. This Section applies to discharges resulting from the processing of apples into apple products. The processing of apples into caustic-peeled or dehydrated products is specifically excluded.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 307.1703  Citrus Products

a) Applicability. This Section applies to discharges resulting from the processing of citrus into citrus products.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1704  Frozen Potato Products

a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into frozen potato products.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.1705 Dehydrated Potato Products

a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into dehydrated potato products.


c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1706 Canned and Preserved Fruits

a) Applicability. This Section applies to discharges resulting from the processing of the following fruit products: apricots; caneberries; sweet, sour, and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; peaches; pears; fresh and processed pickles, and pickle salting stations; pineapples; plums; raisins; strawberries; and tomatoes.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.1707 Canned and Preserved Vegetables

a) Applicability. This Section applies to discharges resulting from the processing of the following vegetable products: beets, broccoli, carrots, canned and frozen corn, dehydrated onions and garlic, dehydrated vegetables, dry beans, lima beans, mushrooms, canned onions, peas, sauerkraut, canning and cutting, snap beans, spinach, squash, and canned potatoes.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1708  Canned and Miscellaneous Specialties

a) Applicability. This Section applies to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato, and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section 307.1801 Farm-raised Catfish

a) Applicability. This Section applies to discharges resulting from the processing of farm-raised catfish by existing facilities that process more than 1,362 kg (3,000 lbs) of raw material per day on any day during a calendar year and all new sources.

b) Specialized definitions. The Board incorporates by reference 40 CFR 408.11 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 6, 1974.
Section 307.1815 Fish Meal Processing Subcategory

a) Applicability. This Section applies to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil, and solubles.

b) Specialized definitions. The Board incorporates by reference 40 CFR 408.151 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 30, 1975.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART J: SUGAR PROCESSING

Section 307.1901 Beet Sugar Processing
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from any operation attendant to the processing of sugar beets for the production of sugar.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1902  Crystalline Cane Sugar Refining

a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.1903 Liquid Cane Sugar Refining

a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into liquid refined sugar.

b) Specialized definitions. The Board incorporates by reference 40 CFR 409.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference
Notice of Proposed Amendments

in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART K: TEXTILE MILLS


a) Applicability. This Subpart K applies to any textile mill or textile processing facility that introduces or may introduce process wastewater pollutants into a POTW.

b) General definitions. The Board incorporates by reference 40 CFR 410.01 (2003)(1986). This incorporation includes no later amendments or editions.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2001 Wool Scouring

a) Applicability. This Section applies to discharges resulting from the following types of textile mills: wool scouring, topmaking, and general cleaning of raw wool.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2002 Wool Finishing

a) Applicability. This Section applies to discharges resulting from the following types of textile mills: wool finishers, including carbonizing, fulling, dyeing, bleaching, rinsing, fireproofing, and other such similar processes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 410.21 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2003 Low Water Use Processing

a) Applicability. This Section applies to discharges resulting from the following types of textile mills: yarn manufacture, yarn texturizing, unfinished fabric manufacture, fabric coating, fabric laminating, tire cord and fabric dipping, and carpet tufting and carpet backing. Rubberized or rubber coated fabrics regulated by 40 CFR Part 428 are specifically excluded.

b) Specialized definitions. The Board incorporates by reference 40 CFR 410.31 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2004 Woven Fabric Finishing

a) Applicability. This Section applies to discharges resulting from the following types of textile mills: woven fabric finishers, which may include any or all of the following unit operations: desizing, bleaching, mercerizing, dyeing, printing, resin treatment, water proofing, flame proofing, soil repellency application, and a special finish application.


c) Existing sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.
Section 307.2005 Knit Fabric Finishing

a) Applicability. This Section applies to discharges resulting from the following types of textile mills: knit fabric finishers, which may include any or all of the following unit operations: bleaching, mercerizing, dyeing, printing, resin treatment, water proofing, flame proofing, soil repellency application, and a special finish application.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

Section 307.2006 Carpet Finishing

a) Applicability. This Section applies to discharges resulting from the following
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

types of textile mills: carpet mills, which may include any or all of the following unit operations: bleaching, scouring, carbonizing, fulling, dyeing, printing, resin treatment, waterproofing, flameproofing, soil repellency, looping, and backing with foamed and unfoamed latex and jute. Carpet backing without other carpet manufacturing operations is included in Subpart C of this Part.

b) Specialized definitions. The Board incorporates by reference 40 CFR 410.61 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 410.64 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c) (1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d) (1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2007 Stock and Yarn Finishing

a) Applicability. This Section applies to discharges resulting from the following types of textile mills: stock or yarn dyeing or finishing, which may include any or all of the following unit operations and processes: cleaning, scouring, bleaching, mercerizing, dyeing, and special finishing.

b) Specialized definitions. None.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2008 Nonwoven Manufacturing

a) Applicability. This Section applies to discharges resulting from facilities that primarily manufacture nonwoven textile products of wool, cotton, or synthetics, singly or as blends, by mechanical, thermal, or adhesive bonding procedures. Nonwoven products produced by fulling and felting processes are covered in Section 307.2009 Felted Fabric Processing.

b) Specialized definitions. None.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 410.84 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2009 Felted Fabric Processing

a) Applicability. This Section applies to discharges resulting from facilities that primarily manufacture nonwoven products by employing fulling and felting operations as a means of achieving fiber bonding.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART L: CEMENT MANUFACTURING

Section 307.2101 Nonleaching

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is not contacted with water as an integral part of the process and water is not used in wet scrubbers to control kiln stack emissions.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2102 Leaching

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is contacted with water as an integral part of the process or water is used in wet scrubbers to control kiln stack emissions.

b) Specialized definitions. The Board incorporates by reference 40 CFR 411.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2103  Materials Storage Piles Runoff

a)  Applicability. This Section applies to discharges resulting from the runoff of rainfall that derives from the storage of materials including raw materials, intermediate products, finished products and waste materials that are used in or derived from the manufacture of cement under either Section 307.2101 or 307.2102.

b)  Specialized definitions. The Board incorporates by reference 40 CFR 411.31 (2003)(1994). This incorporation includes no later amendments or editions.

c)  Existing sources:


2)  No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d)  New sources:


2)  No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3)  "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
ILLINOIS REGISTER 17562

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

FEEDLOTS

Section 307.2201 General

a) Applicability. This Section applies to manure, litter, or process wastewater discharges resulting from concentrated animal feeding operations (CAFOs). Manufacturing or agricultural activities that may be subject to this Section are generally reported under one or more of the following SIC codes, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:

1) SIC 0211 (Beef Cattle Feedlots),
2) SIC 0213 (Hogs),
3) SIC 0214 (Sheep and Goats),
4) SIC 0241 (Dairy Farms),
5) SIC 0251 (Broiler, Fryer, and Roaster Chickens),
6) SIC 0252 (Chicken Eggs),
7) SIC 0253 (Turkeys and Turkey Eggs),
8) SIC 0254 (Poultry Hatcheries).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

9) SIC 0259 (Poultry and Eggs, Not Elsewhere Classified), or
10) SIC 0272 (Horses and Other Equines).

b) General

c) General pretreatment standards. The Board incorporates by reference 40 CFR 412.3 (2003). This incorporation includes no later amendments or editions.

d) Definition of concentrated animal feeding operation (CAFO). The Board incorporates by reference 40 CFR 122.23(b) and (c) (2003). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(l) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2202 Ducks

a) Applicability. This Section applies to discharges resulting from the production areas at dry lot and wet lot duck CAFOs. This Section does not apply to such a CAFO with less than the following capacity feedlots for the following subcategories: Ducks -- dry lot; ducks -- wet lot; and for those feedlot operations within these subcategories as large or larger than the capacities given below: 5,000 ducks.

b) Specialized definitions. The Board incorporates by reference 40 CFR 412.21
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. USEPA removed the former standards applicable to existing sources at 68 Fed. Reg. 7176 (February 12, 2003).

1) The Board incorporates by reference 40 CFR 412.24 (1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 28 Ill. Reg. , effective )

SUBPART N: ELECTROPLATING

Section 307.2300 General Provisions

a) Applicability.

1) This Subpart N applies to any electroplating operations in which metal is electroplated on any basis material and to related metal finishing operations as set forth in the various Sections, whether such operations are conducted in conjunction with electroplating, independently, or as part of some other operation.

2) Operations similar to electroplating that which are specifically excepted from coverage of this Subpart N include the following:

A) Electrowinning and electorefining conducted as a part of nonferrous metal smelting and refining (Subpart V of this Part);
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Metal surface preparation and conversion coating conducted as a part of coil coating (Subpart CN of this Part);

C) Metal surface preparation and immersion plating or electroless plating conducted as a part of porcelain enameling (Subpart CO of this Part); and

D) Electrodeposition of active electrode materials, electroimpregnation and electroforming conducted as a part of battery manufacturing (Subpart CJ of this Part).

3) Metallic platemaking and gravure cylinder preparation conducted within or for printing and publishing facilities, and continuous strip electroplating conducted within iron and steel manufacturing facilities are exempted from the pretreatment standards for existing sources set forth in this Subpart N.

4) Certain electroplating operations may be subject to the metal finishing standards of Subpart BH of this Part.


c) Monitoring requirements. The Board incorporates by reference 40 CFR 413.03 (2003)(1986). This incorporation includes no later amendments or editions.

d) Compliance dates. The Board incorporates by reference 40 CFR 413.01(a) (2003)(1986). This incorporation includes no later amendments or editions.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2301 Electroplating of Common Metals

a) Applicability. This Section applies to discharges resulting from the process in which a ferrous or nonferrous basis material is electroplated with copper, nickel,
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

chromium, zinc, tin, lead, cadmium, iron, aluminum, or any combination of these.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.11 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2302 Electroplating of Precious Metals

a) Applicability. This Section applies to discharges resulting from the process in which a ferrous or nonferrous basis material is plated with gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.21 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.
Section 307.2304 Anodizing

a) Applicability. This Section applies to discharges resulting from the anodizing of ferrous or nonferrous materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.41 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 413.44 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.

Section 307.2305 Coatings

a) Applicability. This Section applies to discharges resulting from the chromating, phosphating, or immersion plating on ferrous or nonferrous materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.51 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 413.54 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2306 Chemical Etching and Milling

a) Applicability. This Section applies to discharges resulting from the chemical milling or etching of ferrous or nonferrous materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.61 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 413.64 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2307 Electroless Plating

a) Applicability. This Section applies to discharges resulting from the electroless plating of a metallic layer on a metallic or nonmetallic substrate.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.71 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 413.74 (2003)(1986). This incorporation includes no later amendments or editions.
NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2308 Printed Circuit Boards

a) Applicability. This Section applies to discharges resulting from the manufacture of printed circuit boards, including all manufacturing operations required or used to convert an insulating substrate to a finished printed circuit board. The provisions set forth in other Sections of this Subpart N are not applicable to the manufacture of printed circuit boards.

b) Specialized definitions. The Board incorporates by reference 40 CFR 413.81 (2003). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 413.84 (2003). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section 307.2400 General Provisions

a) General definitions. The Board incorporates by reference 40 CFR 414.10
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

b) Applicability.

1) This Subpart O applies to process wastewater discharges from all establishments or portions of establishments that manufacture the organic chemicals, plastics and synthetic fibers (OCPSF) products or product groups that are covered by Sections 307.2402 through 307.2408 and which are included in the following SIC major groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:

A) SIC 2821:— Plastic materials, synthetic resins, and nonvulcanizable elastomers.

B) SIC 2823:— Cellulosic man-made fibers.

C) SIC 2824:— Synthetic organic fibers, except cellulosic.

D) SIC 2865:— Cyclic crudes and intermediates, dyes, and organic pigments.

E) SIC 2869:— Industrial organic chemicals, not elsewhere classified.

2) This Subpart O applies to wastewater discharges from OCPSF research and development, pilot plant, technical service, and laboratory bench-scale operations if such operations are conducted in conjunction with and related to existing OCPSF manufacturing activities at the plant site.

3) Notwithstanding subsection (b)(1) of this Section above, this Subpart O does not apply to discharges resulting from the manufacture of OCPSF products if the products are included in the following SIC subgroups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, and if the products have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in subsection (b)(1) of this Section above:

A) SIC 2843085:— Bulk surface active agents.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) SIC 28914: Synthetic resin and rubber adhesives.

C) Chemicals and chemical preparations not elsewhere classified:
   i) SIC 2899568: Sizes, all types.
   ii) SIC 2899597: Other industrial chemical specialities, including fluxes, plastic wood preparations, and embalming fluids.

D) SIC 2911058: Aromatic hydrocarbons manufactured from purchased refinery products.

E) SIC 2911632: Aliphatic hydrocarbons manufactured from purchased refinery products.

4) Notwithstanding subsection (b)(1) of this Section above, this Subpart O does not apply to any discharges for which a different set of previously promulgated standards in this Part apply, unless the facility reports OCPSF products under SIC codes 2865, 2869, or 2821, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, and the facility's OCPSF wastewaters are discharged separately to a POTW.

5) This Subpart O does not apply to any process wastewater discharge from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.

6) Discharges of chromium, copper, lead, nickel, and zinc in "complexed metal-bearing waste streams", listed in Section 307.2491, are not subject to this Subpart O.

7) Non-amenable cyanide.

A) Discharges of cyanide in "cyanide-bearing waste streams", listed in Section 307.2490, are not subject to the cyanide limitations of this Subpart O if both of the following occur:
   i) The control authority determines that the cyanide limitations are not achievable due to elevated levels of non-
amenable cyanide (i.e., cyanide that is not oxidized by chlorine treatment) that result from the unavoidable complexing of cyanide at the process source of the cyanide-bearing waste stream, and

ii) The control authority establishes an alternative total cyanide or amenable cyanide limitation that reflects the best available technology economically achievable.

B) The control authority shall base its determination made pursuant to subsection (b)(7)(A) of this Section above on a review of the relevant engineering, production, and sampling and analytical information at its disposal, including measurements of both total and amenable cyanide in the waste stream.

C) The control authority shall set forth its determination made pursuant to subsection (b)(7)(A) of this Section above in a written analysis of the extent of complexing in the waste stream and its impact on cyanide treatability, based on the information at its disposal.

D) Alternative cyanide discharge limitation determinations made pursuant to this subsection (b)(7) are subject to the limitations of Section 307.1103. Provided, however, Section 307.1103 may not be used to allow a discharge of total cyanide in excess of that otherwise allowed by this subsection (b)(7).

8) Allowances for non-metal-bearing waste streams.

A) The control authority shall establish discharge limitations for lead and zinc for waste streams not listed in Section 307.2490 and not otherwise determined to be "metal-bearing waste streams" if it determines that the wastewater metals contamination is due to background levels that are not reasonably avoidable, from such sources as intake water, corrosion of materials of construction, or contamination of raw materials.

B) The control authority shall base its determination made pursuant to subsection (b)(8)(A) on a review of relevant plant operating conditions, process chemistry, engineering, and sampling
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and analytical information.

C) The control authority must set forth its determination made pursuant to subsection (b)(8)(A) of this Section above in a written analysis of the sources and levels of the metals, based on the information at its disposal.

D) The control authority may establish limitations for lead and zinc for non-"metal-bearing waste streams" for the purposes of subsection (b)(8)(A) of this Section above between the following levels:

i) The lowest level that the control authority determines, based on best professional judgement, can be reliably measured; and

ii) The concentration of such metals present in the wastestreams, but not to exceed the applicable limitations contained in Sections 307.2401 through 307.2407; and,

iii) For zinc, the applicable limitations that the discharge must not exceed are those appearing in the tables in Sections 307.2401 through 307.2407, not the alternative limitations for rayon fiber manufacture by the viscose process, as set forth in footnote 2 to the table in 40 CFR 414.25, incorporated by reference at Section 307.2401(c)(1), or the alternative limitations for acrylic fiber manufacture by the zinc chloride/solvent process, as set forth in footnote 2 to the table in 40 CFR 414.35, incorporated by reference at Section 307.2402(c)(1).

E) The limitations for individual dischargers shall be set on a mass basis, by multiplying the concentration allowance established by the control authority times the process wastewater flow from the individual wastestreams in which incidental metals are present.

c) Compliance date. All dischargers subject to a pretreatment standard for existing sources in this Subpart O must have complied with the standard by no later than November 5, 1990.
Section 307.2401 Rayon Fibers

a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of rayon fiber by the viscose process only.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2402 Other Fibers

a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2823, cellulosic man-made fibers and fiber groups, except rayon, and under SIC 2824, synthetic organic fibers and fiber groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (*).
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Acrylic fibers (85% Polyacrylonitrile)
*Cellulose acetate fibers
*Fluorocarbon (Teflon) fibers
*Modacrylic fibers
*Nylon 6 fibers
Nylon 6 monofilament
*Nylon 66 fibers
Nylon 66 monofilament
*Polyamide fibers (Quiana)
*Polyaramid (Kevlar) resin-fibers
*Polyaramid (Nomex) resin-fibers
*Polyester fibers
*Polyethylene fibers
*Polypropylene fibers
*Polyurethane fibers (Spandex)

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or
NOTICE OF PROPOSED AMENDMENTS

allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2403 Thermoplastic Resins

a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 28213, thermoplastic resins and thermoplastic resin groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (*).

*Abietic acid-derivatives

*ABS resins

*ABS-SAN resins

*Acrylate-methacrylate latexes

*Acrylic latex

*Acrylic resins

*Cellulose acetate butyrates
NOTICE OF PROPOSED AMENDMENTS

Cellulose acetate resin
*Cellulose acetates
*Cellulose acetates priopionates
Cellulose nitrate
*Ethylene-methacrylic acid copolymers
*Ethylene-vinyl acetate copolymers
*Fatty acid resins
*Fluorocarbon polymers
Nylon 11 resin
*Nylon 6-66 copolymers
*Nylon 6-Nylon 6—Nylon 11 blends
Nylon 6 resin
Nylon 612 resin
Nylon 66 resin
*Nylons
*Petroleum hydrocarbon resins
*Polyvinyl pyrrolidone-copolymers
*Poly(alpha)olefins
Polyacrylic acid
*Polyamides
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Polyarylamides
*Polybutadiene
*Polybutenes
Polybutyl succinic anhydride
*Polycarbonates
*Polyester resins
*Polyester resins, Polybutylene terephthalate
*Polyester resins, Polyoxybenzoate
Polyethylene
*Polyethylene-ethyl
*Polyethylene--ethyl acrylate resins
*Polyethylene-polyvinyl acetate
Polyethylene--polyvinyl acetate copolymers
Polyethylene resin (HDPE)
Polyethylene resin (LDPE)
Polyethylene resin, scrap
Polyethylene resin, wax (low molecular weight)
Polyethylene resin, latex
Polyethylene resins
*Polyethylene resins, compounded
*Polyethylene, chlorinated
*Polyimides
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Polypropylene resins

Polystyrene (crystal)

Polystyrene (crystal) modified

*Polystyrene-copolymers

*Polystyrene-acrylic

Polystyrene impact resins

Polystyrene latex

Polystyrene, expandable

Polystyrene, expanded

*Polysulfone resins

Polyvinyl acetate

*Polyvinyl acetate-PVC copolymers

*Polyvinyl acetate copolymers

*Polyvinyl acetate resins

Polyvinyl alcohol resin

Polyvinyl chloride

Polyvinyl chloride, chlorinated

*Polyvinyl ether-maleic anhydride

*Polyvinyl formal resins

*Polyvinylacetate-methacrylic copolymers
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

*Polyvinylacetate acrylic copolymers

*Polyvinylacetate-2-ethylhexylacrylate copolymers

Polyvinylidene chloride

*Polyvinylidene chloride copolymers

*Polyvinylidene-vinyl chloride resins

*PVC copolymers, acrylates (Latex)

*PVC copolymers, ethylene-vinyl chloride

*Rosin derivative resins

*Rosin modified resins

*Rosin resins

*SAN resins

*Silicone resins

*Silicone rubbers

*Styrene-maleic anhydride resins

Styrene polymeric residue

*Styrene-acrylic copolymer resins

*Styrene-acrylonitrile-acrylates copolymers

*Styrene-butadiene resins

*Styrene-butadiene resins (less than 50% butadiene)
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

*Styrene-butadiene*Styrene—*butadiene* resins (Latex)

*Styrene-divinylbenzene*Styrene—*divinyl benzene* resins (ion exchange)

*Styrene-methacrylate*Styrene—*methacrylate* terpolymer resins

*Styrene-methyl*Styrene—*methyl* methacrylate copolymers

*Styrene-butadiene-vinyl*Styrene, *butadiene, vinyl* toluene terpolymers

*Sulfonated* styrene-*maleic* styrene—*maleic* anhydride resins

*Unsaturated polyester resins

*Vinyl toluene resins

*Vinyl toluene-acrylate*toluene—*acrylate* resins

*Vinyl toluene-butadiene*toluene—*butadiene* resins

*Vinyl toluene-methacrylate*toluene—*methacrylate* resins

*Vinyl acetate-n-butylacrylate*acetate—*n-butylacrylate* copolymers

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may above shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may above shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ______________)

Section 307.2404 Thermosetting Resins

a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 28214, thermosetting resins and thermosetting resin groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (*).

*Alkyd resins

Dicyanodiamide resin

*Epoxy resins

*Fumaric acid polyesters

*Furan resins

Glyoxal-urea

Glyoxal—urea formaldehyde textile resin

*Ketone-formaldehyde

Ketone—formaldehyde resins

*Melamine resins

*Phenolic resins

*Polyacetal resins
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Polyacrylamide

*Polyurethane prepolymers

*Polyurethane resins

*Urea formaldehyde resins

*Urea resins

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2405 Commodity Organic Chemicals

a) Applicability. This Section applies to discharges of process wastewater resulting
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

from the manufacture of the products classified under SIC 2865 or 2869, commodity organic chemicals and commodity organic chemical groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (*).

1) Aliphatic organic chemicals

   Acetaldehyde
   Acetic acid
   Acetic anhydride
   Acetone
   Acrylonitrile
   Adipic acid
   1,3-Butadiene
   *Butylenes (Butenes)
   Cyclohexane
   1,2-Dichloroethane
   Ethanol
   Ethylene
   Ethylene glycol
   Ethylene oxide
   Formaldehyde
   Isopropanol
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Methanol
Polyoxypropylene glycol
Propylene
Propylene oxide
Vinyl acetate
1,2-Dichloroethane
1,3-Butadiene

2) Aromatic organic chemicals

Benzene
Cumene
Dimethyl terephthalate
Ethylbenzene
m-Xylene (impure)
p-Xylene
Phenol
*Pitch tar residues
Pyrolysis gasolines
Styrene
Terephthalic acid
Toluene
*Xylenes, mixed
o-Xylene

m-Xylene (impure)
p-Xylene
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) Halogenated organic compounds.

Vinyl chloride

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may above shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may above shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) For discharges of wastewater resulting from the manufacture of butadiene by any process that includes the oxidative dehydrogenation of butene, "new source" means any building, structure, facility or installation the construction of which commenced after December 17, 1973. For other sources, "new source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2406 Bulk Organic Chemicals

a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2865 or 2869, bulk organic chemicals and bulk organic chemical groups, as defined in the Standard.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (*).

1) Aliphatic organic chemicals

| *Acetic acid esters |
| *Acetic acid salts |
| Acetone cyanohydrin |
| Acetylene |
| Acrylic acid |
| *Acrylic acid esters |
| *Alkoxy alkanols |
| n-alkanes |
| *Alkylates *alpha-olefins |
| Butane (all forms) |

2) 1-Butene

| 1,4-Butanediol |
| 2-Butene (cis and trans) |

| n-butyl acetate |
| n-butyl alcohol |
| sec-butyl alcohol |
| tert-butyl alcohol |
| n-butyraldehyde |
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

n-butyric acid

n-butyric anhydride

C4C-4 hydrocarbons (unsaturated)

Calcium stearate

Caprolactam

Carboxymethyl cellulose

Cellulose acetate butyrates

*Cellulose ethers

Cumene hydroperoxide

Cyclohexanol

Cyclohexanol-cyclohexanone (mixed)

Cyclohexanone

Cyclohexene

*C12-C18 primary alcohols (mixed)

*C5 concentrates

*C9 concentrates

Decanol

Diacetone alcohol

*Dicarboxylic acids—salts
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Diethyl ether

Diethylene glycol

Diethylene glycol diethyl ether

Diethylene glycol dimethyl ether

Diethylene glycol monoethyl ether

Diethylene glycol monomethyl ether

*Dimer acids

Dioxane

Ethane

2-Ethylbutyraldehyde

Ethylene glycol monophenyl ether

*Ethoxylates, miscellaneous

Ethylene glycol dimethyl ether

Ethylene glycol monobutyl ether

Ethylene glycol monoethyl ether

Ethylene glycol monomethyl ether

2-Ethylhexanol

Glycerine (synthetic)

Glyoxal

Hexane
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Hexane and other C6 hydrocarbons
Isobutanol

Isobutyl acetate

Isobutylene
Isobutyraldehyde
Isophorone
Isophthalic acid
Isoprene
Isopropyl acetate
Ligninsulfonic acid, calcium salt
Maleic anhydride
Methacrylic acid
*Methacrylic acid esters
Methane
Methyl ethyl ketone
Methyl methacrylate
Methyl tert-butyl ether

Methyl isobutyl ketone n-alkanes n-butyl alcohol n-butyl acetate n-butyraldehyde n-butyric acid n-butyric anhydride n-paraffins n-propyl acetate n-propyl alcohol

Nitrilotriacetic acid
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Nylon salt

*alpha-olefins

Oxalic acid

*Oxo-aldehydes-alcohols

*n-parafins

Pentaerythritol

Pentane

1-Pentene

*Pentenes

*Petroleum sulfonates

Pine oil

Polyoxybutylene glycol

Polyoxyethylene glycol

Propane

Propionaldehyde

Propionic acid

n-propyl acetate

n-propyl alcohol

Propylene glycol sec-butyl alcohol

Sodium formate
NOTICE OF PROPOSED AMENDMENTS

Sorbitol

Stearic acid, calcium salt (wax) tert-butyl alcohol 1-Butene 1-Pentene 1,4-Butanediol Isobutyl acetate 2-Butene (cis and trans) 2-Ethylhexanol 2-Ethylbutyraldehyde

2,2,4-Trimethyl-1, 3-pentanediol

2) Amine and amide organic chemicals 2,4-Diaminotoluene

*Alkyl amines

Aniline

n-butylamine

sec-butylamine

tert-butylamine

Caprolactam, aqueous concentrate

2,4-Diaminotoluene

Diethanolamine

N,N-diethylaniline

2,6-Dimethylaniline

N,N-dimethylformamide

Diphenylamine

*Ethanolamines

Ethylamine

Ethylenediamine
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ethlenediaminetetraacetic acid

*Fatty amines

Hexamethylenediamine

4-(N-Hydroxyethylethylamino)-2-hydroxyethylaniline

Isopropylamine m-Toluidine

Melamine

Melamine crystal

*Methylamines

4,4’-Methylenebis(N,N’-dymethyl)aniline

Methylenedianiline Methylenedianiline

4,4’-Methylenebisaniline butylamine N,N-diethylaniline N,N-diethylformamide

*Nitroanilines

o-Phenylenediamine

1,4-Phenylenediamine dihydrochloride

Polymeric methylene dianiline sec-butylamine tert-butylamine

Toluenediamine (mixture)

m-Toluidine

*Toluidines o-Phenylenediamine 1,4-Phenylenediamine dihydrochloride 2,6-Dimethylaniline 4-(N-Hydroxyethylethylamino)-2-hydroxyethylaniline 4,4’-Methylenebis(N,N’-dimethyl) aniline 4,4’-Methylenedianiline
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) Aromatic organic chemicals, alpha-methylstyrene
   *Alkyl benzenes
   *Alkyl phenols
   *Alkylbenzene sulfonic acids, salts
   Aminobenzoic acid (meta and para) beta-naphthalene sulfonic acid
   Benzenedisulfonic acid
   Benzoic acid
   Bis(2-ethylhexyl)phthalate
   Bisphenol A
   \textbf{BTX-benzene-toluene-xylene} (mixed)
   Butyl octyl phthalate
   \textbf{tert-butylphenol}
   Coal tar
   *Coal tar products (miscellaneous)
   Creosote
   o-cresol
   m-Cresol
   p-Cresol
   *Cresols, mixed
   Cyanuric acid
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Cyclic aromatic sulfonates
Dibutyl phthalate
Diisobutyl phthalate
Diisodecyl phthalate
Diisooctyl phthalate
Dimethyl phthalate

2,4-Dinitrotoluene

2,6-Dinitrotoluene

Dinitrotoluene (mixed)
Ditridecyl phthalate m-Cresol

Metanilic acid
Methylene diphenyldiisocyanate
Naphthalene

*Naphthas, solvent
Nitrobenzene
Nitrotoluene
Nonylphenol
p-Cresol
Phthalic acid
Phthalic anhydride
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

* Tars-pitches
*Tars—pitches tert-butylphenol

*Toluenediisocyanates (mixture)

Trimellitic acid o-cresol

1-Tetralol, 1-tetralone mix 2,4-Dinitrotoluene 2,6-Dinitrotoluene

4) Halogenated organic chemicals

Allyl chloride

Benzyl chloride

Carbon tetrachloride

*Chlorinated paraffins, 35-44% chlorine

Chlorobenzene

*Chlorobenzenes (mixed)

Chlorodifluoroethane

Chloroform

*Chloromethanes

2-Chloro-5-methylphenol (6-Chloro-m-cresol)

*Chlorophenols

Chloroprene

Cyanogen chloride

Cyanuric chloride

1,1-Dichloroethane
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2,4-Dichlorophenol

Dichloropropane

Epichlorohydrin

Ethyl chloride

*Fluorocarbons (Freons)

Methyl chloride

Methylene chloride

Pentachlorophenol

Phosgene

Tetrachloroethylene

1,1,1-Trichloroethane

Trichloroethylene

Trichlorofluoromethane

Vinylidene chloride 1,1-Dichloroethane 1,1,1-Trichloroethane 2,4-Dichlorophenol

5) Other organic chemicals

Adiponitrile

Carbon disulfide

Fatty nitriles

*Organo-tin compounds
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

*Phosphate esters

Tetraethyl lead

Tetramethyl lead

*Urethane prepolymers

*Waxes, emulsions-dispersions

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may above shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may above shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. _____, effective _____________)

Section 307.2407 Specialty Organic Chemicals

a) Applicability. This Section applies to discharges of process wastewater resulting
from the manufacture of any SIC 2865 or 2869 organic chemicals and organic chemical groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, that which are not defined as commodity or bulk organic chemicals in Section 307.2405 or 307.2406.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 414.86 of this Section (1994). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2410 Indirect Discharge Point Sources

a) Applicability. This Section applies to discharge of process wastewater resulting from the manufacture of the OCPSF products and product groups defined by 40 CFR 414.11 (2003)(1994) from any indirect discharge point source.

b) Specialized definitions. None.

c) Existing sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources. All sources are treated as existing sources.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2490  Non-Complexed Metal-Bearing and Cyanide-Bearing Wastestreams


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2491  Complexed Metal-Bearing Wastestreams


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section 307.2501  Aluminum Chloride Production

a) Applicability. This Section applies to discharges resulting from the production of aluminum chloride.

b) Specialized definitions. None.

c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section 
may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2502  Aluminum Sulfate Production

a) Applicability. This Section applies to discharges resulting from the production of aluminum sulfate.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2503  Calcium Carbide Production
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in uncovered furnaces.

b) Specialized definitions. None.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:
   1) The Board incorporates by reference 40 CFR 415.36 \(\text{(2003)(1986)}\). This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2504 Calcium Chloride Production

a) Applicability. This Section applies to discharges resulting from the production of calcium chloride by the brine extraction process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.41 \(\text{(2003)(1986)}\). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:
   1) The Board incorporates by reference 40 CFR 415.46 \(\text{(2003)(1986)}\). This incorporation includes no later amendments or editions.
   2) No person subject to the pretreatment standards incorporated by reference
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2505 Calcium Oxide Production

a) Applicability. This Section applies to discharges resulting from the production of calcium oxide.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2506 Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)

a) Applicability. This Section applies to discharges resulting from the production of chlorine and sodium or potassium hydroxide by the diaphragm cell process or by the mercury cell process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.61
NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 415.64 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2508 Hydrofluoric Acid Production

a) Applicability. This Section applies to discharges resulting from the production of hydrofluoric acid.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2509 Hydrogen Peroxide Production

a) Applicability. This Section applies to discharges resulting from the production of hydrogen peroxide by the electrolytic process or by the oxidation of alkyl hydroanthraquinones.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.91 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources: All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2511 Potassium Metal Production

a) Applicability. This Section applies to discharges resulting from the production of potassium metal.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2512 Potassium Dichromate Production

a) Applicability. This Section applies to discharges resulting from the production of potassium dichromate.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2513 Potassium Sulfate Production
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the production of potassium sulfate.

b) Specialized definitions. None.

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2514 Sodium Bicarbonate Production

a) Applicability. This Section applies to discharges resulting from the production of sodium bicarbonate.

b) Specialized definitions. None.

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2516 Sodium Chloride Production

a) Applicability. This Section applies to discharges resulting from the production of
sodium chloride by the solution brine-mining process or by the solar evaporation
process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.161
(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific
pretreatment requirements of Subpart B of this Part.

d) New sources:

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference
in subsection (d)(1) of this Section may cause, threaten, or allow the
discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2517 Sodium Dichromate and Sodium Sulfate Production

a) Applicability. This Section applies to discharges resulting from the production of
sodium dichromate and by-product sodium sulfate.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.171
(2003)(1986). This incorporation includes no later amendments or editions.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources: These sources **must** comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section **may** cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

**Section 307.2520 Sodium Sulfite Production**

a) Applicability. This Section applies to discharges resulting from the production of sodium sulfite by reacting sulfur dioxide with sodium carbonate.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.201 (2003)-(1986). This incorporation includes no later amendments or editions.

c) Existing sources: These sources **must** comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section **may** cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.
Section 307.2522  Titanium Dioxide Production

a)  Applicability. This Section applies to discharges resulting from the production of titanium dioxide by the sulfate process, the chloride process, or the simultaneous beneficiation-chlorination (chloride-ilmenite) process.


c)  Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d)  New sources:


2)  No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3)  "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

Section 307.2523  Aluminum Fluoride Production

a)  Applicability. This Section applies to discharges resulting from the production of aluminum fluoride.


c)  Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2524 Ammonium Chloride Production

a) Applicability. This Section applies to discharges resulting from the production of ammonium chloride by the reaction of anhydrous ammonia with hydrogen chloride gas or by the recovery process from Solvay process wastes.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources: All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2527 Borax Production

a) Applicability. This Section applies to discharges resulting from the production of borax by the ore mining process or by the Trona process.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2528 Boric Acid Production

a) Applicability. This Section applies to discharges resulting from the production of boric acid from ore-mined borax or from borax produced by the Trona process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.281
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2529  Bromine Production

a) Applicability. This Section applies to discharges resulting from the production of bromine by the brine-mining process or by the Trona process.

b) Specialized definitions. None.

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2530  Calcium Carbonate Production

a) Applicability. This Section applies to discharges resulting from the production of calcium carbonate by the milk of lime process or by the recovery process from Solvay process wastes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.301
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2531 Calcium Hydroxide Production

a) Applicability. This Section applies to discharges resulting from the production of calcium hydroxide by the lime slaking process.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2533 Carbon Monoxide and Byproduct Hydrogen Production

a) Applicability. This Section applies to discharges resulting from the production of carbon monoxide and by-product hydrogen by the reforming process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.331
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2534 Chrome Pigments Production

a) Applicability. This Section applies to discharges resulting from the production of chrome pigments.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

[Source: Amended at 28 Ill. Reg. _______, effective ____________]
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 307.2535  Chromic Acid Production

a) Applicability. This Section applies to discharges resulting from the production of chromic acid in facilities that also manufacture sodium dichromate.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2536  Copper Salts Production

a) Applicability. This Section applies to discharges resulting from the production of copper salts, including the following:

1) Copper sulfate, copper chloride, copper iodide and copper nitrate, and

2) Copper carbonate.


c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2540 Fluorine Production

a) Applicability. This Section applies to discharges resulting from the production of fluorine by the liquid hydrofluoric acid electrolysis process.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2541 Hydrogen Production

a) Applicability. This Section applies to discharges resulting from the production of hydrogen as a refinery by-product.
NOTICE OF PROPOSED AMENDMENTS


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2542  Hydrogen Cyanide Production

a) Applicability. This Section applies to discharges resulting from the production of hydrogen cyanide by the Andrussow process.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2543  Iodine Production

a) Applicability. This Section applies to discharges resulting from the production of iodine.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2544 Lead Monoxide Production

a) Applicability. This Section applies to discharges resulting from the production of lead monoxide.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.441 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2545 Lithium Carbonate Production

a) Applicability. This Section applies to discharges resulting from the production of lithium carbonate by the Trona process or from spodumene ore.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2547 Nickel Salts Production

a) Applicability. This Section applies to discharges resulting from the production of nickel salts, including the following:

1) Nickel sulfate, nickel chloride, nickel nitrate, and nickel fluoborate, and

2) Nickel carbonate.


c) Existing sources.
NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2549 Oxygen and Nitrogen Production

a) Applicability. This Section applies to discharges resulting from the production of oxygen and nitrogen by air liquification.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2550 Potassium Chloride Production

a) Applicability. This Section applies to discharges resulting from the production of potassium chloride by the Trona process or by the mining process.
b) Specialized definitions. None.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

1) The Board incorporates by reference 40 CFR 415.506 (2003). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2551 Potassium Iodide Production

a) Applicability. This Section applies to discharges resulting from the production of potassium iodide.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.511 (2003). This incorporation includes no later amendments or editions.

c) Existing sources These sources must comply with the general and special pretreatment requirements of Subpart B of this Part.

d) New sources All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2553 Silver Nitrate Production

a) Applicability. This Section applies to discharges resulting from the production of silver nitrate.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.531
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.2554 Sodium Bisulfite Production

a) Applicability. This Section applies to discharges resulting from the production of sodium bisulfite.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective __________)
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 307.2555 Sodium Fluoride Production

a) Applicability. This Section applies to discharges resulting from the production of sodium fluoride by the anhydrous neutralization process or by the silico-fluoride process.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2560 Stannic Oxide Production

a) Applicability. This Section applies to discharges resulting from the production of stannic oxide by the reaction of tin metal with air or oxygen.

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2563 Zinc Sulfate Production

a) Applicability. This Section applies to discharges resulting from the production of zinc sulfate.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.
Section 307.2564 Cadmium Pigments and Salts Production

a) Applicability. This Section applies to discharges resulting from the production of cadmium pigments and salts including cadmium chloride, cadmium nitrate and cadmium sulfate.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

Section 307.2565 Cobalt Salts Production

a) Applicability. This Section applies to discharges resulting from the production of cobalt salts.

b) Specialized definitions. The Board incorporates by reference 40 CFR 415.651
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

C) Existing sources.:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

D) New sources.:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2566 Sodium Chlorate Production

A) Applicability. This Section applies to discharges resulting from the production of sodium chlorate.


C) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

D) New sources.:

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2567 Zinc Chloride Production

a) Applicability. This Section applies to discharges resulting from the production of zinc chloride.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART R: SOAP AND DETERGENTS

Section 307.2701 Soap Manufacturing by Batch Kettle

a) Applicability. This Section applies to discharges resulting from operations in which neat soap is produced through saponification of animal and vegetable fats and oils by boiling in kettles.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2702 Fatty Acid Manufacturing by Fat Splitting

a) Applicability. This Section applies to discharges resulting from the splitting of
fats to fatty acids by hydrolysis and the subsequent processing of the fatty acids (e.g., refining and hydrogenation) to produce a suitable feed material for manufacture of soap by fatty acid neutralization.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2703 Soap Manufacturing by Fatty Acid Neutralization

a) Applicability. This Section applies to discharges resulting from the manufacturing of neat soap by neutralizing refined fatty acids with an alkaline material in approximately stoichiometric amounts in batch or continuous operations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.31
NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2704 Glycerine Concentration

a) Applicability. This Section applies to discharges resulting from the concentration of sweet water from saponification or fat splitting to approximately 60 to 80 percent crude glycerine content.


c) Existing sources.

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2705 Glycerine Distillation

a) Applicability. This Section applies to discharges resulting from the production of finished glycerine of various grades (e.g., USP) through concentration from crude glycerine by means of distillation.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources,


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2706 Manufacture of Soap Flakes and Powders

a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of soap flakes and powders, commencing with the drying of the neat soap to and including packaging of the finished flakes and powders.


c) Existing sources,


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2707 Manufacture of Bar Soaps

a) Applicability. This Section applies to discharges resulting from all operations associated with conversion of neat soap to finished bar soaps, including drying, milling, plodding, stamping, and packaging.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
Section 307.2708  Manufacture of Liquid Soaps

a) Applicability. This Section applies to discharges resulting from blending of ingredients employed in the manufacture of liquid soaps and the packaging of the finished products.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2709  Oleum Sulfonation and Sulfation
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfonation and sulfation of raw materials, including but not limited to petroleum derived alkyls, employing oleum in either continuous or batch processes.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfation and sulfonation employing air and sulfur trioxide in either continuous or batch processes.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.101
NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2711  Sulfur Trioxide Solvent and Vacuum Sulfonation

a) Applicability.  This Section applies to discharges resulting from the operations in which undiluted sulfur trioxide and organic reactant are fed through a mixing nozzle into a vacuum reactor where the sulfonation of the organic reactant takes place.


c) Existing sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2712 Sulfamic Acid Sulfation

a) Applicability. This Section applies to discharges resulting from operations in which sulfamic acid is employed as the sulfating agent.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2713 Chlorosulfonic Acid Sulfation

a) Applicability. This Section applies to discharges resulting from sulfation of alcohols, alkylphenols, and alcohol ethoxylates utilizing chlorosulfonic acid as the sulfating agent.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2714 Neutralization of Sulfuric Acid Esters and Sulfonic Acids

a) Applicability. This Section applies to discharges resulting from the continuous or batch neutralization of sulfated and sulfonated alkylbenzenes, alcohols, and other materials to convert them to neutral salts.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.
Section 307.2715 Manufacture of Spray Dried Detergents

a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of spray dried detergents, including but not limited to assembly and storage of raw materials, crutching, spray drying, blending (including tumble spraying or additives), and packaging.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

Section 307.2716 Manufacture of Liquid Detergents

a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of liquid detergents, commencing with the blending of ingredients, to and including bottling or packaging finished products.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2717 Manufacturing of Detergents by Dry Blending

a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by means of the blending of dry ingredients, including, but not limited to, blending and subsequent packaging.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2718 Manufacture of Drum Dried Detergents

a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by drum drying, including, but not limited to, drying of formulations on heated drums or rollers, conversion of dried detergents to powders or flakes, and packaging of finished products.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2719 Manufacture of Detergent Bars and Cakes

a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergent bars and cakes, including, but not limited to, drying, milling, plodding, stamping, and packaging.

b) Specialized definitions. The Board incorporates by reference 40 CFR 417.191
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART S: FERTILIZER MANUFACTURING

Section 307.2801 Phosphate

a) Applicability. This Section applies to discharges resulting from the manufacture of sulfuric acid by sulfur burning, wet process phosphoric acid, normal superphosphate, triple superphosphate, and ammonium phosphate.

b) Specialized definitions. The Board incorporates by reference 40 CFR 418.11 (2003)(1987). This incorporation includes no later amendments or editions.

c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.
d) New sources.

1) The Board incorporates by reference 40 CFR 418.16 (2003)(1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2802 Ammonia

a) Applicability. This Section applies to discharges resulting from the manufacture of ammonia. Discharges attributable to shipping losses and cooling tower blowdown are excluded.

b) Specialized definitions. The Board incorporates by reference 40 CFR 418.21 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________
Section 307.2803 Urea

a) Applicability. This Section applies to discharges resulting from the manufacture of urea. Discharges attributable to shipping losses and precipitation runoff from outside the battery limits of the urea manufacturing operations and cooling tower blowdown are excluded.

b) Specialized definitions. The Board incorporates by reference 40 CFR 418.31 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.2804 Ammonium Nitrate

a) Applicability. This Section applies to discharges resulting from the manufacture of ammonium nitrate.

b) These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.2805 Nitric Acid
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from production of nitric acid in concentrations up to 68 percent. Discharges from shipping losses are excluded.

b) Specialized definitions. The Board incorporates by reference 40 CFR 418.51 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

1) The Board incorporates by reference 40 CFR 418.56 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.2806 Ammonium Sulfate Production

a) Applicability. This Section applies to discharges resulting from the production of ammonium sulfate by the synthetic process or by coke oven byproduct recovery. This Section does not apply to ammonium sulfate produced as a byproduct of caprolactam production.

b) Specialized definitions. The Board incorporates by reference 40 CFR 418.61 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 7, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2807 Mixed and Blend Fertilizer Production

a) Applicability. This Section applies to discharges resulting from the production of mixed fertilizer and blend fertilizer.

b) Specialized definitions. The Board incorporates by reference 40 CFR 418.71 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 7, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART T: PETROLEUM REFINING

Section 307.2901 Topping
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping and catalytic reforming, whether or not the facility includes any other process in addition to topping and catalytic reforming. This Section does not apply to facilities that include thermal processes (coking, vis-breaking, etc.) or catalytic cracking.

b) Specialized definitions. The Board incorporates by reference 40 CFR 419.11 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2902 Cracking

a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping and cracking, whether or not the facility includes any process in addition to topping and cracking. This Section does not apply, however, to facilities that include the processes specified in Sections 307.2903, 307.2904, and 307.2905.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. The Board incorporates by reference 40 CFR 419.21 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 419.27 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.2903 Petrochemical

a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking, and petrochemical operations whether or not the facility includes any process in addition to topping, cracking, and petrochemical operations. This Section does not apply, however, to facilities that include the processes specified in Sections 307.2904 or 307.2905.

b) Specialized definitions. The Board incorporates by reference 40 CFR 419.31 (2003)(1987). This incorporation includes no later amendments or editions.

c) Existing sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)

Section 307.2904 Lube

a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking, and lube oil manufacturing processes, whether or not the facility includes any process in addition to topping, cracking, and lube oil manufacturing processes. The Section does not apply, however, to facilities that include the processes specified in Sections 307.2903 and 307.2905.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
NOTICE OF PROPOSED AMENDMENTS

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.2905 Integrated

a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking, lube oil manufacturing processes, and petrochemical operations, whether or not the facility includes any process in addition to topping, cracking, lube oil manufacturing processes, and petrochemical operations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 419.51 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART V: NONFERROUS METALS MANUFACTURING

Section 307.3100 General Provisions

a) Applicability. This Subpart applies to any facility producing primary metals from ore concentrates or recovering secondary metals from recycle wastes that introduces or may introduce pollutants into a POTW. This Subpart applies only to alloying or casting of hot metal directly from the nonferrous metals manufacturing process without cooling. Remelting followed by alloying or cooling is included in the aluminum forming, nonferrous metals forming, or metal molding and casting categories.

b) This subsection corresponds to 40 CFR 421.2 (1991), marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulations, the U.S. Environmental Protection Agency, in order that the following subsections may maintain a linear correspondence with other federal provisions.


e) Removal credits. The control authority may grant removal credits pursuant to 35 Ill. Adm. Code 310.300 et seq. for toxic metals limited in this Subpart when used as indicator pollutants.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3101 Bauxite Refining
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the refining of bauxite to alumina by the Bayer process or by the combination process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.11 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

1) The Board incorporates by reference 40 CFR 421.16 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3102 Primary Aluminum Smelting

a) Applicability. This Section applies to discharges resulting from the production of aluminum from alumina by the Hall-Herloult process.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3103 Secondary Aluminum Smelting

a) Applicability. This Section applies to discharges resulting from the recovery, processing and remelting of aluminum scrap to produce metallic aluminum alloys.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)  

Section 307.3104 Primary Copper Smelting

a) Applicability. This Section applies to discharges resulting from the primary smelting of copper from ore or ore concentrates. Primary copper smelting includes, but is not limited to, roasting, converting, leaching if preceded by a pyrometallurgical step, slag granulation and dumping, fire refining, and the casting of products from these operations.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3105 Primary Electrolytic Copper Refining

a) Applicability. This Section applies to discharges resulting from the electrolytic refining of primary copper, including, but not limited to, anode casting performed at refineries which are not located on-site with a smelter, product casting, and by-product recovery.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.51
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3106 Secondary Copper

a) Applicability. This Section applies to discharges resulting from the recovery, processing and remelting of new and used copper scrap and residues to produce copper metal and copper alloys; but does not apply to continuous rod casting.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.61 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3107 Primary Lead

a) Applicability. This Section applies to discharges resulting from the production of lead at primary lead smelters and refineries.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.
Section 307.3108 Primary Zinc

a) Applicability. This Section applies to discharges resulting from the production of zinc by either electrolytic or pyrolytic means.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

Section 307.3109 Metallurgical Acid Plants

a) Applicability. This Section applies to discharges resulting from or associated with the manufacture of by-product sulfuric acid at primary smelters, primary copper smelters, primary zinc facilities, primary lead facilities, or primary molybdenum facilities, including associated air pollution control or gas-conditioning systems for sulfur dioxide off-gases from pyrometallurgical
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

operations.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3110 Primary Tungsten

a) Applicability. This Section applies to discharges resulting from the production of tungsten at primary tungsten facilities.


c) Existing sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3111 Primary Columbium-Tantalum

a) Applicability. This Section applies to discharges resulting from the production of columbium or tantalum by primary columbium-tantalum facilities.


c) Existing sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ______________)

Section 307.3112 Secondary Silver

a) Applicability. This Section applies to discharges resulting from the production of silver from secondary silver facilities processing photographic and nonphotographic raw materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.121 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
Section 307.3113 Secondary Lead

a) Applicability. This Section applies to discharges resulting from the production of lead by secondary lead facilities.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3114 Primary Antimony

a) Applicability. This Section applies to discharges resulting from the production of antimony at primary antimony facilities.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3115 Primary Beryllium

a) Applicability. This Section applies to discharges resulting from the production of beryllium by primary beryllium facilities processing beryllium ore concentrates or beryllium hydroxide raw materials.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
"New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3116 Primary and Secondary Germanium and Gallium

a) Applicability. This Section applies to discharges resulting from the production of germanium or gallium from primary or secondary germanium or gallium facilities.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3117 Secondary Indium
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the production of indium at secondary indium facilities processing spent electrolyte solutions and scrap indium raw materials.


c) Existing sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3118 Secondary Mercury

a) Applicability. This Section applies to discharges resulting from the production of mercury from secondary mercury facilities processing recycled mercuric oxide batteries and other mercury containing scrap raw materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.201 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3119 Primary Molybdenum and Rhenium

a) Applicability. This Section applies to discharges resulting from the production of molybdenum and rhenium facilities.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)
Section 307.3120 Secondary Molybdenum and Vanadium

a) Applicability. This Section applies to discharges resulting from the production of molybdenum or vanadium by secondary molybdenum or vanadium facilities.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3121 Primary Nickel and Cobalt

a) Applicability. This Section applies to discharges resulting from the production of nickel or cobalt by primary nickel or cobalt facilities processing ore concentrate raw materials.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3122 Secondary Nickel

a) Applicability. This Section applies to discharges resulting from the production of nickel by secondary nickel facilities processing slag, spent acids or scrap metal raw materials.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

collection of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3123 Primary Precious Metals and Mercury

a) Applicability. This Section applies to discharges resulting from the production of gold, silver, or mercury by primary precious metals and mercury facilities.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3124 Secondary Precious Metals

a) Applicability. This Section applies to discharges resulting from the production of precious metals at secondary precious metals facilities.


c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3125 Primary Rare Earth Metals

a) Applicability. This Section applies to discharges resulting from the production of rare earth metals and mischmetal by primary rare earth metals facilities processing rare earth metal oxides, chlorides, or fluorides.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3126 Secondary Tantalum

a) Applicability. This Section applies to discharges resulting from the production of tantalum at secondary tantalum facilities.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3127 Secondary Tin

a) Applicability. This Section applies to discharges resulting from the production of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

tin at secondary tin facilities utilizing either pyrometallurgical or hydrometallurgical processes to recover tin from secondary materials.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3128 Primary and Secondary Titanium

a) Applicability. This Section applies to discharges resulting from the production of titanium at primary or secondary titanium facilities. Facilities that practice only vacuum distillation for sponge purification and which do not practice electrolytic recovery of magnesium are exempt from regulations. All other primary and secondary titanium facilities are covered by these regulations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.301 (2003)(1986). This incorporation includes no later amendments or editions.
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:

   2) No person subject to the pretreatment standards incorporated by reference in subsection (c) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

   d) New sources:

      2) No person subject to the pretreatment standards incorporated by reference in subsection (d) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

      3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3129 Secondary Tungsten and Cobalt

a) Applicability. This Section applies to discharges resulting from the production of tungsten or cobalt at secondary tungsten or cobalt facilities processing tungsten or tungsten carbide raw materials.


c) Existing sources:

   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3130 Secondary Uranium

a) Applicability. This Section applies to discharges resulting from the production of uranium (including depleted uranium) by secondary uranium facilities.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
Section 307.3131  Primary Zirconium and Hafnium

a) Applicability. This Section applies to discharges resulting from the production of zirconium or hafnium at primary zirconium or hafnium facilities. There are two levels of pretreatment standards for existing and new sources. Facilities that produce zirconium or zirconium/nickel alloys only by magnesium reduction of zirconium dioxide are subject only to the Subpart B provisions of Subpart B of this Part. All other facilities are subject to this Section.

b) Specialized definitions. The Board incorporates by reference 40 CFR 421.331 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section 307.3301 Steam Electric Power Generating

a) Applicability. This Section applies to discharges resulting from operation of a generating unit by an establishment engaged primarily in the generation of electricity for distribution and sale that results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with with a thermal cycle employing the steam water system as the thermodynamic medium.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. The Board incorporates by reference 40 CFR 423.11 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 423.16 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 14, 1980.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART Y: FERROALLOY MANUFACTURING

Section 307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices

a) Applicability. This Section applies to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of the Section are not applicable to noncontact cooling water or to those electric furnaces that which are covered, closed, sealed, or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in Section 301.3402).

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices

a) Applicability. This Section applies to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this Subpart, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered, or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory also includes those non-electric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces that utilize dry dust collection techniques, such as dry baghouses.

b) Specialized definitions. The Board incorporates by reference 40 CFR 424.21
NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3403 Slag Processing

a) Applicability. This Section applies to discharges resulting from slag processing in which either of the following occurs:

1) The residual metal values in the furnace slag are recovered via concentration for return to the furnace; or

2) The slag is "shotted" for further use.

b) Specialized definitions. The Board incorporates by reference 40 CFR 424.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices

a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in covered electric furnaces that use wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered, or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory does not include noncontact cooling water or those furnaces that utilize dry dust collection techniques, such as dry baghouses.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3405 Other Calcium Carbide Furnaces

a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in those covered furnaces that do not utilize wet air pollution control methods. Covered calcium carbide furnaces using wet air pollution control devices are regulated in Section 307.3404. Open (uncovered)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

calcium carbide furnaces are regulated in Subpart P of this Part, Inorganic Chemicals Manufacturing.

b) Specialized definitions. The Board incorporates by reference 40 CFR 424.51 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3406 Electrolytic Manganese Products

a) Applicability. This Section applies to discharges resulting from the manufacture of electrolytic manganese products, such as electrolytic manganese metal or electrolytic manganese dioxide.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3407 Electrolytic Chromium

a) Applicability. This Section applies to discharges resulting from the manufacture of chromium metal by the electrolytic process. It does not apply to the manufacture of chromium metal by aluminothermic or other methods.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
ILLINOIS REGISTER 17682

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART Z: LEATHER TANNING AND FINISHING

Section 307.3500 General Provisions

a) Applicability. This Subpart Z applies to any leather tanning and finishing facility which introduces or may introduce process wastewater pollutants into a POTW.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish

a) Applicability. This Section applies to discharges resulting from any tannery which, either exclusively or in addition to other unhairing and tanning operations, processes raw or cured cattle or cattle-like hides into finished leather by chemically dissolving the hide hair, chrome tanning, and retan-wet finishing.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3502 Hair Save, Chrome Tan, Retan-Wet Finish

a) Applicability. This Section applies to discharges resulting from any tannery that processes raw or cured cattle or cattle-like hides into finished leather by hair save unhairing, chrome tanning and retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish

a) Applicability. This Section applies to discharges resulting from any tannery that processes raw or cured cattle or cattle-like hides into finished leather by hair save or pulp unhairing, vegetable tanning, or alum, syntans, oils, and other agents for tanning and retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3504 Retan-Wet Finish-Sides

a) Applicability. This Section applies to discharges resulting from any tannery that processes previously tanned hides and skins (grade side only) into finished leather by retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3505 No Beamhouse

a) Applicability. This Section applies to discharges resulting from any tannery that processes cattle hides, sheepskins, or splits (hair previously removed and pickled) into finished leather by chrome or non-chrome tanning, and retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources:


   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

   3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3506 Through-the-Blue

a) Applicability. This Section applies to discharges resulting from any tannery that processes raw or cured cattle or cattle-like hides through the blue tanned
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

state by hair pulp unhairing and chrome tanning; no retan-wet finishing is performed.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3507  Shearling

a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured sheep or sheep-like skins with the wool or hair retained into finished leather by chrome tanning and retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources:

d) New sources.

1) The Board incorporates by reference 40 CFR 425.76 (2003). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3508 Pigskin

a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured pigskins into finished leather by chemically dissolving or pulping the hair and tanning with chrome, then retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) New source means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3509 Retan-Wet Finish-Splits

a) Applicability. This Section applies to discharges resulting from any tannery that processes previously unhaired and tanned splits into finished leather by retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

construction of which commenced after July 2, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART BA: GLASS MANUFACTURING

Section 307.3601 Insulation Fiberglass

a) Applicability. This Section applies to discharges resulting from the production of insulation fiberglass in which molten glass is either directly or indirectly made, continuously fiberized, and chemically bonded into a wool-like material.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3602 Sheet Glass Manufacturing

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and other ingredients) are mixed, melted in a furnace, and drawn vertically from a melting tank to form sheet glass.
b) Specialized definitions. The Board incorporates by reference 40 CFR 426.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3603 Rolled Glass Manufacturing

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and other ingredients) are mixed, melted in a furnace and cooled by rollers to form rolled glass.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 28 Ill. Reg. _______, effective _____________)

Section 307.3604  Plate Glass Manufacturing

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and other ingredients) are melted in a furnace, pressed between rollers, and finally ground and polished to form plate glass.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference
NOTICE OF PROPOSED AMENDMENTS

in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3605  Float Glass Manufacturing

a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and other ingredients) are mixed, melted in a furnace, and floated on a molten tin bath to produce float glass.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.51 (2003)-(1994). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3606 Automotive Glass Tempering

a) Applicability. This Section applies to discharges resulting from the processes in which glass is cut and then passed through a series of processes that grind and polish the edges, bend the glass, and then temper the glass to produce side and back windows for automobiles.

b) Specialized definitions. The Board incorporates by reference 40 CFR 426.64 (2003). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 307.3607  Automotive Glass Laminating

a) Applicability. This Section applies to discharges resulting from the processes that laminate a plastic sheet between two layers of glass, or which prepare the glass for lamination such as cutting, bending, and washing, to produce automobile windshields.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3608  Glass Container Manufacturing

a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3610 Glass Tubing (Danner) Manufacturing

a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and glass tubing mechanically drawn from the furnace horizontally by means of the Danner process, which requires the intermittent quenching of cullet.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

construction of which commenced after August 21, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3611 Television Picture Tube Envelope Manufacturing

a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed into television picture tube envelopes.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3612 Incandescent Lamp Envelope Manufacturing

a) Applicability. This Section applies to discharges resulting from the processes by which either of the following occurs:

1) Raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes; or

2) Incandescent lamp envelopes are etched with hydrofluoric acid to produce

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3613  Hand Pressed and Blown Glass Manufacturing

a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed by hand into pressed or blown glassware. This includes those plants in which any of the following occurs:

1) Produce leaded glass and employ hydrofluoric acid finishing techniques;

2) Produce non-leaded glass and employ hydrofluoric acid finishing techniques; or

3) Produce leaded or non-leaded glass and do not employ hydrofluoric acid finishing techniques.

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:
2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART BB: ASBESTOS MANUFACTURING

Section 307.3701 Asbestos-Cement Pipe

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement pipe.


c) Existing sources:
2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3702 Asbestos-Cement Sheet

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this Section.

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.21 (2003)-(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3703 Asbestos Paper (Starch Binder)

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, starch binders, and other ingredients are used in the manufacture of asbestos paper (starch binder).

b) Specialized definitions. The Board incorporates by reference 40 CFR 427.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources,.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources,.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3704 Asbestos Paper (Elastomeric Binder)

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, elastomeric binder, and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3705 Asbestos Millboard
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime, and mineral wool are used in the manufacture of asbestos millboard.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3706 Asbestos Roofing

a) Applicability. This Section applies to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) Existing sources.:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________ )

Section 307.3707 Asbestos Floor Tile

a) Applicability. This Section applies to discharges resulting from the process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone, and other fillers are used in the manufacture of asbestos floor tile.


c) Existing sources.:

NOTICE OF PROPOSED AMENDMENTS

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3708 Coating or Finishing of Asbestos Textiles

a) Applicability. This Section applies to discharges resulting from the process of coating or impregnating asbestos textiles with materials that impart specific desired qualities to the finished product.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3709 Solvent Recovery

a) Applicability. This Section applies to discharges resulting from the process of solvent recovery in the manufacture of asbestos products.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3710 Vapor Absorption

a) Applicability. This Section applies to discharges resulting from the removal of volatilized organic materials from atmospheric emissions by means of wet scrubbers.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 28 Ill. Reg. __________, effective _____________)

Section 307.3711 Wet Dust Collection

a) Applicability. This Section applies to discharges resulting from the removal of dust (particulates) from atmospheric emissions by means of wet scrubbers.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART BC: RUBBER MANUFACTURING

Section 307.3801 Tire and Inner Tube Plants

a) Applicability. This Section applies to discharges resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3802 Emulsion Crumb Rubber

a) Applicability. This Section applies to discharges resulting from the manufacture of emulsion crumb rubber, other than acrylonitrilebutadiene rubber.
NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.21 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3803 Solution Crumb Rubber

a) Applicability. This Section applies to discharges resulting from the manufacture of crumb rubber.

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.31 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3804 Latex Rubber

a) Applicability. This Section applies to discharges resulting from the manufacture of latex rubber.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3805 Small-Sized General Molded, Extruded and Fabricated Rubber Plants

a) Applicability. This Section applies to discharges resulting from the production of molded, extruded, or fabricated rubber products; foam rubber backing, rubber cement-dipped goods; or retreaded tires by small-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and those discharges from textile plants subject to Subpart K of this Part.

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.51 (2003). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3806 Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants

a) Applicability. This Section applies to discharges resulting from the production of molded, extruded, or fabricated rubber products; foam rubber backing, rubber cement-dipped goods or retreaded tires by medium-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to the provisions of Subpart K of this Part.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3807 Large-Sized General Molded, Extruded, and Fabricated Rubber Plants

a) Applicability. This Section applies to discharges resulting from the production of molded, extruded, or fabricated rubber products; foam rubber backing, rubber cement-dipped goods or retreaded tires by large-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Subpart K of this Part.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3808 Wet Digestion Reclaimed Rubber

a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber by use of the wet digestion process.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. , effective )

Section 307.3809 Pan, Dry Digestion, and Mechanical Reclaimed Rubber

a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber except when produced by the wet digestion process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 428.91 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. , effective )

Section 307.3810 Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber

a) Applicability. This Section applies to discharges resulting from the manufacture of latex-dipped, latex-extruded, or latex-molded products with the exception of discharges from textile plants subject to Subpart K of this Part.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3811 Latex Foam

a) Applicability. This Section applies to discharges resulting from the manufacture of latex foam except for discharges from textile plants subject to Subpart K of this Part.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section 307.3900 General Provisions

a) Applicability. This Subpart BD applies to any timber products processing operation, any plant producing insulation board with wood as the major raw material, which introduces or may introduce process wastewater pollutants into a POTW.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3901 Barking

a) Applicability. This Section applies to discharges resulting from the barking of logs by plants in SIC (Standard Industrial Classification, as defined in 35 Ill. Adm. Code 310.110) major group 24, or from plants producing insulation board (SIC group 2661), as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources

1) The Board incorporates by reference 40 CFR 429.26 \(2003\)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3902 Veneer

a) Applicability. This Section applies to discharges resulting from any plant that manufactures veneer and does not store or hold raw materials in wet storage conditions.

b) Specialized definitions. None.

c) Existing sources

1) The Board incorporates by reference 40 CFR 429.35 \(2003\)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources

1) The Board incorporates by reference 40 CFR 429.36 \(2003\)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3903 Plywood

a) Applicability. This Section applies to discharges resulting from any plywood production plant that does not store or hold raw materials in wet storage conditions.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3904 Dry Process Hardboard
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from any plant that produces hardboard products using the dry matting process for forming the board mat.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3905 Wet Process Hardboard

a) Applicability. This Section applies to discharges resulting from any plant that produces hardboard products using the wet matting process for forming the board mat.

b) Specialized definitions. None.

c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.3906 Wood Preserving-Water Borne or Nonpressure

a) Applicability. This Section applies to discharges resulting from all nonpressure wood preserving treatment processes or all pressure wood preserving treatment processes employing water borne inorganic salts.

b) Specialized definitions. None.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 429.75 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3907 Wood Preserving-Steam

a) Applicability. This Section applies to discharges resulting from wood-preserving processes that use direct steam impingement on wood as the predominant conditioning method, processes that use the vapor drying process as the predominant conditioning method, direct steam conditioning processes that use the same retort to treat both salt and oil type preservatives or steam conditioning processes that apply both salt type and oil type preservatives to the same stock.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3908 Wood Preserving-Boulton

a) Applicability. This Section applies to discharges resulting from wood preserving operations which use the Boulton process as the predominant method of conditioning stock.

b) Specialized definitions. None.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 429.95 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3909 Wet Storage

a) Applicability. This Section applies to discharges resulting from the storage of
unprocessed wood, i.e., the storage of logs or roundwood before or after removal of bark in self-contained bodies of water (mill ponds or log ponds), or the storage of logs or roundwood on land during which water is sprayed or deposited intentionally on the logs (wet decking).

b) Specialized definitions. None.

c) Existing sources : 


2) No person subject to the pretreatment standards incorporated by reference in subsection (c) (1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources :


2) No person subject to the pretreatment standards incorporated by reference in subsection (d) (1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective _____________.

Section 307.3910 Log Washing

a) Applicability. This Section applies to discharges resulting from the log washing process in which water under pressure is applied to logs for the purpose of removing foreign material from the surface of the log before further processing.

b) Specialized definitions. None.

c) Existing sources : 

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3911 Sawmills and Planing Mills

a) Applicability. This Section applies to discharges resulting from the timber products processing procedures that include all or part of the following operations: bark removal (other than hydraulic barking as defined in Section 307.3901), sawing, resawing, edging, trimming, planing, and machining.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 27 Ill. Reg. , effective )

Section 307.3912 Finishing

a) Applicability. This Section applies to discharges resulting from the drying, planing, dipping, staining, end coating, moisture proofing, fabrication, or by-product utilization timber processing operations not otherwise covered by specific guidelines and standards.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3913 Particleboard Manufacturing

a) Applicability. This Section applies to discharges resulting from any plant that manufactures particleboard.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3914 Insulation Board

a) Applicability. This Section applies to discharges resulting from plants that produce insulation board using wood as the primary raw material. Specifically excluded from this Section is the manufacture of insulation board from the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

primary raw material bagasse.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.3915 Wood Furniture and Fixture Production without Water Wash Spray Booth(s) or without Laundry Facilities

a) Applicability. This Section applies to discharges resulting from the manufacture of wood furniture and fixtures at the following establishments that:

1) Those that do not utilize water wash spray booths to collect and contain the overspray from spray application of finishing materials; and

2) Those that do not maintain on-site laundry facilities for fabric utilized in various finishing operations.

b) Specialized definitions. None.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

a) Applicability. This Section applies to discharges resulting from the manufacture of wood furniture and fixtures at establishments that do either of the following:

1) Those that utilize water wash spray booths to collect and contain the overspray from spray application of finishing materials; or

2) Those that utilize on-site laundry facilities for fabric utilized in various finishing operations.

b) Specialized definitions. None.

c) Existing sources:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

   d) New sources:


      2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

      3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section 307.4000 General Provisions

a) Applicability. This Subpart BE applies to any pulp, paper, or paperboard mill that introduces or may introduce process wastewater pollutants into a publicly owned treatment works (POTW).

b) General definitions. The Board incorporates by reference 40 CFR 430.01 (2003)(2002). This incorporation includes no later amendments or editions.


d) Best management practices. The Board incorporates by reference 40 CFR 430.03 (2003)(2002). This incorporation includes no later amendments or editions.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 307.4003 Unbleached Kraft

a) Applicability. This Section applies to discharges resulting from any of the following: the production of pulp and paper at unbleached kraft mills, the production of pulp and paper at unbleached kraft-neutral sulfite semi-chemical (cross recovery) mills, and the production of pulp and paper at combined unbleached kraft and semi-chemical mills, wherein the spent semi-chemical cooking liquor is burned within the unbleached kraft chemical recovery system.

b) Specialized definitions. The Board incorporates by reference 40 CFR 430.31 (2003)(2002). This incorporation includes no later amendments or editions.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 430.36 (2003)(2002). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 430.37 (2003)(2002). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4005 Papergrade Sulfite

a) Applicability. This Section applies to discharges resulting from any of the following: the integrated production of pulp and paper at papergrade sulfite mills
where blow pit pulp washing techniques are used; and the integrated production of pulp and paper at papergrade sulfite mills where vacuum or pressure drums are used to wash pulp.

b) Specialized definitions. The Board incorporates by reference 40 CFR 430.51 (2003)(2002). This incorporation includes no later amendments or editions.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 430.56 (2003)(2002). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 430.57 (2003)(2002). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4010 Secondary Fiber Non-Deink

a) Applicability. This Section applies to discharges resulting from the production of any of the following: paperboard from wastepaper, tissue paper from wastepaper without deinking at secondary fiber mills, molded products from wastepaper without deinking at secondary fiber mills, and builders' paper and roofing felt from wastepaper.

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.4011 Fine and Lightweight Papers from Purchased Pulp

a) Applicability. This Section applies to discharges resulting from the production of any of the following: fine paper at non-integrated mills; and lightweight paper at non-integrated mills.

b) Specialized definitions. The Board incorporates by reference 40 CFR 430.111 (2003)(2002). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources.

1) The Board incorporates by reference 40 CFR 430.117 (2003)(2002). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART BG: MEAT PRODUCTS

Section 307.4201 Simple Slaughterhouse

a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by simple slaughterhouses.


c) Existing sources.  


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.  

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.4202 Complex Slaughterhouse

a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by complex slaughterhouses.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.4203 Low-Processing Packinghouse

a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses in whole or part, by low-processing packinghouses.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.4204 High-Processing Packinghouse

a) Applicability. This Section applies to discharges resulting from the production of
red meat carcasses, in whole or part, by high-processing packinghouses.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 28 Ill. Reg. ______, effective ______________)

Section 307.4205  Small Processor

a) Applicability. This Section applies to discharges resulting from the production of finished meat products such as fresh meat cuts, smoked products, canned products, hams, sausages, luncheon meats, or similar products by a small processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.51 (2003)(1994). This incorporation includes no later amendments or editions.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.4206 Meat Cutter

a) Applicability. This Section applies to discharges resulting from the fabrication or manufacture of fresh meat cuts such as steaks, roasts, chops, etc. by a meat cutter.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.61 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

construction of which commenced after August 28, 1974.

(Source: Amended at 28 Ill. Reg. _____, effective _____________)

Section 307.4207 Sausage and Luncheon Meats Processor

a) Applicability. This Section applies to discharges resulting from the manufacture of fresh meat cuts, sausage, bologna, and other luncheon meats by a sausage and luncheon meat processor.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 28 Ill. Reg. _____, effective _____________)

Section 307.4208 Ham Processor

a) Applicability. This Section applies to discharges resulting from the manufacture of hams alone or in combination with other finished products by a ham processor.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources *shall* comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4209 Canned Meats Processor

a) Applicability. This Section applies to discharges resulting from the manufacture of canned meats, alone or in combination with any other finished products, by a canned meats processor.

b) Specialized definitions. The Board incorporates by reference 40 CFR 432.91 *(2003)(1994)*. This incorporation includes no later amendments or editions.

c) Existing sources. These sources *shall* comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4210  Renderer

a) Applicability. This Section applies to discharges resulting from the manufacture of meat meal, dried animal by-product residues (tankage), animal oils, grease and tallow, perhaps including hide curing, by a renderer.


c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART BH: METAL FINISHING

Section 307.4300  General Provisions

a) Applicability. Except as provided in subsections (a)(3) or (a)(4) of this Section, this Subpart BH applies to discharges resulting from plants that perform on any basis material any of the six metal finishing operations listed in subsection (a)(1) of this Section. If any of those six operations are present, then
this Subpart BH applies also to discharges from the forty process operations specified in subsection (a)(2) of this Section.

1) Six metal finishing operations: Electroplating, electroless plating, anodizing, coating (chromating, phosphating, and coloring), chemical etching and milling, and printed circuit board manufacture.

2) Forty additional process operations: Cleaning, machining, grinding, polishing, tumbling, burnishing, impact deformation, pressure deformation, shearing, heat treating, thermal cutting, welding, brazing, soldering, flame spraying, sand blasting, other abrasive jet machining, electric discharge machining, electrochemical machining, electron beam machining, laser beam machining, plasma arc machining, ultrasonic machining, sintering, laminating, hot dip coating, sputtering, vapor plating, thermal infusion, salt bath descaling, solvent degreasing, paint stripping, painting, electrostatic painting, electropainting, vacuum metalizing, assembly, calibration, testing, and mechanical plating.

3) Exclusions: This Subpart BH does not apply if there are pretreatment standards that are effective and applicable for the following industrial categories:

A) Nonferrous metal smelting and refining (Subpart V of this Part);
B) Coil coating (Subpart CN of this Part);
C) Porcelain enameling (Subpart CO of this Part);
D) Battery manufacturing (Subpart CJ of this Part);
E) Iron and steel (Subpart U of this Part);
F) Metal casting foundries (Subpart CM of this Part);
G) Aluminum forming (Subpart CP of this Part);
H) Copper forming (Subpart CQ of this Part);
I) Plastic molding and forming (Subpart CL of this Part);
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

J) Nonferrous forming (Subpart CT of this Part); and

K) Electrical and electronic components (Subpart CR of this Part).

4) This Subpart BH does not apply to the following:

A) Metallic platemaking and gravure cylinder preparation conducted within or for printing and publishing facilities; and

B) Existing indirect discharging job shops and independent printed circuit board manufacturers that which are covered by Subpart N of this Part.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4301 Metal Finishing

a) Existing sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (a)(1) of this Section may shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

b) New sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (b)(1) of this Section may shall cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 31, 1982.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART BL: CENTRALIZED WASTE TREATMENT

Section 307.4700  General Provisions

a) Applicability.


2) This Subpart BL applies to that portion of wastewater discharges from a centralized waste treatment facility that results from any of the following activities, as defined in the materials incorporated by reference in subsection (a)(1) of this Section:

A) Treatment and recovery of hazardous or non-hazardous industrial metal-bearing wastes, oily wastes, and organic-bearing wastes received from off-site; and

B) The treatment of centralized waste treatment wastewater.


c) General pretreatment standards. Any source subject to this Subpart BL Section that introduces process wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.4701  Metals Treatment and Recovery
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of metals from, both metal-bearing wastes received from off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of metal-bearing wastes. The Board incorporates by reference 40 CFR 437.10 (2003)(1999), as amended at 65 Fed. Reg. 81242, December 22, 2000. This incorporation includes no later amendments or editions.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b)(I) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1)(c)(I) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.4702 Oils Treatment and Recovery

a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of oil from both oily wastes received from off-site and other centralized...
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


b) Specialized definitions. None.

cb) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

de) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. _______, effective ___________)

Section 307.4703 Organics Treatment and Recovery

a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of organic material from both organic wastes received from off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of, organic wastes. The Board incorporates by reference 40 CFR 437.30 (2003)(1999), as amended at 65 Fed. Reg. 81242, December 22, 2000. This incorporation includes no later amendments or editions.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. None.

cb) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

dc) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1)(e)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4704 Multiple Wastestreams

a) Applicability. Facilities that treat wastes subject to more than one of the previous Sections in this Subpart BL must comply with either the provisions of this Section or the applicable provisions of Section 307.4701, 307.4702, or 307.4703. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from mixing any combination of treated or untreated waste otherwise subject to Section 307.4701, 307.4702, or 307.4703. The Board incorporates by reference 40 CFR 437.40 (2003)(1999), as amended at 65 Fed. Reg. 81242, December 22, 2000. This incorporation includes no later amendments or editions.

b) Specialized definitions. None.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

cb) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1)(e)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section 307.4900 General Provisions

a) Applicability. This Subpart BN applies to any pharmaceutical manufacturing facility which introduces or may introduce process wastewater pollutants into a POTW.


NOTICE OF PROPOSED AMENDMENTS

Section 307.4901 Fermentation Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by fermentation.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.
Section 307.4902 Extraction Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by extraction.

b) Specialized definitions. The Board incorporates by reference 40 CFR 439.21 (2003)(1999). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

Section 307.4903 Chemical Synthesis Products

a) Applicability. This Section applies to discharges resulting from the manufacture of pharmaceuticals by chemical synthesis.

b) Specialized definitions. The Board incorporates by reference 40 CFR 439.31
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1999). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.4904 Mixing/Compounding and Formulation

a) Applicability. This Section applies to discharges resulting from mixing/compounding and formulation operations of pharmaceutical products.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section 307.5200 General Provisions

a) Applicability.


2) This Subpart BQ applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum, or food grade cargos, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.


c) General pretreatment standards. Any source subject to this Subpart BQ that introduces process wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Code 310.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos

a) Applicability. This Section applies to discharges resulting from the cleaning of tank trucks and intermodal tank containers that have been used to transport chemical or petroleum cargos.

b) Specialized definitions. None.

cb) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

dc) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1)(e) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos

a) Applicability. This Section applies to discharges resulting from the cleaning of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

rail tank cars that have been used to transport chemical or petroleum cargos.

b) Specialized definitions. None.

cb) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

dc) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1)(c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos

a) Applicability. This Section applies to discharges resulting from the cleaning of tank barges or ocean/sea tankers that have been used to transport chemical or petroleum cargos.

b) Specialized definitions. None.

cb) Existing sources:

1) The Board incorporates by reference 40 CFR 442.35 (2003)(1999), as
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

amended at 65 Fed. Reg. 49666, August 14, 2000. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1)(b)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

de) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1)(e)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.5204 Tanks Transporting Food Grade Cargos

This Section applies to discharges resulting from the cleaning of tank trucks, intermodal tank containers, rail tank cars, tank barges and ocean/sea tanker that have been used to transport food grade cargos. If wastewater generated from cleaning tanks used to transport food grade cargos is mixed with wastewater resulting from cleaning tanks used to transport chemical or petroleum cargos, then the combined wastewater is subject to the provisions established for the corresponding tanks in Sections 307.5201, 307.5202, or 307.5203.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section 307.5301 Asphalt Emulsion

a) Applicability. This Section applies to discharges resulting from the production of asphalt paving and roofing emulsions.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.11
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.5302 Asphalt Concrete

a) Applicability. This Section applies to discharges resulting from the production of asphalt concrete.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 28 Ill. Reg. _____, effective ______________)

Section 307.5303 Asphalt Roofing

a) Applicability. This Section applies to discharges resulting from the production of asphalt roofing materials.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 28 Ill. Reg. _____, effective ______________)

Section 307.5304 Linoleum and Printed Asphalt Felt

a) Applicability. This Section applies to discharges resulting from the production of linoleum and printed asphalt felt floor coverings.

b) Specialized definitions. The Board incorporates by reference 40 CFR 443.41 (2003)(1994). This incorporation includes no later amendments or editions.
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources **must** comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART BS: WASTE COMBUSTORS

Section 307.5401 Commercial Hazardous Waste Combustor

a) Applicability.


2) This Section applies to discharges of wastewater that are associated with Commercial Hazardous Waste Combustor wastewater, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

e) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (e)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART BT: LANDFILLS

Section 307.5500 General Provisions

a) Applicability.


2) This Section applies to discharges of wastewater from landfill units, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) General Pretreatment Standards. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of this Part 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)

Section 307.5501 RCRA Subtitle C Hazardous Waste Landfill


b) Existing sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

c) New sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)

Section 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill


b) Existing sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) New sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)

SUBPART BU: PAINT FORMULATING

Section 307.5601 Oil-Base Solvent Wash Paint

a) Applicability. This Section applies to discharges resulting from the production of oil-base paint where the tank cleaning is performed using solvents.

b) Specialized definitions. The Board incorporates by reference 40 CFR 446.11 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after February 26, 1975.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)

SUBPART BV: INK FORMULATING

Section 307.5701 Oil-Base Solvent Wash Ink

a) Applicability. This Section applies to discharges resulting from the production of oil-base ink where the tank washing system uses solvents.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 26, 1975.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CD: PESTICIDE CHEMICALS

Section 307.6500 General Provisions


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.6501 Organic Pesticide Chemicals Manufacturing

a) Applicability.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) This Section applies to discharges resulting from any plant which manufactures organic pesticide chemicals, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.

b) Specialized definitions. The Board incorporates by reference 40 CFR 455.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources.:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.:

1) The Board incorporates by reference 40 CFR 455.27 (2003)(1994). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing

a) Applicability. This Section applies to discharges resulting from the manufacture of metallo-organic active ingredients containing mercury, cadmium, arsenic, or copper. The manufacture of the intermediates used to manufacture the active ingredients are excluded from this Section.

b) Specialized definitions. The Board incorporates by reference 40 CFR 455.31 (2003)(1994). This incorporation includes no later amendments or editions.
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources. These sources shall comply with the general and specific pretreatment requirements of 307. Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.6503 Pesticide Chemicals Formulating and Packaging

a) Applicability.


2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in subsection (a)(1) of this Section.

b) Specialized definitions. The Board incorporates by reference 40 CFR 455.41 (2003), as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in section subsection (c)(1) of this Section shall cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 455.46 (2003), as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) New source means any building, structure, facility, or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

a) Applicability.


2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in subsection (a)(1) of this Section.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in section (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 455.66 (2003) as added at
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) New source means any building, structure, facility, or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CG: CARBON BLACK MANUFACTURING

Section 307.6801 Carbon Black Furnace Process

a) Applicability. This Section applies to discharges resulting from production of carbon black by the furnace process.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 307.6802  Carbon Black Thermal Process

a) Applicability. This Section applies to discharges resulting from the production of carbon black by the thermal process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 458.21 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.6803  Carbon Black Channel Process

a) Applicability. This Section applies to discharges resulting from the production of carbon black by the channel process.

b) Specialized definitions. The Board incorporates by reference 40 CFR 458.31 (2003)(1994). This incorporation includes no later amendments or editions.

c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:

NOTICE OF PROPOSED AMENDMENTS

amended at 60 Fed. Reg. 33926 effective June 29, 1995. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.6804 Carbon Black Lamp Process

a) Applicability. This Section applies to discharges resulting from the production of carbon black by the lamp process.


c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART CJ: BATTERY MANUFACTURING
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 307.7100 General Provisions

a) Applicability. This Subpart CJ applies to any battery manufacturing plant that introduces or may introduce process wastewater pollutants into a POTW. Battery manufacturing operations regulated under this Subpart CJ are not subject to Subparts N or AH of this Part.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7101 Cadmium

a) Applicability. This Section applies to discharges resulting from the manufacturing of cadmium anode batteries.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference
NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7102 Calcium

a) Applicability. This Section applies to discharges resulting from manufacturing calcium anode batteries.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7103 Lead

a) Applicability. This Section applies to discharges resulting from the manufacturing of lead anode batteries.

b) Specialized definitions. None.

c) Existing sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7104 Leclanche

a) Applicability. This Section applies to discharges resulting from manufacturing Leclanche type batteries (zinc anode batteries with acid electrolyte).

b) Specialized definitions. None.

c) Existing sources.  


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
d) New sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7105  Lithium

a) Applicability. This Section applies to discharges resulting from the manufacturing of lithium anode batteries.

b) Specialized definitions. None.

c) Existing sources,‡ These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7106  Magnesium
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the manufacturing of magnesium anode batteries.

b) Specialized definitions. None.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 461.64 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.7107 Zinc

a) Applicability. This Section applies to discharges resulting from the manufacturing of zinc anode batteries.

b) Specialized definitions. None.

c) Existing sources.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 461.75 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CL: PLASTICS MOLDING AND FORMING

Section 307.7300 General Provisions

a) Applicability.

1) This Subpart CL applies to any plastics molding and forming process that introduces or may introduce process wastewater pollutants into a POTW. Plastics molding and forming processes include processes that blend, mold, form, or otherwise process plastic materials into intermediate or final plastic products. They include commonly recognized processes such as extrusion, molding, coating and laminating, thermoforming, calendering, casting, foaming, cleaning, and finishing.

2) Plastics molding and forming processes (e.g., extrusion and pelletizing) used by plastics resin manufacturers to process crude intermediate plastic material for shipment off-site are excluded from this regulation and regulated under the organic chemicals, plastics, and synthetic fibers category. Plastics molding and forming processes used by plastic resin manufacturers to process crude intermediate plastic materials, which are further processed on-site into intermediate or final plastics products in molding and forming processes, are controlled by this Subpart CL.
3) Processes that coat a plastic material onto a substrate may fall within the definition of electroplating and metal finished as defined in Subpart N or AH of this Part. These coating processes are excluded from the electroplating and metal finishing point source categories and are subject to this Subpart CL.

4) Coating of plastic material onto a formed metal substrate is also covered by this Subpart and is not covered by the specific metal forming guidelines such as aluminum forming, copper forming and nonferrous metals forming (Subparts BP, BQ, and BT of this Part). This Subpart CL applies only to the coating process; the metal forming operations are subject to the specific metal forming regulation.

5) Research and development laboratories that produce plastic products using a plastics molding and forming process are subject to this Subpart CL if the plastics molding and forming process discharges process water. The mass of plastic product produced in the plastics molding and forming process is not considered when determining the applicability of this Subpart CL to plastics molding and forming processes at research and development laboratories.

6) Chemical and thermal reticulation processes for polyurethane foam are not subject to this Subpart CL. Water used in those processes is not considered to be process water as defined in this regulation. Processes used to further mold or form the reticulated foam are subject, however, to this regulation if they discharge process water.

7) Processes used to regenerate cellulose and to produce a product (e.g., rayon) from the regenerated cellulose are not subject to the limitations and standards in this Subpart. Processes that mold or form cellulose derivatives (e.g., cellulose acetate) are subject to this Subpart CL if they discharge process water.


c) Monitoring requirements. The Board incorporates by reference 40 CFR 463.3 (2003)(1986). This incorporation includes no later amendments or editions.
Section 307.7301  Contact Cooling and Heating Water

a)  Applicability. This Section applies to introduction into POTWs of pollutants resulting from processes in the contact cooling and heating water subcategory. Processes in the contact cooling and heating water subcategory are processes where process water comes in contact with plastic materials or plastic products for the purpose of heat transfer during plastics molding and forming.

b)  Specialized definitions. The Board incorporates by reference 40 CFR 463.11 (2003)(1986). This incorporation includes no later amendments or editions.

c)  Existing sources.


2)  No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d)  New sources.

1)  The Board incorporates by reference 40 CFR 463.16 (2003)(1986). This incorporation includes no later amendments or editions.

2)  No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3)  "New source" means any building, structure, facility, or installation the construction of which commenced after February 15, 1984.

Section 307.7302  Cleaning Water

a)  Applicability. This Section applies to introduction into POTWs of pollutants resulting from processes in the cleaning water subcategory. Processes in the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

cleaning water subcategory are processes where water comes in contact with the plastic product for the purpose of cleaning the surface of the product and where water comes in contact with shaping equipment, such as molds and mandrels, that contact the plastic material for the purpose of cleaning the equipment surfaces.

b) Specialized definitions. The Board incorporates by reference 40 CFR 463.21 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 15, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7303  Finishing Water

a) Applicability. This Section applies to introduction into POTWs of pollutants resulting from processes in the finishing water subcategory. Processes in the finishing water subcategory are processes where water comes in contact with the plastic product during finishing.

b) Specialized definitions. The Board incorporates by reference 40 CFR 463.31 (2003)(1986). This incorporation includes no later amendments or editions.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after February 15, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CM: METAL MOLDING AND CASTING

Section 307.7400 General Provisions

a) Applicability. This Subpart CM applies to metal molding and casting facilities that which introduce or may introduce process wastewater pollutants into a POTW.

b) General definitions. The Board incorporates by reference 40 CFR 464.02 (2003)(1986). This incorporation includes no later amendments or editions.

c) Monitoring requirements. The Board incorporates by reference 40 CFR 464.03 (2003)(1986). This incorporation includes no later amendments or editions.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7401 Aluminum Casting

a) Applicability. This Section applies to discharges resulting from aluminum casting operations, as defined in 40 CFR 464.02.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7402 Copper Casting

a) Applicability. This Section applies to discharges resulting from copper casting operations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 464.21
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7403 Ferrous Casting

a) Applicability. This Section applies to discharges resulting from ferrous casting operations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 464.31 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.7404 Zinc Casting

a) Applicability. This Section applies to discharges resulting from zinc casting operations.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the
   construction of which commenced after November 15, 1982.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART CN: COIL COATING

Section 307.7500 General Provisions

a) Applicability. This Subpart CN applies to any coil coating facility or to any canmaking facility that which introduces or may introduce process wastewater pollutants into a POTW.

b) General definitions. The Board incorporates by reference 40 CFR 465.02 (2003)(1986). This incorporation includes no later amendments or editions.

c) Monitoring requirements. The Board incorporates by reference 40 CFR 465.03 (2003)(1986). This incorporation includes no later amendments or editions.


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.7501 Steel Basis Material

a) Applicability. This Section applies to discharges resulting from coil coating of steel basis material coils.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may shall cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 12, 1981.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.7502 Galvanized Basis Material

a) Applicability. This Section applies to discharges resulting from coil coating of galvanized basis material coils.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 12, 1981.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.7503 Aluminum Basis Material

a) Applicability. This Section applies to discharges resulting from coil coating of aluminum basis material coils.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 12, 1981.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.7504 Canmaking

a) Applicability. This Section applies to discharges resulting from the manufacturing of seamless can bodies, which are washed.
b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 10, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CO: PORCELAIN ENAMELING

Section 307.7600 General Provisions

a) Applicability.

1) Except as provided in subsection subsection (a)(2) or (a)(3) of this Section, this Subpart CO applies to any porcelain enameling facility that introduces or may introduce process wastewater pollutants into a POTW.

2) Any existing porcelain enameling facility that prepares or coats less than 1600 square meters per day and which introduces less than 60,000 liters per day of wastewater into a POTW is not controlled by the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pretreatment standards for existing sources in this Subpart. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

3) This Subpart CO does not apply to porcelain enameling on precious metal basis material.

b) General definitions. The Board incorporates by reference 40 CFR 466.02 (2003)(1986). This incorporation includes no later amendments or editions.

c) Monitoring requirements. The Board incorporates by reference 40 CFR 466.03 (2003)(1986). This incorporation includes no later amendments or editions.


(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 307.7601 Steel Basis Material

a) Applicability. This Section applies to discharges resulting from porcelain enameling on steel basis materials.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7602 Cast Iron Basis Material

a) Applicability. This Section applies to discharges resulting from porcelain enameling of cast iron basis materials.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7603 Aluminum Basis Material
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from porcelain enameling of aluminum basis materials.

b) Specialized definitions. None.

c) Existing sources.:

1) The Board incorporates by reference 40 CFR 466.34 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.:

1) The Board incorporates by reference 40 CFR 466.35 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7604 Copper Basis Material

a) Applicability. This Section applies to discharges resulting from porcelain enameling of copper basis materials.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CP: ALUMINUM FORMING

Section 307.7700  General Provisions

a) Applicability.

1) Aluminum forming includes commonly recognized forming operations such as rolling, drawing, extruding and forging, and related operations such as heat treatment, casting, and surface treatments. Surface treatment of aluminum is any chemical or electrochemical treatment applied to the surface of aluminum. Such surface treatment is considered to be a part of aluminum forming whenever it is performed as an integral part of aluminum forming. For the purposes of this Subpart CP, surface treatment of aluminum is considered to be an integral part of aluminum forming whenever it is performed at the same plant site at which aluminum is formed and such operations are not considered for regulation under the electroplating and metal finishing provisions of Subparts N and AH of this Part. Casting aluminum when performed as an integral part of aluminum forming and located on site at an aluminum forming plant is considered an aluminum forming operation and is covered under this Subpart CP. When aluminum forming is performed on the same site as primary aluminum reduction the casting must be regulated by Subpart CT of this Part (nonferrous metals) if there is no cooling of the aluminum prior to casting. If the aluminum is cooled prior to casting then the casting must be regulated by this Subpart CP.

2) This Subpart CP applies to any aluminum forming facility, except for plants identified under subsection (a)(3) of this Section, which introduces
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or may introduce pollutants into a POTW.

3) This Subpart CP applies to indirect discharging aluminum forming plants that extrude less than three \(3\) million pounds of product per year and draw, with emulsions or soaps, less than one \(1\) million pounds per year.


c) Monitoring requirements. The Board incorporates by reference 40 CFR 467.03 (2003)(1988). This incorporation includes no later amendments or editions.


e) Removal credits. The control authority may grant removal credits pursuant to Subpart C of 35 Ill. Adm. Code 310.300 et seq. for toxic metals limited in this Subpart CP when used as indicator pollutants.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7701 Rolling With Neat Oils

a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with neat oils subcategory.


c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) New sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7702 Rolling With Emulsions

a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with emulsions subcategory.


c) Existing sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources,‡


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7703 Extrusion

a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the extrusion subcategory.

b) Specialized definitions. The Board incorporates by reference 40 CFR 467.31 (2003)(1988). This incorporation includes no later amendments or editions.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7704 Forging
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the core of the forging subcategory and the ancillary operations.


c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7705 Drawing With Neat Oils

a) Applicability. This Section applies to discharges resulting from the core of the drawing with neat oils subcategory and the ancillary operations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Existing sources:\footnote{2}


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) \textit{of this Section may shall} cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:\footnote{2}

1) The Board incorporates by reference 40 CFR 467.56 \((2003)(1988)\). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) \textit{of this Section may shall} cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

\textbf{Section 307.7706 Drawing With Emulsions or Soaps}

a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the drawing with emulsions or soaps subcategory.

b) Specialized definitions. The Board incorporates by reference 40 CFR 467.61 \((2003)(1988)\). This incorporation includes no later amendments or editions.

c) Existing sources:\footnote{2}


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) \textit{of this Section may shall} cause, threaten, or allow the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

...discharge of any contaminant to a POTW in violation of such standards.

d) New sources


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART CQ: COPPER FORMING

Section 307.7800 General Provisions

a) Applicability.

1) This Subpart CQ applies to discharges resulting from the manufacture of formed copper and copper alloy products. The forming operations covered are hot rolling, cold rolling, drawing, extrusion, and forging. This Subpart CQ does not regulate the forming of precious metals. (See Subpart CT of this Part.) The casting of copper and copper alloys is not covered by this Subpart CQ. (See Subpart CM of this Part.)

2) The discharge allowance for drawing spent lubricant of 40 CFR 468.14(c) and 468.15(c), incorporated by reference in Section 307.7801(d)(1), are applicable only to those plants that actually discharge the drawing spent lubricant waste stream at copper forming sites. No discharge allowance is applicable or allowable where wastewaters are hauled off-site for disposal or are otherwise not discharged at copper forming sites.

b) General definitions. The Board incorporates by reference 40 CFR 468.02 (2003)(1986). This incorporation includes no later amendments or editions.

c) Monitoring requirements. The Board incorporates by reference 40 CFR 468.03
Section 307.7801 Copper Forming

a) Applicability. This Section applies to discharges resulting from the forming of copper and copper alloys except beryllium copper alloys.

b) Specialized definitions. None.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 468.14. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

1) The Board incorporates by reference 40 CFR 468.15. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 12, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7802 Beryllium Copper Forming

a) Applicability. This Section applies to discharges resulting from the forming of
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

beryllium copper alloys.

b) Specialized definitions. None.

c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section 307.7901 Semiconductor

a) Applicability. This Section applies to discharges resulting from all process operations associated with the manufacture of semiconductors, except sputtering, vapor deposition and electroplating.


c) Existing sources:

1) The Board incorporates by reference 40 CFR 469.16 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 469.18 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
NOTICE OF PROPOSED AMENDMENTS

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 8, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7902 Electronic Crystals

a) Applicability. This Section applies to discharges resulting from the manufacture of electronic crystals.

b) Specialized definitions. The Board incorporates by reference 40 CFR 469.22 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 469.28 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 8, 1982.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7903 Cathode Ray Tube

a) Applicability. This Section applies to discharges resulting from the manufacture of cathode ray tubes.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

b) Specialized definitions. The Board incorporates by reference 40 CFR 469.31 (2003)(1986). This incorporation includes no later amendments or editions.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 9, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.7904 Luminescent Materials

a) Applicability. This Section applies to discharges resulting from the manufacture of luminescent materials.


c) Existing sources: These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.

d) New sources,\textsuperscript{\textregistered}
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 9, 1983.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section 307.8100  General Provisions

a) Applicability.

1) This Subpart CT applies to the introduction of pollutants into a POTW from the forming of nonferrous metals (including nonferrous metal alloys), except beryllium, copper and aluminum, and their alloys. Aluminum alloys are defined as any alloy in which aluminum is the major constituent in percent by weight. Copper alloys are defined as any alloy in which copper is the major constituent in percent by weight except when copper is alloyed with precious metals. Any copper-precious metal alloy containing 30 percent or greater precious metal is considered a precious metal alloy for the purpose of this Subpart CT. Beryllium alloys are any alloy in which beryllium is present at 0.1 percent or greater. This Subpart CT applies to the following:

A) Forming operations, including rolling (both hot and cold), extruding forging, drawing, swaging, cladding, and tube reducing, and

B) Ancillary operations performed as an integral part of the forming of these metals, including casting for subsequent forming, heat treatment, surface treatment, alkaline cleaning, solvent degreasing, product testing, surface coating, sawing, grinding, tumbling, burnishing, and wet air pollution control.
2) This Subpart **CT** also applies to introduction of pollutants into a POTW from mechanical metal powder production operations, forming of parts from metal powders, and associated ancillary operations of the following:

A) Iron, copper and aluminum and their alloys; and

B) The nonferrous metal and their alloys described in subsection (a)(1) of this Section. This Subpart **CT** does not regulate the production of metal powders by chemical means such as precipitation. The production of metal powder as the final step in refining metal is regulated under nonferrous metals manufacturing, Subpart V of this Part.

3) Surface treatment includes any chemical or electrochemical treatment applied to the surface of the metal. For the purposes of this Subpart **CT**, surface treatment of metals is considered to be an integral part of the forming of metals whenever it is performed at the same plant site at which the metals are formed. Such surface treatment operations are not regulated under the electroplating or metal finishing regulations, Subpart **N** or **AH** of this Part.

4) Casting is covered by this Subpart **CT** when it is performed as an integral part of the metal forming process and takes place at the same plant site at which metals are formed. Such casting is not regulated under the provisions of metal molding and casting (Subpart CM of this Part).

5) This Subpart **CT** does not apply to the forming of the metals cadmium, chromium, gallium, germanium, indium, lithium, manganese, neodymium or praseodymium.


c) Compliance dates. The Board incorporates by reference 40 CFR 471.03 (2003)(1987). This incorporation includes no later amendments or editions.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

**Section 307.8101  Lead-Tin-Bismuth Forming**
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the process operations of the lead-tin bismuth forming subcategory.

b) Specialized definitions. None.

c) Existing sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.8102 Magnesium Forming

a) Applicability. This Section applies to discharges resulting from the process operations of the magnesium forming subcategory.

b) Specialized definitions. None.

c) Existing sources:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.8103 Nickel-Cobalt Forming

a) Applicability. This Section applies to discharges resulting from the process operations of the nickel-cobalt forming subcategory.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference
NOTICE OF PROPOSED AMENDMENTS

in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.8104 Precious Metals Forming

a) Applicability. This Section applies to discharges resulting from the process operations of the precious metals forming subcategory.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.8105 Refractory Metals Forming
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the process operations of the refractory metals forming subcategory.

b) Specialized definitions. None.

c) Existing sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:
   2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
   3) "New source" means any building, structure, facility or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 307.8106  Titanium Forming

a) Applicability. This Section applies to discharges resulting from the process operations of the titanium forming subcategory.

b) Specialized definitions. None.

c) Existing sources:
   1) The Board incorporates by reference 40 CFR 471.64 (2003)(1986). This incorporation includes no later amendments or editions.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 307.8107 Uranium Forming

a) Applicability. This Section applies to discharges resulting from the process operations of the uranium forming subcategory.

b) Specialized definitions. None.

c) Existing sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.8108 Zinc Forming

a) Applicability. This Section applies to discharges resulting from the process operations of the zinc forming subcategory.

b) Specialized definitions. None.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 471.84 (2003)(1986). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources.


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.8109 Zirconium-Hafnium Forming
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Applicability. This Section applies to discharges resulting from the process operations of the zirconium-hafnium forming subcategory.

b) Specialized definitions. None.

c) Existing sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 307.8110 Metal Powders

a) Applicability. This Section applies to discharges resulting from the process operations of the metal powders subcategory.

b) Specialized definitions. None.

c) Existing sources:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:


2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 28 Ill. Reg. ______, effective ______________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Pretreatment Programs

2) **Code citation**: 35 Ill. Adm. Code 310

3) **Section numbers**:  
   
<table>
<thead>
<tr>
<th>Proposed Action</th>
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<tbody>
<tr>
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

310.923, 310.924, 310.930  Amend


5) A complete description of the subjects and issues involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board’s opinion and order of November 6, 2003, proposing amendments in docket R04-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

The amendments to Part 310 are a single segment of a larger rulemaking that also affects 35 Ill. Adm. Code 307, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved is in the larger rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board’s opinion and order of November 6, 2003, proposing amendments in docket R04-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the Illinois Register before proceeding to adopt amendments based on this proposal.

Specifically, the segment of the amendments involved in Part 310 update the version of the Standard Industrial Classification Manual incorporated by reference in the Illinois regulations. In addition, the Board has added to this proceeding a number of corrective amendments to sections of the rules not affected by the underlying federal amendments. These corrections are principally non-substantive in effect.

Tables appear in the Board’s opinion and order of November 6, 2003 in docket R04-1 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 6, 2003 opinion and order in docket R04-1.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No
7) Does this rulemaking contain an automatic repeal date? No
8) Do these proposed amendments contain incorporations by reference? Yes. Section 310.107 is a centralized listing of documents incorporated by reference for the purposes of Parts 307 and 310. The amendments update the version of the Standard Industrial Classification Manual from the 1972 edition with 1983 supplement to the 1987 edition. This is the version cited by USEPA in the February 12, 2003 amendments. The availability of this document has also been changed to the source now indicated by USEPA. The Board updated the incorporations of various federal regulations incorporated by reference in Section 310.107 to the 2003 edition of the Code of Federal Regulations.
9) Are there any other amendments pending on this Part? No
10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent those units of local government dispose of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These mandates are, however, identical in substance to mandates imposed by federal law.
11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R04-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference Docket R04-1:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph 11-500
Chicago, IL 60601
Phone: 312-814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board’s opinion and order at 312-814-3620, or download a copy from the Board’s Website at http:\www.ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (2002)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (2002)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3 (2002)].

13) Regulatory agenda on which this rulemaking was summarized: July, 2003

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section 310.101 Applicability
Section 310.102 Objectives
Section 310.103 Federal Law
Section 310.104 State Law
Section 310.105 Confidentiality
Section 310.107 Incorporations by Reference
Section 310.110 Definitions
Section 310.111 New Source

SUBPART B: PRETREATMENT STANDARDS

Section 310.201 General Prohibitions
Section 310.202 Specific Prohibitions
Section 310.210 Specific Limits Developed by POTW
Section 310.211 Local Limits
Section 310.220 Categorical Standards
Section 310.221 Category Determination Request
Section 310.222 Deadline for Compliance with Categorical Standards
Section 310.230 Concentration and Mass Limits
Section 310.232 Dilution
Section 310.233 Combined Wastestream Formula

SUBPART C: REMOVAL CREDITS

Section 310.301 Special Definitions
Section 310.302 Authority
Section 310.303 Conditions for Authorization to Grant Removal Credits
Section 310.310 Calculation of Revised Discharge Limits
### POLLUTION CONTROL BOARD

#### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>310.311</td>
<td>Demonstration of Consistent Removal</td>
</tr>
<tr>
<td>310.312</td>
<td>Provisional Credits</td>
</tr>
<tr>
<td>310.320</td>
<td>Compensation for Overflow</td>
</tr>
<tr>
<td>310.330</td>
<td>Exception to POTW Pretreatment Program</td>
</tr>
<tr>
<td>310.340</td>
<td>Application for Removal Credits Authorization</td>
</tr>
<tr>
<td>310.341</td>
<td>Agency Review</td>
</tr>
<tr>
<td>310.343</td>
<td>Assistance of POTW</td>
</tr>
<tr>
<td>310.350</td>
<td>Continuation of Authorization</td>
</tr>
<tr>
<td>310.351</td>
<td>Modification or Withdrawal of Removal Credits</td>
</tr>
</tbody>
</table>

#### SUBPART D: PRETREATMENT PERMITS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>310.400</td>
<td>Preamble</td>
</tr>
<tr>
<td>310.401</td>
<td>Pretreatment Permits</td>
</tr>
<tr>
<td>310.402</td>
<td>Time to Apply</td>
</tr>
<tr>
<td>310.403</td>
<td>Imminent Endangerment</td>
</tr>
<tr>
<td>310.410</td>
<td>Application</td>
</tr>
<tr>
<td>310.411</td>
<td>Certification of Capacity</td>
</tr>
<tr>
<td>310.412</td>
<td>Signatures</td>
</tr>
<tr>
<td>310.413</td>
<td>Site Visit</td>
</tr>
<tr>
<td>310.414</td>
<td>Completeness</td>
</tr>
<tr>
<td>310.415</td>
<td>Time Limits</td>
</tr>
<tr>
<td>310.420</td>
<td>Standard for Issuance</td>
</tr>
<tr>
<td>310.421</td>
<td>Final Action</td>
</tr>
<tr>
<td>310.430</td>
<td>Conditions</td>
</tr>
<tr>
<td>310.431</td>
<td>Duration of Permits</td>
</tr>
<tr>
<td>310.432</td>
<td>Schedules of Compliance</td>
</tr>
<tr>
<td>310.441</td>
<td>Effect of a Permit</td>
</tr>
<tr>
<td>310.442</td>
<td>Modification</td>
</tr>
<tr>
<td>310.443</td>
<td>Revocation</td>
</tr>
<tr>
<td>310.444</td>
<td>Appeal</td>
</tr>
</tbody>
</table>

#### SUBPART E: POTW PRETREATMENT PROGRAMS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>310.501</td>
<td>Pretreatment Programs Required</td>
</tr>
<tr>
<td>310.502</td>
<td>Deadline for Program Approval</td>
</tr>
<tr>
<td>310.503</td>
<td>Incorporation of Approved Programs in Permits</td>
</tr>
<tr>
<td>310.504</td>
<td>Incorporation of Compliance Schedules in Permits</td>
</tr>
</tbody>
</table>
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

310.505 Reissuance or Modification of Permits
310.510 Pretreatment Program Requirements
310.521 Program Approval
310.522 Contents of Program Submission
310.524 Content of Removal Allowance Submission
310.531 Agency Action
310.532 Defective Submission
310.533 Water Quality Management
310.541 Deadline for Review
310.542 Public Notice and Hearing
310.543 Agency Decision
310.544 USEPA Objection
310.545 Notice of Decision
310.546 Public Access to Submission
310.547 Appeal

SUBPART F: REPORTING REQUIREMENTS

Section
310.601 Definition of Control Authority
310.602 Baseline Report
310.603 Compliance Schedule
310.604 Report on Compliance with Deadline
310.605 Periodic Reports on Compliance
310.606 Notice of Potential Problems
310.610 Monitoring and Analysis
310.611 Requirements for Non-Categorical Standard Users
310.612 Annual POTW Reports
310.613 Notification of Changed Discharge
310.621 Compliance Schedule for POTWs
310.631 Signatory Requirements for Industrial User Reports
310.632 Signatory Requirements for POTW Reports
310.633 Fraud and False Statements
310.634 Recordkeeping Requirements
310.635 Notification of Discharge of Hazardous Waste

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section
310.701 Definition of Requester
310.702 Purpose and Scope
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

310.703 Criteria
310.704 Fundamentally Different Factors
310.705 Factors that are Not Fundamentally Different
310.706 More Stringent State Law
310.711 Application Deadline
310.712 Contents of FDF Request
310.713 Deficient Requests
310.714 Public Notice
310.721 Agency Review of FDF Requests
310.722 USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section
310.801 Net/Gross Calculation by USEPA

SUBPART I: UPSETS

Section
310.901 Definition
310.902 Effect of an Upset
310.903 Conditions Necessary for an Upset
310.904 Burden of Proof
310.905 Reviewability of Claims of Upset
310.906 User Responsibility in Case of Upset

SUBPART J: BYPASS

Section
310.910 Definitions
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912 Notice
310.913 Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section
310.920 General
310.921 Substantial Modifications Defined
310.922 Approval Procedures for Substantial Modifications
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

310.923 Approval Procedures for Non-Substantial Modifications
310.924 Incorporation of Modifications into the Permit

SUBPART L: FEDERAL PROJECT XL AGREEMENTS

Section
310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].


SUBPART A: GENERAL PROVISIONS

Section 310.101 Applicability

a) This Section is intended as a general guide to persons using these rules and does not supersede more specific requirements contained in the body of the rules.

b) This Part includes the following provisions:

1) Requirements for submission to the Agency of pretreatment programs by publicly owned treatment works (POTWs). (Subpart E of this Part)

2) Requirements with which persons discharging to sewers must comply. (Subpart B of this Part)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) Requirements for prior approval by the Control Authority of certain discharges to a sewer. The Control Authority may be either of the following:

A) The POTW pursuant to an approved program; or

B) The Agency in the absence of an approved program. (Subpart D of this Part)

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.104 State Law

a) 35 Ill. Adm. Code 307 includes three types of prohibitions and pretreatment standards, as below:

1) Prohibitions, including prohibitions adopted by USEPA at 40 CFR 403.5 and more stringent prohibitions adopted by the Board (e.g., 35 Ill. Adm. Code 307.1101);

2) National pretreatment standards adopted by USEPA at 40 CFR 405 et seq., and incorporated by reference by the Board (e.g., 35 Ill. Adm. Code 307.1501 et seq.); and


b) For subcategories for which there are both categorical pretreatment standards and concentration-based standards adopted by the Board for a pollutant, the Control Authority must apply the standard that is more stringent as applied to the particular discharge.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.105 Confidentiality

a) Information and data provided to the Control Authority pursuant
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to this Part that effluent data must be available to the public without restriction.

b) With respect to the Board and Agency, confidentiality must be governed by 35 Ill. Adm. Code 130 and 161.

c) The Agency and POTWs must make information available to the public at least to the extent provided by 40 CFR 2.302 (2002), incorporated by reference in Section 310.107.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:


b) The following provisions of the Code of Federal Regulations are incorporated by reference:


40 CFR 128.140(b) (1977)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


c) The following federal statutes are incorporated by reference:

1) Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2000))

2) The federal Clean Water Act (33 USC 1251 et seq. (1994)) as amended through October 31, 1994

3) Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq. (1994)) as amended through March 26, 1996

d) This Part incorporates no future editions or amendments.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.110 Definitions

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Approval Authority" means the Agency.

BOARD NOTE: Derived from 40 CFR 403.3(c) (2003)(2002).

"Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW that has been approved by the Agency in accordance with Sections 310.541 through 310.546.


"Authorization to discharge" means an authorization issued to an industrial user by a POTW that has an approved pretreatment program. The authorization may consist of a permit, license, ordinance or other mechanism as specified in the approved pretreatment program.

"Blowdown" means the minimum discharge of recirculating water for the purpose
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.


"Board" means the Illinois Pollution Control Board.

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(b) (2003)(2002).

"Control Authority" is as defined in Section 310.601.

"Indirect Discharge" or "Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the CWA (33 USC1317(b), (c), or (d)).

BOARD NOTE: Derived from 40 CFR 403.3(g) (2003)(2002).

"Industrial User" or "User" means a source of indirect discharge. As used in this Part, an industrial user includes any person who meets any of the following criteria:

The person discharges toxic pollutants as defined by 35 Ill. Adm. Code 307.1005;

The person is subject to a categorical standard adopted or incorporated by reference in 35 Ill. Adm. Code 307;

The person discharges more than fifteen percent of the total hydraulic flow received by the POTW treatment plant;

The person discharges more than fifteen percent of the total biological loading of the POTW treatment plant as measured by the five-day biochemical oxygen demand;

The person has caused pass through or interference; or

The person has presented an imminent endangerment to the health or welfare of persons.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


"Industrial wastewater" means waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW.

"Interference" means a discharge, alone or in conjunction with a discharge or discharges from other sources, for which both of the following is true:

- The discharge inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
- As a result of the inhibition of disruption, the discharge is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge disposal in compliance with any sludge requirements.


"Municipal sewage" is sewage treated by a POTW exclusive of its industrial component.

"Municipal sludge" is sludge produced by a POTW treatment works.

"Municipality." See "unit of local government."

"New source" means new source as defined in Section 310.111.
BOARD NOTE: Derived from 40 CFR 401.11(c) and 403.3(k) (2003)(2002).

"Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

"NPDES Permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act and Subpart A of 35 Ill. Adm. Code 309.
"O and M" means operation and maintenance.

"Pass through" means a discharge of pollutants that exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).


"Person" means an individual, corporation, partnership, association, State, "unit of local government" or any interstate body. This term includes the United States government, the State of Illinois, and their political subdivisions.

BOARD NOTE: Derived from 40 CFR 401.11(m) (2003)(2002) and 33 USC 1362(5).

"Pollutant" means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into a sewer.


"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.


"POTW Treatment Plant" means that portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.


"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or by other means, except as prohibited by Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an
equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 310.233. BOARD NOTE: Derived from 40 CFR 403.3(q) (2002).

"Pretreatment permit" means an authorization to discharge to a sewer that is issued by the Agency as the Control Authority.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user. BOARD NOTE: Derived from 40 CFR 403.3(r) (2002).


"Process wastewater" means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. BOARD NOTE: Derived from 40 CFR 401.11(q) (2002).


"Project XL" means the federal Project for eXcellence and Leadership or a federally approved facility- or community-based regulatory reinvention (XL) pilot project, as such are described in the Federal Register notices of May 23, 1995 (60 Fed. Reg. 27282) and November 1, 1995 (60 Fed. Reg. 55569).

"Publicly owned treatment works" or "POTW" means a "treatment works" that is owned by the State of Illinois or a "unit of local government." This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes
sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "unit of local government" that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.


"Schedule of compliance" means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with this Part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 401.11(m) (2003)(2002) and 33 USC 1362(17).

"Significant industrial user" means the following:

All industrial users subject to categorical pretreatment standards under Section 310.220 through 310.233 and 35 Ill. Adm. Code 307, and

Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority, as defined in Section 310.601, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Section 310.510(f)); except, upon a finding that an industrial user meeting the criteria of this second subsection of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority, as defined in Section 310.601, may at any time, on its own initiative or in response to a petition received from an industrial user or POTW may determine in accordance with Section 310.510(f) that such industrial user is not a significant industrial user.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Sludge requirements" means any of the following permits or regulations: 35 Ill. Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits), the federal Toxic Substances Control Act (15 USC 2601), or the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401), Section 39(b) of the Act (NPDES Permits) [415 ILCS 5/39(b)], and Section 405(b) of the federal Clean Water Act (federally-imposed sludge use and management requirements).

BOARD NOTE: Derived from 40 CFR 403.3(i) and 403.7(a) *(2003)(2002)*.

"Submission" means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR 403.3(t) *(2003)(2002)*.

"Treatment works" is as defined in 33 USC 1292(2) (1987). It includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal or industrial wastewater to implement 33 USC 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment.

BOARD NOTE: Derived from 40 CFR 403.3(o) *(2003)(2002)* and 33 USC1292(2).

"Unit of local government" means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution, having jurisdiction over disposal of sewage. Unit of local government includes, but is not limited to, municipalities, and sanitary districts.


"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.111 New Source

a) "New Source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for that category or subcategory, provided that one of the following is true:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (a)(2) or (a)(3) of this Section but otherwise alters, replaces, or adds to existing process or production equipment.

c) Construction of a new source, as defined in this Section, has commenced if the owner or operator has done one of the following:

1) Begun or caused one of the following to begin as part of a continuous onsite construction program:

   A) Any placement assembly or installation of facilities or equipment; or

   B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2) Entered into a binding contractual obligation for the purchases of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss and contracts for
feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection (c)(2).

d) New Sources **must** install and have in operating condition and **shall** "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources **must** meet all applicable standards.


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART B: PRETREATMENT STANDARDS

Section 310.201 General Prohibitions

a) No industrial user **must** introduce into a POTW any pollutant **that** causes pass through or interference.

b) Affirmative defenses. An industrial user has an affirmative defense in any action brought against it alleging a violation of subsection (a) of this Section or 35 Ill. Adm. Code 307.1101(b)(6) through (b)(9) or (b)(11) through (b)(12) if the industrial user demonstrates the following:

1) **That** the industrial user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

2) Either of the following:

A) **That** the POTW developed in accordance with Section 310.210 a local limit **that** was designed to prevent pass through or interference for each pollutant in the industrial user's discharge **that** caused pass through or interference, and the industrial user was in compliance with each such local limit immediately prior to and during the pass through or interference; or

B) If the POTW has not developed local limits in accordance with
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 310.210 that local limits which are designed to prevent pass through or interference for the pollutants that caused the pass through or interference, that the industrial user's discharge immediately prior and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity during which the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, sludge requirements.

c) These general prohibitions and the specific prohibitions in Section 310.202 apply to each industrial user introducing pollutants into a POTW whether or not the industrial user is subject to other pretreatment standards or any national, State, state or local pretreatment requirements.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.202 Specific Prohibitions

No person may cause or allow the introduction into a POTW of the pollutants specified in 35 Ill. Adm. Code 307.1101(b).


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.210 Specific Limits Developed by POTW

a) Each POTW that which is required to develop a pretreatment program must develop and enforce, as part of the program, develop and enforce specific limits to implement the prohibitions listed in Sections 310.201(a) and 310.202. Each POTW with an approved pretreatment program must continue to develop these limits as necessary and to effectively enforce such limits.

b) A POTW that is POTW's which are not required to develop a pretreatment program must, in cases where pollutants contributed by one or more industrial users result in interference or pass through, and such violation is likely to recur, develop and enforce specific discharge limits for industrial users, which, together with appropriate changes in the POTW treatment plant's facilities or
operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit, and sludge requirements.

c) Prior to developing specific discharge limits, a POTW must give, to persons or groups which have requested notice, individual notice and an opportunity to respond to persons or groups that have requested notice.

d) The POTW must base limitations developed pursuant to this Section on the characteristics and treatability of the wastewater by the POTW, effluent limitations the POTW must meet, sludge requirements, water quality standards in the receiving stream, and the pretreatment standards and requirements of this Part and 35 Ill. Adm. Code 307.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.211 Local Limits

If a POTW develops, in accordance with Section 310.210, specific prohibitions or limits on pollutants, or pollutant parameters, such limits must be deemed pretreatment standards for the purposes of this Part.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.5(d) (2003)(1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.220 Categorical Standards

Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under 35 Ill. Adm. Code 307. These standards, unless specifically noted otherwise, must be in addition to the standards and requirements set forth at 35 Ill. Adm. Code 307.1101 and 310.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.221 Category Determination Request
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Application deadline.

1) The industrial user or POTW may request that the Agency provide written certification as to whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed processes or operation. With respect to new standards, the following apply:

A) The POTW or industrial user shall direct to USEPA any category determination requests for pretreatment standards adopted by USEPA prior to authorization of the Illinois program.

B) After authorization of the Illinois program, the POTW or industrial user shall direct to the Agency any category determination requests within 60 days after the Board adopts or incorporates by reference a pretreatment standard for a subcategory under which an industrial user may be included.

2) A new source shall request this certification prior to commencing discharge.

3) If a request for certification is submitted by a POTW, the POTW shall notify any affected industrial user of such applications. The industrial user may provide written comments on the POTW submissions to the Agency within 30 days of notification.

b) Contents of application. Each request shall contain a statement that includes the following information:

1) Describing which subcategories might be applicable; and

2) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section shall make the following certification:

I certify under penalty of law that this document and all
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

c) Deficient requests. The Agency must act only on written requests for determinations that contain all of the information required. The Agency notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, or within an extended period allowed by the Agency, the Agency deny the request for a determination.

d) Final determination.

1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b) of this Section, consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency then make a written determination of the applicable subcategory and state the reasons for the determination.

2) The Agency forward the determination described in subsection (d)(1) of this Section to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.

3) If USEPA modifies the Agency's decision, USEPA's decision will be final.

4) The Agency send a copy of the determination to the affected industrial user and the POTW. If the final determination is made by USEPA, the Agency send a copy of the determination to the user.

e) Requests for hearing or legal decision.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4) of this Section, the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).

2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsections (c), (d)(2), or (d)(4) of this Section, the requester may appeal a final decision made by the Agency to the Board.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.222 Deadline for Compliance with Categorical Standards

a) If a compliance date for an existing or new source categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users must comply with the standard by the latest of the following times, whichever is last:

1) The date specified or incorporated by reference; or
2) The date the Board adopts or incorporates the standard by reference; or
3) The date USEPA approves the Illinois pretreatment program.

b) If no compliance date for a categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users must comply with the standard by the latest of the following times, whichever is last:

1) The date the Board adopts or incorporates the standard by reference; or
2) The date USEPA approves the Illinois pretreatment program.

c) This Section must not be construed as extending compliance dates for enforcement of categorical pretreatment standards pursuant to statutes and regulations existing prior to authorization of the Illinois pretreatment program.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 403.6(b) (2003). (Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.230 Concentration and Mass Limits

a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards shall apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.

b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

c) A Control Authority calculating equivalent mass-per-day limitations under subsection (b) of this Section shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production shall be estimated using projected production.

d) A Control Authority calculating equivalent concentration limitations under subsection (b) of this Section shall calculate such limitations by dividing the mass limitations derived under subsection (c) of this Section by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

e) Equivalent limitations calculated in accordance with subsections (c) and (d) of this Section are deemed pretreatment standards. Industrial users shall be required to comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent limitations were derived.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

f) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or four-day average limitations. Where such standards are being applied, the same production of flow figure must be used in calculating both types of equivalent limitations.

g) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard must notify the Control Authority within two (2)-business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

BOARD NOTE: Derived from 40 CFR 403.6(c) (2003).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.232 Dilution

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user must increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Control Authority may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. A POTW may allow dilution to meet local limits developed under Section 310.210.

BOARD NOTE: Derived from 40 CFR 403.6(d).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.233 Combined Wastestream Formula

Where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process, the Control Authority must derive fixed alternative discharge limits, which the Control Authority must apply to the mixed discharge. When it is deriving alternative categorical limits, the Control Authority must calculate both an alternative daily maximum value using the daily
maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the average monthly values specified in the appropriate categorical pretreatment standards. The industrial user must comply with the alternative daily maximum and average monthly limits fixed by the Control Authority until the Control Authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the Control Authority. Where appropriate, the Control Authority shall calculate new alternative categorical limits within 30 days.

a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The Control Authority shall derive the alternative limit for a specified pollutant by the use of either of the following formulas:

1) Alternative concentration limit.

\[ C = \frac{(T - D) \sum C_i F_i}{(T) \sum F_i} \]

where:

- \( C \) = The alternative concentration limit for the combined wastestream.
- \( C_i \) = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream \( i \).
- \( F_i \) = The average daily flow (at least a 30-day average) of stream \( i \) to the extent that it is regulated for such pollutant.
- \( \sum G_i \) = The sum of the results of calculation \( G \) for streams \( i = 1 \) to \( i = N \).
- \( N \) = The total number of regulated streams.
- \( T \) = The average daily flow (at least a 30-day average)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

through the combined pretreatment facility (includes \( F_i \), D and unregulated streams).

\[
D = \text{The average daily flow (at least a 30-day average) from:}
\]

A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams, subject to the proviso of subsection (d) of this Section; and

B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,

C) From any process wastestreams that were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e) of this Section.

2) Alternative mass limit.

\[
M = \frac{(T - D)\sum M_i}{\sum F_i}
\]

where:

\( M \) = The alternative mass limit for a pollutant in the combined wastestream.

\( M_i \) = The categorical pretreatment standard mass limit for a pollutant in the regulated stream \( i \) (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

\( F_i \) = The average daily flow (at least a 30-day average) of stream \( i \) to the extent that it is regulated for such pollutant.
NOTICE OF PROPOSED AMENDMENTS

ΣGi"SUM(Gi)" = The sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes FiFi, D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d) of this Section; and

B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,

C) From any process wastestreams that were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e) of this Section.

b) Alternative limits below detection. An alternative pretreatment limit must not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit must be as follows:

1) The type and frequency of sampling, analysis, and flow measurement must be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.

2) Where the self-monitoring schedules for the appropriate standards differ, monitoring must be done according to the most frequent schedule.
3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows ($F_i$) is the flow that must be used to determine self-monitoring frequency.

d) Proviso to subsections (a)(1) and (a)(2) of this Section. Where boiler blowdown, non-contact cooling streams, stormwater streams, and demineralizer backwash streams contain a significant amount of a pollutant, and the combination of such streams, prior to pretreatment, with the industrial user's regulated process wastestreams will result in a substantial reduction of that pollutant, the Control Authority, upon application of the industrial user, shall determine whether such wastestreams should be classified as diluted or unregulated. In its application to the Control Authority, the industrial user shall provide engineering, production, sampling, and analysis and such other information so the Control Authority can make its determination.

e) Exemptions from categorical pretreatment standards. Process wastestreams were or could have been entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by reference in Section 310.107, for one or more of the following reasons (see 40 CFR 403, Appendix D, incorporated by reference in Section 310.107):  

1) The pollutants of concern are not detectable in the discharge from the industrial user;

2) The pollutants of concern are present only in trace amounts and are neither causing nor are likely to cause toxic effects;

3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to USEPA;

4) The wastestream contains only pollutants that are compatible with the POTW.

f) Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

process wastestream, it must apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this Section. The industrial user may change monitoring points only after receiving approval from the Control Authority. The Control Authority must ensure that any change in an industrial user's monitoring point or points will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

BOARD NOTE: Derived from 40 CFR 403.6(e) (2003).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART C: REMOVAL CREDITS

Section 310.301 Special Definitions

For purposes of this Subpart, the following definitions apply:

"Consistent removal" means the average of the lowest 50% of the removals measured according to Section 310.311. All sample data obtained for the measured pollutant during the time period prescribed in Section 310.311 must be reported and used in computing consistent removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Agency. If the substance is not measurable in the influent, the data may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between eight and twelve, the average of the lowest six removals must be used. If there are less than eight samples with concentrations equal to or less than the limit of measurement, the Agency may approve alternate means of demonstrating consistent removal.

"Measurement" refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question. (Board Note: Derived from 40 CFR 403.7 (1986), as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir., 1986)).

"Industrial user" means industrial user or users, as is appropriate from the context.

"Overflow" means the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant.
"Removal" means a reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical, or biological means and may be the result of specifically designed POTW capabilities, or may be incidental to operation of the treatment system. Removal does not mean dilution of a pollutant in a POTW.

"Sludge requirements" is as defined in Section 310.110.

"Standard" means standard or standards as is appropriate from the context.

Section 310.302 Authority

Any POTW receiving wastes from an industrial user to which a categorical pretreatment standard applies may, at its discretion and subject to the conditions of this Subpart C, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment standard. The POTW may grant a removal credit equal to, or at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user must calculate its revised discharge limits in accordance with Section 310.310. Removal credits must be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard only if the categorical pretreatment standard so specifies.

Section 310.303 Conditions for Authorization to Grant Removal Credits

The Agency must authorize a POTW to grant removal credits only if the following conditions are met:

a) The POTW applies for and receives authorization from the Agency to grant a removal credit in accordance with the requirements and procedures specified in
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Sections 310.330 and 310.340.

b) The POTW demonstrates and continues to achieve consistent removal of the pollutant.

c) The POTW has an approved pretreatment program in accordance with and to the extent required by this Part; provided, however, that a POTW that does not have an approved pretreatment program may, pending approval of such a program, give removal credits conditionally as provided in Section 310.330.

d) The granting of removal credits will not cause the POTW to violate sludge requirements that apply to the sludge management method chosen by the POTW. ("Sludge requirements" is defined in Section 310.110.) Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable sludge requirements, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard as modified by the removal credit.

e) The granting of removal credits will not cause a violation of the POTW's NPDES permit limitations or conditions. Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard, as modified by the removal credit.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.310 Calculation of Revised Discharge Limits

Revised discharge limits for a specific pollutant must be derived by use of the following formula:

\[ y = \frac{100x}{(100 - r)} \]

where:

\[ x = \text{Pollutant discharge limit specified in the applicable categorical pretreatment} \]
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

standard.

\[ r = \text{Removal credit for the pollutant as established pursuant to Section 310.311 (percentage removal expressed as a percent, that is, a number between 0 and 100).} \]

\[ y = \text{Revised discharge limit for the specified pollutant (expressed in same units as x).} \]


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.311 Demonstration of Consistent Removal

The Agency shall authorize a POTW to grant a removal credit that does not exceed the POTW's consistent removal rate. In order to demonstrate consistent removal, the POTW shall, for each pollutant with respect to which removal credit authorization is sought, collect influent and effluent data, and calculate consistent removal in accordance with the following requirements. As a condition of retaining removal credits authorization, the POTW's consistent removal must continue to be equal or greater than the removal credit.

a) Representative data. Seasonal. The data must be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.

b) Representative data. Quality and quantity. The data must be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate consistent removal.

c) Sampling procedures.

1) Composite. The influent and effluent operational data must be obtained through 24-hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots must be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to either stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory.
2) Number of samples.

A) Twelve samples must be taken at approximately equal intervals throughout the full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays. If the Agency determines that this schedule will not be most representative of the actual operation of the POTW treatment plant, the Agency must approve an alternative sampling schedule.

B) Upon concurrence of the Agency, a POTW may utilize a historical data base amassed during the three years immediately preceding the application, provided that such data otherwise meet the requirements of this Section. In order for the historical data base to be approved, it must present a statistically valid description of daily, weekly, and seasonal sewage treatment plant loadings and performance for at least one year.

3) Effluent sample collection need not be delayed to compensate for hydraulic detention time compensation or unless the Agency requires detention time compensation. The Agency shall require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period must be based on a 24-hour average daily flow value. The average daily flow used must be based upon the average of the daily flows during the same month of the previous year.

d) Sampling procedures. Grab. Where composite sampling is not an appropriate sampling technique, one or more grab samples shall be taken to obtain influent and effluent operational data. Collection of influent grab samples must precede collection of effluent samples by approximately one detention period. A detention period is to be based on a 24-hour average daily flow value. The average daily flow used must be based upon the average of the daily flows during the same month of the previous year. Grab samples are required, for example, where the parameters being evaluated are those such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions that take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

exceeding 15 minutes.

e) Analytical methods. The POTW must analyze the samples for pollutants in accordance with the analytical techniques prescribed in 35 Ill. Adm. Code 307.1003. If 35 Ill. Adm. Code 307.1003 does not reference analytical techniques for the pollutant in questions, or if USEPA determines, as provided in Section 310.602, that the 35 Ill. Adm. Code 307.1003 analytical techniques are inappropriate, the analysis shall be performed using validated analytical methods or any other applicable analytical procedures approved by USEPA, including procedures suggested by the POTW.

f) Calculation of removal. All data acquired under provisions of this Subpart must be submitted to the Agency. Removal for the specific pollutant must be determined for each sample by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing the difference as a percent of the influent concentration. Where such data cannot be obtained, the POTW may demonstrate removal using other data or procedures subject to concurrence by the Agency.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.312 Provisional Credits

For pollutants that are not currently being discharged (new or modified facilities, or production changes) the POTW may apply for provisional authorization to revise the applicable categorical pretreatment standard prior to initial discharge of the pollutant. Consistent removal may be based provisionally on data from treatability studies or demonstrative removal at other treatment facilities where the quality and quantity of influent are similar. In calculating and applying for provisional removal allowances, the POTW shall comply with provisions of this Subpart. The POTW shall demonstrate consistent removal within 18 months after the commencement of discharge of the pollutants in question. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to Section 310.311, the Agency shall terminate the authority to grant removal credits, and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standards within a reasonable time, not to exceed the period of time prescribed in the standards, as the Agency shall specify.
Section 310.320 Compensation for Overflow

POTWs overflow untreated wastewater to receiving waters one or more times in a year may claim consistent removal of a pollutant only by complying with subsection (a) or (b) of this Section. However, this Section must not apply where an industrial user demonstrates that overflow does not occur between the industrial user and the POTW treatment plant.

a) The industrial user provides containment or otherwise ceases or reduces discharges from the regulated processes contain the pollutant for which an allowance is requested during all circumstances in which an overflow event can reasonably be expected to occur at the POTW or at a sewer to which the industrial user is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. The Agency allow allowances under this subsection only if the POTW demonstrates the following to the Agency:

1) That all industrial users to which the POTW proposes to apply this subsection (a) have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an overflow event can reasonably be expected to occur, discharges from the regulated processes contain pollutants for which an allowance is requested;

2) The POTW has identified circumstances in which an overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that industrial users will learn of an impending overflow in sufficient time to contain, cease, or reduce discharging to prevent untreated overflows from occurring. The POTW also demonstrate that it will monitor and verify the data required in subsection (a)(3) of this Section to insure that industrial users are containing, ceasing, or reducing operations during POTW system overflow; and

3) All industrial users to which the POTW proposes to apply this subsection have demonstrated the ability and commitment to collect and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

make available upon request by the POTW or the Agency daily flow reports or other data sufficient to demonstrate that all discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced, or otherwise stopped as appropriate during all circumstances in which an overflow event was reasonably expected to occur; or

b) Reduction in removal.

1) The consistent removal claimed is reduced pursuant to the following equation:

\[
r = \frac{(8760 - z)m}{8760}
\]

where:

\[m\] = POTW's consistent removal rate for that pollutant as established under this Subpart.

\[r\] = Removal corrected by the overflow factor.

\[z\] = Hours per year that overflow occurred between the industrial user and the POTW treatment plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW treatment plan.

2) Conditions for use of formula.

A) The POTW can claim consistent removal only where efforts to correct conditions resulting in untreated discharges by the POTW are underway and in accordance with its NPDES permit requirements. THE POTW must make revisions to discharge limits in categorical pretreatment standards only where the POTW has committed to efforts to minimize pollution from overflows. At a minimum, the POTW must have completed the analysis required by its NPDES permit and be making an effort to implement the plan.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) If a POTW has begun the analysis required by its NPDES permit but, due to circumstances beyond its control, has not completed the analysis, the POTW may, subject to approval of the Agency, continue to claim consistent removal according to the formula in this subsection, so long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the nonstructural, cost-effective measures identified by the analysis. Subject to the approval of the Agency, according to the formula in this subsection where the POTW has completed and the Agency has accepted the analysis required by the POTW's NPDES permit and the POTW has requested inclusion in its NPDES permit of an acceptable compliance schedule providing for timely implementation of cost-effective measures identified in the analysis. In considering what is timely implementation, the Agency must consider the availability of funds, cost of control measures, and seriousness of the water quality problem.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.7 (2003)(1986), as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir. Third Circuit, 1986).)

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.330 Exception to POTW Pretreatment Requirement

A POTW required to develop a local pretreatment program under Subpart E of this Part may grant removal credits conditionally pending approval of such a program in accordance with the following terms and conditions:

a) All industrial users who are currently subject to a categorical pretreatment standard and who wish to receive conditionally a removal credit must submit to the POTW the information required by Section 310.602(a) through (g) (except new or modified industrial users must only submit the information required by Section 310.602(a) through (f)), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users must indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard as modified by the removal credit;

b) The POTW must have submitted to the Agency an application for pretreatment
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

program approval meeting the requirements of Subpart E in a timely manner, not to exceed the time limitations set forth in a compliance schedule for development of a pretreatment program included in the POTW's NPDES permit.

c) The POTW must do the following:

1) Compile and submit data demonstrating its consistent removal;

2) Comply with the conditions specified in Section 310.303; and

3) Submit a complete application for removal credit authority in accordance with Section 310.340.

d) If a POTW receives authority to grant conditional removal credits and the Agency subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in subsections (b) and (c) of this Section, the Agency shall terminate the authority to grant conditional removal credits and all industrial users to whom the revised discharge limits had been applied must achieve compliance with the applicable categorical pretreatment standards within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard.

e) If a POTW grants conditional removal credits and the POTW or the Agency subsequently makes a final determination, after appropriate notice, that the industrial user failed to comply with the conditions in subsection (a) of this Section, the POTW or Agency shall terminate the conditional credit for the non-complying industrial user and the industrial user to whom the revised discharge limits had been applied must achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard. The conditional credit must not be terminated where a violation of the provisions of this Section results from causes entirely outside of the control of the industrial user or the industrial user has demonstrated substantial compliance.

f) The Agency may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits remain in effect until reviewed by the Agency. This review may occur at any time in accordance with the procedures of Section 310.541 through Section 310.547, but in any event no later than the time of any pretreatment program approval or any NPDES permit reissuance.
Section 310.340 Application for Removal Credits Authorization

a) Any POTW that wants to grant a removal credit may apply for authorization from the Agency.

b) The POTW must submit to the Agency an application for authorization to grant removal credits (or modify existing ones).

c) A POTW may apply for authorization to grant or modify removal credits at any time.

d) An application for authorization to grant removal credits must be supported by the following information:

1) A list of pollutants for which removal credits are proposed.

2) The data required pursuant to Section 310.311.

3) Proposed revised discharge limits for each affected subcategory of industrial users calculated in accordance with Section 310.310.

4) A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement under Section 310.330.

5) A specific description of the POTW's current method of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in Section 310.303(d).

6) A certification that the granting of removal credits will not cause a violation of the POTW's NPDES permit limits and conditions as required in Section 310.303(e).

(BOARD NOTE: Board Note: Derived from 40 CFR 403.7(e)(1) – through (e)(4) (2003)(1986).)

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.341 Agency Review

The Agency **must** review the POTW's application for authorization to grant or modify removal credits in accordance with the procedures of Section 310.541 through Section 310.547.

(Board Note: Board Note) Derived from 40 CFR 403.7(e)(5) (2003)(1986).

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.343 Assistance of POTW

Nothing in **this Part these regulations** precludes an industrial user or other interested party from assisting the POTW in preparing and presenting the information necessary to apply for authorization.

(Board Note: Board Note: Derived from 40 CFR 403.7(e)(7) (2003)(1986).

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.350 Continuation of Authorization

1. **Inclusion in POTW permit.** Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in Section 310.303(d) or its NPDES permit limitations and conditions as required by Section 310.303(e). If a POTW elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory, or one or more industrial users that initially were not granted removal credits, it **must** notify the Agency.

2. **Compliance Monitoring.** Once authority is granted, the removal credits **must** be included in the POTW's NPDES permit as soon as possible and **must** become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in Section
310.351.

c) Modification or withdrawal of removal credits. Following authorization to grant removal credits, a POTW must continue to monitor and report the POTW's removal capabilities at such intervals as are specified by the Agency in the pretreatment program and NPDES permit, but in no case less than once per year. The Agency shall require a minimum of one representative sample per month during the reporting period. The POTW shall include all sampling data in the POTW's compliance report.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.7(f)(1) through (f)(3) (2003)(1986)).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.351 Modification or Withdrawal of Removal Credits

a) Notice to POTW. The Agency shall notify the POTW if, on the basis of pollutant removal capability reports received pursuant to Section 310.350(c) or other information available to it, the Agency determines:

1) That one or more of the discharge limits revisions made by the POTW, or the POTW itself, no longer meets the requirements of this Subpart, or

2) That such discharge limit revisions are causing or significantly contributing to a violation of any conditions or limits contained in the POTW's NPDES permit. A revised discharge limit is significantly contributing to a violation of the POTW's permit if it satisfies the definition of pass through or interference as defined in Section 310.110.

b) Corrective action. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days unless the POTW or an affected industrial user demonstrates that a longer time period is reasonably necessary to undertake the appropriate corrective action, the Agency shall either withdraw such discharge limits or require modifications in the revised discharge limits.

c) Public notice of withdrawal or modification. The Agency shall not withdraw, modify, or revise discharge limits unless it first notifies the POTW and all industrial users to whom revised discharge limits have been applied, and made public in writing the reasons for such withdrawal or modification and provided an
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

opportunity for public hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical pretreatment standards as appropriate and shall achieve compliance with such limits within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART D: PRETREATMENT PERMITS

Section 310.400 Preamble

a) This Subpart D contains rules for the issuance of pretreatment permits by the Agency when the Agency is acting as the Control Authority. This Subpart D does not apply if the POTW is the Control Authority.

b) Industrial users with pretreatment permits are not required to have operating permits pursuant to 35 Ill. Adm. Code 309. Subpart B. However, sources may be required to have construction permits pursuant to Subpart B of 35 Ill. Adm. Code 309.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.401 Pretreatment Permits

a) No industrial user shall, without a pretreatment permit, discharge to a POTW, unless the discharge is to a POTW with a pretreatment program approved pursuant to Subpart E of this Part.

b) An industrial user that does not have a pretreatment permit shall apply for a pretreatment permit within 30 days after the Agency notifies the user that the user meets any of the following criteria:

1) The user has caused pass through or interference.
2) The user's discharge presents an imminent endangerment to the health or welfare of persons.

c) No person may cause or allow any discharge for which a pretreatment permit has been issued unless the discharge is in compliance with the conditions of the pretreatment permit.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.402 Time to Apply

a) Any person required to have a pretreatment permit must file an application with the Agency at least 90 days before the date on which the permit is required.

b) Any permittee who wishes to continue to discharge after the expiration date of a pretreatment permit must apply for reissuance of the permit at least 90 days prior to the expiration date of the permit.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.403 Imminent Endangerment

Pursuant to Section 34 of the Act [415 ILCS 5/34] the Agency must declare an emergency and seal any wastewater source or discharge if it determines that the discharge presents an imminent endangerment to the health or welfare of persons.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.410 Application

a) Applications for pretreatment permits must include the following information:

1) The location of the wastewater source and discharge;

2) The location of the sewer to which the industrial user will discharge;

3) The POTW and treatment works that will receive the discharge;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4) The volume discharged;

5) A description of the wastewater prior to any pretreatment and prior to discharge, including a statement as to the presence or absence of all contaminants for which pretreatment requirements have been established in 35 Ill. Adm. Code 307;

6) Any projected changes in the volume or description of the wastewater that the industrial user desires to have included in the terms of the permit;

7) A certification of capacity to transport and treat the wastewater as specified in Section 310.411;

8) Such additional information as the Agency determines is necessary to determine whether the industrial user will meet the requirements of this Part and 35 Ill. Adm. Code 307.

b) The Agency must promulgate application forms for pretreatment permits.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.411 Certification of Capacity

The industrial user must obtain from the POTW and from the owners of any intermediate sewers that will receive the wastewater a signed statement certifying that they have adequate capacity to treat and transport the wastewater without violating any provisions of any NPDES permit, this Part, or 35 Ill. Adm. Code 302, 304, 307, or 309.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.412 Signatures

a) If a corporation submits an application, one of the following persons must sign the application:

1) A principal executive officer of at least the level of vice president; or

2) An authorized agent of the corporation, if the agent is responsible for the overall operation of the wastewater source.
b) If a partnership or sole proprietorship submits an application, a general partner or the proprietor must sign the application.

c) If a publicly owned industrial user submits an application, one of the following persons must sign the application:

1) The principal executive officer;
2) The ranking elected official; or
3) An authorized employee.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.413 Site Visit

If the Agency determines that a site visit is necessary for the Agency to evaluate the application, it must notify the applicant within 30 days after receipt of the application and make arrangements to visit the site. Failure to allow a site visit renders the application incomplete.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.414 Completeness

a) An application must be deemed filed when the Agency receives all information, documents, and authorizations in the form specified in this Part.

b) The Agency must notify applicants of incomplete applications within 30 days after the Agency receives the application.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.415 Time Limits

a) If a permittee files a timely application for renewal of an existing pretreatment permit, the existing permit must continue until the Agency takes final action on the new application.

b) If the Agency fails to take action on an application for a new permit within 90
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

days after the application has been received, the applicant may deem the permit issued for a period of one year from the end of the 90 day period. This excuses the applicant from the requirement to obtain a permit only.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.420 Standard for Issuance

The Agency must issue a pretreatment permit to the industrial user in either of the following circumstances:

a) If the industrial user demonstrates that the discharge will meet the requirements and standards of this Part and 35 Ill. Adm. Code 307; or,

b) If the Agency imposes in the pretreatment permit conditions sufficient to assure future compliance with the requirements and standards of this Part and 35 Ill. Adm. Code 307, including a schedule of compliance pursuant to Section 310.432.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.421 Final Action

a) If the Agency denies a pretreatment permit, it must send the applicant a written statement of the reasons for denial, as provided by Section 39(a) of the Act [415 ILCS 5/39(a)].

b) The date of the Agency's final action must be the date the pretreatment permit or statement of reasons for denial is mailed to the applicant.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.430 Conditions

The Agency must impose the following conditions in each permit:


b) More stringent discharge limitations based the ability of the POTW to treat the discharge without interference or pass through.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

c) Requirements that the industrial user collect and analyze samples of the discharge.

d) Requirements that the industrial user report the results of sample analysis to the Agency.

e) Requirements that the industrial user allow authorized representatives of the Agency, at reasonable times, upon presentation of credentials, to inspect its premises and collect samples of the discharge.

f) An expiration date, as specified in Section 310.431.

g) If the applicant does not demonstrate compliance with this Part and 35 Ill. Adm. Code 307, a schedule of compliance as specified in Section 310.432.

h) A requirement that the applicant file an application to modify the permit when notified pursuant to Section 310.442.

i) Such additional conditions as the Agency determines are necessary to assure that the discharge complies with the requirements of this Part and 35 Ill. Adm. Code 307.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.431 Duration of Permits

No pretreatment permit may have a duration in excess of five years. In establishing earlier expiration dates, the Agency shall consider the following:

a) Coordination with future compliance deadlines;

b) Maintenance of intensive control over new or experimental processes; and

c) Whether the permit addresses an emergency situation.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.432 Schedules of Compliance


(Source: Amended at 28 Ill. Reg. _____, effective ____________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


b) Schedules of compliance **must** require the permittee to take specific steps to achieve compliance within the shortest practicable period of time, and **shall** be consistent with requirements in the Clean Water Act and 40 CFR 403, incorporated by reference in Section 310.107.

c) The schedule of compliance **must** contain the following:

1) Increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required to meet the standards of 35 Ill. Adm. Code 307. No increment of progress **must** exceed nine months.

2) A requirement that the industrial user submit progress reports no later than **fourteen** days following each date in the schedule, including the final date for compliance. The progress report **must** include, at a minimum, the following:

   A) Whether or not the industrial user met the date specified in the schedule of compliance; and

   B) If the industrial user did not meet the dates, the date on which the user expects to accomplish this increment of progress, the reason for the delay and steps being taken to return construction to the schedule of compliance.

3) A requirement that in no event more than nine months elapse between progress reports.

4) A statement that the schedule of compliance does not protect the industrial user from enforcement.

d) The schedule of compliance does not protect the industrial user from enforcement. It is not necessary to show a violation of a pretreatment standard or requirement to enforce interim and final compliance dates.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.442 Modification
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) The permittee may request modification of the permit at any time by filing an application.

b) If the Agency finds new information or if the Board adopts new regulations relevant to the permit, the Agency must notify the permittee that it intends to modify the permit. The Agency must give the permittee the opportunity to file a new application before it modifies the permit.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.443 Revocation

The Board may revoke a pretreatment permit pursuant to Section 33 of the Act [415 ILCS 5/33] and 35 Ill. Adm. Code 103. Causes for revocation of a permit include, but are not limited to, the following:

a) Violation of permit conditions, including, but not limited to, schedules of compliance, monitoring, and inspection;

b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or

c) A change in circumstances that mandates either a temporary or permanent reduction or elimination of the discharge.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.444 Appeal

Within 35 days after final Agency action, the applicant may appeal the denial of a pretreatment permit, or the issuance of a pretreatment permit with conditions, to the Board pursuant to Section 40 of the Act [415 ILCS 5/40] and 35 Ill. Adm. Code 105.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.501 Pretreatment Programs Required
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) The Agency must require any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) that receives discharges that fulfill either of the following conditions to establish a pretreatment program:

1) The POTW receives discharges from industrial users that pass through or interfere with the operation of the POTW; or

2) The POTW receives discharges from industrial users that are otherwise subject to categorical standards in 35 Ill. Adm. Code 307.

b) The Agency must require that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if the Agency finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances require a pretreatment program in order to prevent interference or pass through.

c) Subsections (a) and (b) of this Section notwithstanding, the Agency may, in its discretion, waive the requirement that any POTW develop a pretreatment program.

1) Waivers must be in writing.

2) The Agency may, in its discretion, rescind any waiver by giving written notice to the POTW, giving sufficient time for the POTW to develop the program.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.502 Deadline for Program Approval

A POTW that meets the criteria of Section 310.501 must receive approval of a POTW pretreatment program no later than one year after the issuance, reissuance, or renewal of the POTW's NPDES permit to require development of a pretreatment program. The POTW pretreatment program must meet the criteria set forth in Section 310.510 and be administered by the POTW to ensure compliance by industrial users with applicable pretreatment standards and requirements.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

**Section 310.503 Incorporation of Approved Programs in Permits**

A POTW may develop an appropriate POTW pretreatment program any time before the time limit set forth in Section 310.502. The approved POTW pretreatment program must be incorporated into the POTW's NPDES permit. The modification of a POTW's NPDES permit for the purposes of incorporating a POTW pretreatment program approved in accordance with the procedure in Sections 310.541 through 310.547 must be deemed a minor permit modification subject to Section 310.442.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

**Section 310.504 Incorporation of Compliance Schedules in Permits**

If the POTW does not have an approved pretreatment program at the time the POTW's existing NPDES permit is reissued or modified, the reissued or modified permit must contain the shortest reasonable compliance schedule, not to exceed one year, for the approval of the legal authority, procedures and funding required by Section 310.510. The schedule of compliance does not protect the POTW from enforcement.

**BOARD NOTE: Board Note:** Derived from 40 CFR 403.8(d) (2003)(1986))

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

**Section 310.505 Reissuance or Modification of Permits**

The Agency must modify or, alternatively, reissue a POTW's NPDES permit in order to accomplish any of the following:

a) Put the POTW on a compliance schedule for the development of a POTW pretreatment program where the addition of pollutants into a POTW by an industrial user or combination of industrial users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The POTW pretreatment program must include the following legal authority and procedures:

a) Legal authority. The POTW must operate pursuant to legal authority enforceable in federal, State, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements that the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority must enable the POTW to:

1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;

2) Require compliance with applicable pretreatment standards and requirements by industrial users;

3) Control, through ordinance, permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance;
NOTICE OF PROPOSED AMENDMENTS

with applicable pretreatment standards and requirements, and in the case of each significant industrial users, as defined at 35 Ill. Adm. Code 310.110, this control must be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:

A) A statement of duration (in no case more than five years);

B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;

D) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and

E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;

4) Require the following:

A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and

B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to, the reports required in Subpart F of this Part;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

5) Carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW must be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority must be at least as extensive as the authority provided under section 308 of the federal CWA (33 USC 1318);

6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement:

A) All POTWs must be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTWs must also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by industrial users of pretreatment standards and requirements.

B) Pretreatment requirements that will be enforced through the remedies set forth in subsection (a)(6)(A) of this Section will include but not be limited to: the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW must have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW must also have authority and procedures (which must include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency must have authority to seek judicial relief when the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POTW has sought a monetary penalty that the Agency finds to be insufficient; and

7) Comply with the confidentiality requirements set forth in Section 310.105.

b) Procedures. The POTW must develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures must enable the POTW to do the following:

1) Identify and locate all possible industrial users that might be subject to the POTW pretreatment program. Any compilation, index, or inventory of industrial users made under this subsection (b)(1) of this Section must be made available to the Agency upon request;

2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1) of this Section. This information must be made available to the Agency upon request;

3) Notify industrial users identified under subsection (b)(1) of this Section of applicable pretreatment standards and any applicable requirements under sections 204(b) and 405 of the federal CWA (33 USC 1284(b) and 1345) and Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a), incorporated by reference in Section 310.107. Within 30 days after approval, pursuant to subsection (f) of this Section, of a list of significant industrial users, notify each significant industrial user or its status as such and of all requirements applicable to it as a result of such status;

4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D of this Part;

5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplies by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For
purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan must contain, at a minimum, the following elements:

A) A description of discharge practices, including non-routine batch discharges;

B) A description of stored chemicals;

C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and

D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response;

6) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D of this Part or as indicated by analysis, inspection, and surveillance activities described in subsection (b)(5) of this Section. Sample taking and analysis, and the collection of other information, must be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures must include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users that, during the previous 12 months, were in
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

B) "Technical review criteria" (TRC) violations, which must meet those violations in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease; and 1.2 for all other pollutants, except pH);

C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) of this Section to halt or prevent such a discharge;

E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

G) Failure to accurately report noncompliance; or

H) Any other violation or group of violations that the Agency determines will adversely affect the operation or implementation of the local pretreatment program.

c) The POTW must have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b) of this Section.

d) Local limits. The POTW must develop local limits as required in Section 310.210 or demonstrate that they are not necessary.

e) The POTW must develop and implement an enforcement response plan. This plan must contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum, do the following:

1) Describe how the POTW will investigate instances of noncompliance;

2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

3) Identify (by title) the officials responsible for each type of response; and

4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b) of this Section.

f) The POTW must prepare and maintain a list of its industrial users meeting the criteria in the first paragraph of the definition of "significant industrial user" at Section 310.110. The list must identify the criteria in the first paragraph of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second paragraph of that definition, also indicate whether the POTW has made a determination pursuant to the caveat in the second paragraph of that definition that such industrial user should not be considered a significant industrial user. The initial list must be submitted to the Agency pursuant to Sections 310.521 through 310.533 as a non-substantial program modification pursuant to Section 310.923. Modifications to the list must be submitted to the Agency.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pursuant to Section 310.612(a).


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.521 Program Approval

A POTW requesting approval of a POTW pretreatment program must develop a program description that includes the information set forth in Section 310.522(a) through (d). This description must be submitted to the Agency, which will make a determination on the request for program approval in accordance with the procedures described in Sections 310.540 through 310.546.

(Board Note: Derived from 40 CFR 403.9(a) (2003)(1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.522 Contents of Program Submission

The program description must contain the following information:

a) A statement from the attorney or other official acting in a comparable capacity for the unit of local government that the POTW has authority adequate to carry out the programs described in Section 310.501 through 310.510. This statement must do the following:

1) Identify the provision of the legal authority under Section 310.510(a) that provides the basis for each procedure under Section 310.510(b);

2) Identify the manner in which the POTW will implement the program requirements set forth in Sections 310.501 through 310.510, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, etc.); and,

3) Identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;
b) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the program. This submission must include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the POTW pretreatment program if approved;

c) A brief description (including organization charts) of the POTW organization that will administer the pretreatment program. If more than one agency is responsible for administration of the program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and

d) A description of the funding levels and full- and part-time manpower available to implement the program;


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.524 Content of Removal Allowance Submission

The request for authority to revise categorical pretreatment standards must contain the information required in Section 310.340.

BOARD NOTE: Derived from 40 CFR 403.9(d) (2003)

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.531 Agency Action

Any POTW requesting POTW pretreatment program approval must submit to the Agency three copies of the submission described in Section 310.522, and, if appropriate, Section 310.524. Within 60 days after receiving the submission, the Agency must make a preliminary determination of whether the submission meets the requirements of Section 310.522 and, if appropriate, Section 310.524. If the Agency makes the preliminary determination that the submission meets these requirements, the Agency shall do the following:

a) Notify the POTW that the submission has been received and is under review; and
b) Commence the public notice and evaluation activities set forth in Section 310.540 through 310.546.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.532 Defective Submission

If, after review of the submission as provided for in Section 310.531, the Agency determines that the submission does not comply with the requirements of Section 310.522, or, if appropriate, Section 310.524, the Agency must provide notice in writing to the applying POTW and each person who has requested individual notice. This notification must identify any defects in the submission and advise the POTW, and each person who has requested individual notice, of the means by which the POTW can comply with the applicable requirements of Section 310.522 and, if appropriate, Section 310.524.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.9(f) (2003)(1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.533 Water Quality Management

The Agency must review POTW pretreatment programs to assure consistency with water quality management plans.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.9(g) (2003)(1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.541 Deadline for Review

The Agency must have 90 days from the date of public notice of any submission complying with the requirements of Section 310.522, and, where removal credit authorization is sought, with Sections 310.340 and 310.524, to review the submission. The Agency must review the submission to determine compliance with the requirements of Sections Section 310.502 and 310.510, and, where removal credit authorization is sought, with Subpart C of this Part. The Agency may have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in Section 310.542(a)(2) is extended beyond 30 days or if a
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

public hearing is held as provided for in Section 310.542(b). In no event, however, the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of Sections 310.522 and 310.524.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.11(a) (2003) (1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.542 Public Notice and Hearing

Upon receipt of a submission the Agency must commence its review. Within 20 work days after making a determination that a submission meets the requirements of Section 310.522, and, where removal allowance approval is sought, Sections 310.340 and 310.524, the Agency perform the following actions:

a) Issue a public notice of request for approval of the submission.

1) This public notice must be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice include the following actions:

A) Mailing notices of the request for approval of the submission to the following entities:

i) Federal agencies as designated by USEPA;

ii) Regional planning agencies that participate in development of water quality management plans (unless such agencies have specifically requested not to receive such notices); and

iii) Any other person or group who has requested individual notice, including those on appropriate mailing lists; and

B) Publication of a notice of request for approval of the submission in a newspaper or newspapers of general circulation within the jurisdiction or jurisdictions served by the POTW that would provide meaningful public notice.

2) The public notice must provide a period of not less than 30 days
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

following the date of the public notice during which time interested persons may submit their written views on the submission.

3) All written comments submitted during the 30-day comment period must be retained by the Agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the Agency.

b) Provide an opportunity for the applicant, any affected state, any interested state or federal agency, person, or group of persons to request a public hearing with respect to the submission.

1) This request for public hearing must be filed within the 30 day (or extended) comment period described in subsection (a)(2) of this Section and must indicate the interest of the person filing such request and the reasons why a hearing is warranted.

2) The Agency must hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

3) Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate must be published in the same newspaper as the notice of the original request for approval of the submission under subsection (a)(1)(B) of this Section. In addition, notice of the hearing must be sent to those persons requesting individual notice.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.543 Agency Decision

At the end of the 30-day (or extended) comment period and within the 90-day (or extended) period provided for in Section 310.541, the Agency must approve or deny the submission based upon the evaluation in Section 310.541 and taking into consideration comments submitted during the comment period and the record of the public hearing, if held.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Where the Agency makes a determination to deny the request, the Agency must so notify the POTW and each person who has requested individual notice. This notification must include suggested modifications and the Agency may allow the requestor additional time to bring the submission into compliance with applicable requirements.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.11(c) (2003) (1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.544 USEPA Objection

The Agency must not approve any pretreatment program or authorization to grant removal credits to which USEPA objects pursuant to 40 CFR 403.11(d) (2003) (1986). The POTW may contest such an objection only as provided by USEPA rules and procedures.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.11(d) (2003) (1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.545 Notice of Decision

The Agency must notify those persons who submitted comments and participated in the public hearings, if held, of the approval or disapproval of the submission. In addition, the Agency must cause to be published a notice of approval or disapproval in the same newspaper as the original notice of request for approval of the submission was published. The Agency must identify, in any notice of POTW pretreatment program approval, any authorization to modify categorical pretreatment standards that the POTW may make in accordance with Subpart C of this Part for removal of pollutants subject to pretreatment standards.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.11(e) (2003) (1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.546 Public Access to Submission

The Agency must ensure that the submission and any comments upon such submission are available to the public for inspection and copying.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART F: REPORTING REQUIREMENTS

Section 310.601 Definition of Control Authority

The term "Control Authority" as it is used in this Subpart F refers to the appropriate of the following:

a) The POTW, if the POTW's submission for its pretreatment program (Section 310.110) has been approved in accordance with the requirements of Section 310.540 through 310.546; or,

b) The Agency, if the submission has not been approved.

(Board Note: Board Note: Derived from 40 CFR 403.12(a) (2003) (1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.602 Baseline Report

Within the time limits specified in subsection (h) of this Section, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW must submit to the Control Authority control authority a report that contains the information listed in subsections (a) through (g) of this Section. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, must submit to the Control Authority control authority a report that contains the information listed in subsections (a) through (e) of this Section. Where reports containing this information already have been submitted to the USEPA in compliance with 40 CFR 128.140(b), incorporated by reference in Section 310.107, the industrial user must not be required to submit this information again. New sources must also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources must give estimates of the information requested in subsections (d) and (e) of this Section.

a) Identifying information. The industrial user must submit the name and address of the facility including the name of the operator and owners;

b) Permits. The industrial user must submit a list of any environmental control
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

permits held by or for the facility;

c) Description of operations. The industrial user must submit a brief description of the nature, average rate of production, and standard industrial classification (SIC Code) of the operations carried out by such industrial user, as determined using the Standard Industrial Classification Manual, incorporated by reference in Section 310.110(a). This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes;

d) Flow measurement. The industrial user must submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

1) Regulated process streams; and

2) Other streams as necessary to allow use of the combined wastestream formula of Section 310.233. (See subsection (e)(5) of this Section.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations;

e) Measurement of pollutants.

1) The industrial user must identify the pretreatment standards applicable to each regulated process.

2) In addition, the industrial user must submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations.

3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority must waive flow proportional composite sampling for any industrial user that demonstrates that flow-proportional
NOTICE OF PROPOSED AMENDMENTS

sampling is infeasible. In such cases, samples must be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

4) The user must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

5) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user must measure the flows and concentrations necessary to allow use of the combined wastestream formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data must be submitted to the Control Authority.

6) Analytical methods.


B) Sampling and analysis must be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question, or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties.

7) The Control Authority may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pretreatment measures.

8) The baseline report must indicate the time, date, and place of sampling, and methods of analysis, and must certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements;

g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule must not be later than the compliance date established for the applicable pretreatment standard.

1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C of this Part), by the combined wastestream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) of this Section must pertain to the modified limits.

2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C of this Part), by the combined wastestream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) of this Section must be submitted by the user to the Control Authority within 60 days after the modified limit is approved.

h) Deadlines for baseline reports.

1) For standards adopted by USEPA prior to authorization of the Illinois
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pretreatment program baseline reports must be submitted pursuant to 40 CFR 403.12(b).

2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:

A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.

B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard must submit the baseline report within 90 days before beginning discharge.

C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A) of this Section, are considered existing sources for the purposes of the due date provisions of this subsection.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.603 Compliance Schedule

The following conditions apply to the schedule required by Section 310.602(g):

a) The schedule must contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
b) No increment referred to in subsection (a) of this Section must exceed nine months.

c) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user must submit a progress report to the Control Authority—including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reasons for delay and the steps being taken by the industrial user to return the construction to the schedule established. In no event must more than nine months elapse between such progress reports to the Control Authority.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.604 Report on Compliance with Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements must submit to the Control Authority a report containing the information described in Section 310.602(d) through (f). For industrial users subject to equivalent mass or concentration limits established by the Control Authority in accordance with procedures in Section 310.230, this report must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report must include the user's actual production during the appropriate sampling period.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.605 Periodic Reports on Compliance

a) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source,
after commencement of the discharge into the POTW, must submit to the Control Authority control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Control Authority control authority, a report indicating the nature and concentration of pollutants in the effluent that are limited by such categorical pretreatment standards. In addition, this report must include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 310.602(d), except that the Control Authority control authority may require more detailed reporting of flows. In consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority control authority may alter the months during which the above reports required by this subsection (a) are to be submitted.

b) Where the Control Authority control authority has imposed mass limitations on industrial users as provided by Section 310.232, the report required by subsection (a) of this Section must indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

c) For industrial users subject to equivalent mass or concentration limits established by the Control Authority control authority in accordance with the procedures in Section 310.230, the report required by subsection (a) of this Section must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) of this Section must include the user's actual average production rate for the reporting period.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.606 Notice of Potential Problems

All categorical and non-categorical industrial users must notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by Section 310.202 and 35 Ill. Adm. Code 307.1101, by the industrial user.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.610 Monitoring and Analysis

a) The reports required in Section 310.602(e), 310.604, and 310.605 must contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Control Authority of pollutants contained in the discharge that are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the Control Authority instead of the industrial user. Where the POTW performs the required sampling and analysis instead of the industrial user, the user is not required to submit the compliance certification required under Sections 310.602(f) and 310.604. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user is not required to submit the report.

b) If sampling performed by an industrial user indicates a violation, the user must notify the Control Authority with 24 hours after becoming aware of the violation. The user must also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if either of the following occurs:

1) The Control Authority performs sampling at the industrial user at a frequency of at least once per month, or

2) The Control Authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

c) The reports required in Section 310.605 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The Control Authority must require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

d) All analyses must be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307.1003, or with any other test procedure approved by the
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Agency. Sampling must be performed in accordance with the techniques approved by the Agency. Where 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutants in question, or where USEPA has determined as provided in Section 310.602 that sampling and analytical techniques are inappropriate, sampling and analyses must be performed using validated analytical methods or any other sampling and analytical procedures including procedures approved by the POTW or other persons.

e) If an industrial user subject to the reporting requirement in Section 310.605 monitors any pollutant more frequently than required by the Control Authority, using the procedures prescribed in subsection (d) of this Section, the results of this monitoring must be included in the report.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.611 Requirements for Non-Categorical Users

The Control Authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. These reports must be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136, incorporated by reference at Section 310.107. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Agency determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Agency. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report. For the purposes of this Section, "significant noncategorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards.

Section 310.612 Annual POTW Reports

POTWs with approved pretreatment programs must provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the following:

a) An updated list of the POTW's industrial users, including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The POTW must provide a brief explanation of each deletion. This list must identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list must indicate which industrial users are subject to more stringent than the categorical pretreatment standards. The POTW must also list the industrial users that are subject only to local requirements.

b) A summary of the status of industrial user compliance over the reporting period.

c) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period.

d) A summary of changes to the POTW's pretreatment program that have not been previously reported to the Agency.


Section 310.613 Notification of Changed Discharge

An industrial user must promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Section 310.635.
Section 310.621 Compliance Schedule for POTW's

The following conditions and reporting requirements must apply to the compliance schedule for development of an approvable POTW pretreatment program required by Section 310.501 through 310.510.

a) The schedule must contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

b) No increment referred to in Section 310.621(a) must exceed nine months;

c) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW must submit a progress report to the Agency including as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event must more than nine months elapse between such progress reports to the Agency.

Section 310.631 Signatory Requirements for Industrial User Reports

The reports required by Sections 310.602, 310.604, and 310.605 must include the certification statement as set forth in Section 310.221(b)(2) and must be signed as follows:

a) By a responsible corporate officer, if the industrial user submitting the reports required in Sections 310.602, 310.604, and 310.605 is a corporation. For the purposes of this Section, a responsible corporate officer means:

1) A president, secretary, treasurer, or vice-president of the corporation in
charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or

2) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b) A general partner or proprietor, if the industrial user submitting the report required by Sections 310.602, 310.604, and 310.605 is a partnership or sole proprietorship, respectively.

c) A duly authorized representative of the individual designated in subsections (a) or (b) of this Section, if:

1) The authorization is made in writing by the individual described in subsections (a) or (b) of this Section;

2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

3) The written authorization is submitted to the Control Authority.

d) If an authorization under subsection (c) of this Section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.


(Source: Amended at 28 Ill. Reg. ______, effective ____________ )
Section 310.632 Signatory Requirements for POTW Reports

Reports submitted to the Agency by the POTW in accordance with Section 310.621 must be signed by a principal executive officer, ranking elected official, or other duly authorized employee if such employee is responsible for overall operation of the POTW.


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.633 Fraud and False Statements

The reports required by this Subpart are subject to the provisions of Section 1001 of Crimes and Criminal Procedure (18 USC U.S.C. 1001), incorporated by reference in Section 310.107, relating to fraud and false statements; the provisions of section Section 309(c)(4) of the federal CWA (33 USC 1319(c)(4)) governing false statements, representations, or certifications in reports required under the CWA; the provisions of section 309(c)(6) of the CWA (33 USC 1319(c)(6)) regarding responsible corporate officers; and to the provisions of Title XII of the Act [415 ILCS 5/Title XII].


(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.634 Recordkeeping Requirements

a) Any industrial user and POTW subject to the reporting requirements established in this Subpart F must maintain records of all information resulting from any monitoring activities required by this Subpart F. Such records must include the following information for all samples:

1) The date, exact place, method, and time of sampling, and the names of the person or persons taking the samples;

2) The dates analyses were performed;

3) Who performed the analyses;
Section 310.635 Notification of Discharge of Hazardous Waste

a) Requirement for notification.

1) The industrial user must notify the POTW; the Director, Waste Management Division, USEPA Region 5V, 230 South Dearborn Street, Chicago, Illinois 60604; and the Manager, Division of Land Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 35 Ill. Adm. Code 721. Such notification must include the name of the hazardous waste as set forth in 35 Ill. Adm. Code 721, the USEPA EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification must also contain the following information, to the extent such information is known and readily available to the industrial user:

A) An identification of the hazardous constituents contained in the wastes;

B) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

C) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

2) Time for notification. All notifications required under subsection (a)(1) of this Section must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule must provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.

3) Frequency for notification. Any notification required under subsection (a)(1) of this Section need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 310.613.

4) Exception for notification under other provisions. The notification requirement of subsection (a)(1) of this Section does not apply to pollutants already reported under the self-monitoring requirements of Sections 310.602, 310.604, and 310.605.

b) Exemption to reporting requirement. Discharges are exempt from the requirements of subsection (a)(1) of this Section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes, as specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require
additional notification.

c) Newly-listed hazardous wastes. In the case of any new regulations under section 3001 of the federal RCRA (42 USC 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW; USEPA Region V, Waste Management Division; and the Agency, Division of Land Pollution Control of the discharge of such substance, pursuant to subsection (a)(1) of this Section, within 90 days after the effective date of such regulations.

d) Required certification. In the case of any notification made under this Section, the industrial user must certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.


(Source: Amended at 28 Ill. Reg. _______, effective ____________)

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section 310.701 Definition of Requester

The term "requester" means an industrial user or a POTW or other interested person seeking a fundamentally different factors (FDF) determination from the limits specified in a categorical pretreatment standard.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(a) (2003)(1986))

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.702 Purpose and Scope

It may be necessary on a case-by-case basis to adjust the limits in categorical pretreatment standards, making them either more or less stringent, as they apply to a certain industrial user within an industrial category or subcategory. This will only be done if data specific to that industrial user indicates it presents factors fundamentally different from those considered by USEPA in developing the limit at issue. Any interested person believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that user and further, that the existence of those
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard, may request an FDF determination under this Subpart G. Such a determination proceeding may be initiated by the Agency also.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(b) (2003)(1986)).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.703 Criteria

a) General criteria. A request for an FDF determination must be approved only if the following are true:

1) There is an applicable categorical pretreatment standard specifically controls the pollutant for which alternative limits have been requested; and

2) Factors relating to the discharge controlled by the categorical pretreatment standard are fundamentally different from the factors considered by USEPA in establishing the standards; and

3) The request for an FDF determination is made in accordance with the procedural requirements in Sections 310.711 and 310.712.

b) Criteria applicable to less stringent limits. An FDF determination request for the establishment of limits less stringent than required by the standard must be approved only if the following are true:

1) The alternative limit requested is no less stringent than justified by the fundamental difference;

2) The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under Section 310.201 through 310.213, or 35 Ill. Adm. Code 307;

3) The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards; and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4) Compliance with the standards (either by using the technologies upon which the standards are based or by using other control alternatives) would result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the standards.

c) Criteria applicable to more stringent limits. An FDF determination request for the establishment of limits more stringent than required by the standards must be approved only if the following are true:

1) The alternative limit request is no more stringent than justified by the fundamental difference; and

2) Compliance with the alternative limit would not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the standards.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(c) (2003),(1986))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.704 Fundamentally Different Factors

Factors that which may be considered fundamentally different are the following:

a) The nature or quality of pollutants contained in the raw waste load of the industrial user's process wastewater;

b) The volume of the industrial user's process wastewater and effluent discharged;

c) Non-water quality environmental impact of control and treatment of the industrial user's raw waste load;

d) Energy requirements of the application of control and treatment technology;

e) Age, size, land availability, and configuration as they relate to the industrial user's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology; and...
NOTICE OF PROPOSED AMENDMENTS

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(d) (2003),(1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.705 Factors that which are Not Fundamentally Different

A FDF request or portion of such a request under this Subpart G must shall be granted on any of the following grounds:

a) The feasibility of installing the required waste treatment equipment within the time the federal CWA (33 USC 1251 et seq.) allows;

b) The assertion that the standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in Section 310.704;

c) The industrial user's ability to pay for the required waste treatment; or

d) The impact of a discharge on the quality of the POTW's receiving waters.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(e) (2003),(1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.706 More Stringent State Law

a) The Agency must shall not grant FDF determinations with respect to more stringent pretreatment standards adopted pursuant to independent Board authority (35 Ill. Adm. Code 307.1102 and 307.1103).

b) Nothing in this Subpart G may shall be construed to impair the right of any POTW to impose more stringent limitations pursuant to Sections 310.210 and 310.211.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(f) (2003),(1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.711 Application Deadline
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) Request for an FDF determination and supporting information must be submitted in writing to the Agency.

b) In order to be considered, requests for FDF determinations must be submitted within the following time limits:


2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, the industrial user must request an FDF determination within 180 days after the Board adopts or incorporates the standard by reference unless the user has requested a category determination pursuant to Section 310.221.

c) Where the industrial user has requested a category determination pursuant to Section 310.221, the user may elect to await the results of the category determination before submitting a request for an FDF determination. Where the user so elects, the user must submit the request within 30 days after a final decision has been made on the categorical determination pursuant to Section 310.221(d).

(BOARD NOTE: Derived from 40 CFR 403.13(g) (2003), as amended at 60 Fed. Reg. 33926, effective June 29, 1995.)

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.712 Contents of FDF Request

Written requests for an FDF determination must include:

a) The name and address of the person making the request;

b) Identification of the interest of the requester that is affected by the categorical pretreatment standard for which the FDF determination is requested;

c) Identification of the POTW currently receiving the waste from the industrial user for which alternative discharge limits are requested;
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Identification of the categorical pretreatment standards that are applicable to the industrial user;

e) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

f) The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in subsection (e) of this Section;

g) A description of the industrial user's existing water pollution control facilities;

h) A schematic flow representation of the industrial user's water system including water supply, process wastewater systems, and points of discharge; and

i) A statement of facts clearly establishing why the request for an FDF determination should be approved, including detailed support data, documentation and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by USEPA and used in developing each pollutant discharge limit in the pretreatment standard.

(BOARD NOTE: Derived from 40 CFR 403.13(h) (2003))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.713 Deficient Requests

The Agency must shall act only on written requests of FDF determination that contain all of the information required. The Agency must shall notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed, the Agency must shall deny the request for an FDF determination.

(BOARD NOTE: Derived from 40 CFR 403.13(i) (2003))

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.714 Public Notice

Upon receipt of a complete request, the Agency must shall provide notice of receipt, opportunity to review the submission and opportunity to comment.
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

a) The public notice must be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice must include mailing notices to the following:

1) The POTW into which the industrial user requesting the FDF determination discharges;
2) Adjoining states whose waters may be affected; and
3) Federal agencies as designated by USEPA;
4) Regional planning agencies that participate in development of water quality management plans; and
5) Any other person or group who has requested individual notice, including those on appropriate mailing lists; and

b) The public notice must provide for a period not less than 30 days following the date of the public notice during which the time interested persons may review the request and submit their written views on the request.

c) Following the comment period, the Agency must make a determination upon the request taking into consideration any comments received. Notice of the final decision must be provided to the requester (and the industrial user for which the variance is requested, if different), the POTW into which the industrial user discharges and all persons who submitted comments on the request.

(BOARD NOTE: Board Note: Derived from 40 CFR 403.13(j) (2003),(1986))

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 310.721 Agency Review of FDF Requests

a) Where the Agency finds that fundamentally different factors do not exist, it must deny the request and notify the requester (and industrial user where they are not the same) and the POTW of the denial.

b) If the Agency finds that fundamentally different factors do exist, it must forward the request, with a recommendation that the request be approved, to
Section 310.722 USEPA Review of FDF Requests

a) USEPA will deny or approve the request for an FDF determination as provided in 40 CFR 403.13(l) and (m) (2003)(1986).

b) The Agency must not grant an FDF request unless it has been approved by USEPA.

c) Appeal.

1) The requester may appeal to the Board any finding by the Agency that FDF do not exist.

2) If USEPA refuses to approve a request forwarded by the Agency, the requester may contest the decision only as allowed by USEPA.

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section 310.801 Net/Gross Calculation by USEPA


SUBPART I: UPSETS

Section 310.901 Definition
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

For the purposes of this Subpart I, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(Board Note: Derived from 40 CFR 403.16(a) (2003). (1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.902  Effect of an Upset

An upset must constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Section 310.903 are met.

(Board Note: Derived from 40 CFR 403.16(b) (2003). (1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.903  Conditions Necessary for an Upset

An industrial user who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that the following has occurred:

a) An upset occurred and the industrial user can identify the cause or causes of the upset;

b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c) The industrial user has submitted the following information to the POTW and Control Authority within 24 hours after becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days);

1) A description of the indirect discharge and cause of noncompliance;

2) The period of noncompliance, including exact dates and times or, if not
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

corrected, the anticipated time the noncompliance is expected to continue;

3) Steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.


(Source: Amended at 27 Ill. Reg. _____, effective ____________)

Section 310.904 Burden of Proof

In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset must have the burden of proof.

(Board Note: Derived from 40 CFR 403.16(d) (2003)(1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.905 Reviewability of Claims of Upset

In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(Board Note: Derived from 40 CFR 403.16(e) (2003)(1986))

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 310.906 User Responsibility in Case of Upset

The industrial user must control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Board Note: Derived from 40 CFR 403.16(f) (2003)(1986))
Subpart J: Bypass

Section 310.910 Definitions

For the purposes of this Subpart J, the following definitions apply:

"Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

"Severe property damage" means substantial physical damage to property, damage to treatment facilities that causes them to become inoperable or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.


Section 310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

An industrial user may allow any bypass to occur, which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Sections 310.912 and 310.913.


Section 310.912 Notice

a) If an industrial user knows in advance of the need for a bypass, it must submit prior notice to the Control Authority, if possible at least...
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

10 days before the date of the bypass.

b) An industrial user must submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Control Authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission also must be provided within five days after the time the industrial user becomes aware of the bypass. The written submission must contain the following:

1) A description of the bypass and its cause,

2) The duration of the bypass, including exact dates and times,

3) If the bypass has not been corrected, the anticipated time it is expected to continue and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

c) The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.


(Source: Amended at 28 Ill. Reg. _____, effective _________)

Section 310.913 Prohibition of Bypass

a) Bypass is prohibited unless the following are true:

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) The industrial user submitted notices as required under Section 310.912.

b) The Control Authority may approve an anticipated bypass, after considering its adverse affects, if the Control Authority determines that the bypass will meet the requirements of subsection (a) of this Section.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section 310.922 Approval Procedures for Substantial Modifications

a) The POTW must submit to the Agency a statement of the basis for the desired program modification, a modified program description (see Section 310.522), or such other documents the Agency determines to be necessary under the circumstances.

b) The Agency must approve or disapprove the modification based on the requirements of Section 310.510 and using the procedures in Sections 310.542 through 310.546, except as provided in subsections (c) and (d) of this Section. The modification must become effective upon approval by the Agency.

c) The Agency need not publish a notice of decision under Section 310.545 provided each of the following conditions is fulfilled:

1) The notice of request for approval under Section 310.542(a) states that the request will be approved if no comments are received by a date specified in the notice;

2) No substantive comments are received; and

3) The request is approved without change.

d) Notices required by Sections 310.542 through 310.546 may be performed by the POTW, provided that the Agency finds that the POTW notice otherwise satisfies the requirements of Sections 310.542 through 310.546.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.923 Approval Procedures for Non-Substantial Modifications

a) The POTW must notify the Agency of any non-substantial modification at least 45 days prior to its implementation by the POTW, in a statement similar to that provided for in Section 310.922(a).

b) Within 45 days after the submission of the POTW's statement, the Agency must notify the POTW of its decision to approve or disapprove the non-substantial modification.

c) If the Agency does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under Section 310.921(g), the POTW may implement the modification.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 310.924 Incorporation of Modifications into the Permit

All modifications must be incorporated into the POTW's NPDES permit upon approval. The permit must be modified to incorporate the approved modification in accordance with this Part and 35 Ill. Adm. Code 309340.


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART L: FEDERAL PROJECT XL AGREEMENTS

Section 310.930 Federally-Approved Pretreatment Program Reinvention Pilot Projects Under Project XL
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Once a POTW has entered into a federally approved pretreatment program reinvention pilot project under Project XL, the Agency may, by a permit issued pursuant to Section 39 of the Act [415 ILCS 5/39], allow that POTW to implement a pretreatment program that includes legal authorities and requirements that are different than the administrative requirements otherwise applicable under this Part.

a) The POTW must submit any such alternative requirements as a substantial program modification in accordance with the procedures outlined in Subpart K of this Part. The approved modified program must be incorporated as an enforceable part of the POTW's NPDES permit before the POTW may implement it.

b) The Agency must include a reopener clause in the POTW's NPDES permit that directs the POTW to discontinue implementing the approved alternative requirements and resume implementation of its previously approved pretreatment program if the Agency determines that the primary objectives of the local pilot pretreatment program embodied in the Project XL agreement are not being met or the Project XL agreement expires or is otherwise terminated pursuant to its own terms.


(Source: Amended at 28 Ill. Reg. ______, effective ____________ )
otre of Proposed Amendments

1) **Heading of the Part:** Dietetic and Nutrition Services Practice Act

2) **Code Citation:** 68 Ill. Adm. Code 1245

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1245.10</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.110</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.120</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.140</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.150</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.160</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.210</td>
<td>Repealed</td>
</tr>
<tr>
<td>1245.220</td>
<td>Repealed</td>
</tr>
<tr>
<td>1245.230</td>
<td>Repealed</td>
</tr>
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<td>Repealed</td>
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<tr>
<td>1245.250</td>
<td>Repealed</td>
</tr>
<tr>
<td>1245.260</td>
<td>Repealed</td>
</tr>
<tr>
<td>1245.305</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.310</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.320</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.330</td>
<td>Amendment</td>
</tr>
<tr>
<td>1245.340</td>
<td>Amendment</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Dietetic and Nutrition Services Practice Act [225 ILCS 30]

5) **A Complete Description of the Subjects and Issues Involved:** A previous rulemaking implemented P.A. 92-0642, which replaced the separate dietitian and nutrition counselor licensure categories with a new licensure category called licensed dietitian nutritionist; this proposed rulemaking repeals obsolete language and references to the separate license categories.

6) **Will these amendments replace emergency rules currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objective (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

    Department of Professional Regulation
    Attention: Barb Smith
    320 West Washington, 3rd Floor
    Springfield, IL  62786
    217/785-0813
    Fax#: 217/782-7645

    All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

    A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing dietetic and nutrition services.

    B) Reporting, bookkeeping or other procedures required for compliance: None

    C) Types of professional skills necessary for compliance: Dietetic and nutrition skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1245
DIETETIC AND NUTRITION SERVICES PRACTICE ACT

SUBPART A: DEFINITIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1245.10</td>
<td>Definitions</td>
</tr>
</tbody>
</table>

SUBPART B: DIETITIAN **NUTRITIONIST**

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1245.100</td>
<td>Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather) (Repealed)</td>
</tr>
<tr>
<td>1245.110</td>
<td>Application for Examination/Licensure (Repealed)</td>
</tr>
<tr>
<td>1245.120</td>
<td>Examination</td>
</tr>
<tr>
<td>1245.130</td>
<td>Approved Programs in Dietetics</td>
</tr>
<tr>
<td>1245.140</td>
<td>Experience</td>
</tr>
<tr>
<td>1245.150</td>
<td>Endorsement</td>
</tr>
<tr>
<td>1245.160</td>
<td>Restoration</td>
</tr>
</tbody>
</table>

SUBPART C: NUTRITION COUNSELOR

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1245.200</td>
<td>Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather) (Repealed)</td>
</tr>
<tr>
<td>1245.210</td>
<td>Application for Examination/Licensure (Repealed)</td>
</tr>
<tr>
<td>1245.220</td>
<td>Examination (Repealed)</td>
</tr>
<tr>
<td>1245.230</td>
<td>Approved Programs of Nutrition Counselors (Repealed)</td>
</tr>
<tr>
<td>1245.240</td>
<td>Experience (Repealed)</td>
</tr>
<tr>
<td>1245.250</td>
<td>Endorsement (Repealed)</td>
</tr>
<tr>
<td>1245.260</td>
<td>Restoration (Repealed)</td>
</tr>
</tbody>
</table>

SUBPART D: GENERAL

<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1245.300</td>
<td>Renewal</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1245.305  Fees
1245.310  Continuing Education
1245.320  Inactive Status
1245.330  Unprofessional Conduct
1245.340  Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].


SUBPART A: DEFINITIONS

Section 1245.10 Definitions

"Act" means the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

"Board" means the Dietitian Nutritionist Dietetic and Nutrition Services Practice Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Direct Supervision" means supervision by a licensed dietitian nutritionist, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240 of this Part. The supervisor shall:

- Meet at regularly scheduled sessions with the supervisee a minimum of one hour each week;
- Be responsible for the standard of work performed by the individual under supervision; and
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Have knowledge of patients/clients and the case information.

"Licensed dietitian nutritionist" means a person who, beginning November 1, 2003, pursuant to P.A. 92-0642, is licensed under the Act to practice dietetics and nutrition services, including medical nutrition therapy. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual. "Licensed dietitian" means a person licensed by the Department until October 31, 2003, to practice dietetics as defined in Section 10 of the Act. Dietetics include all aspects of nutrition care for individuals and groups, including, but not limited to, nutrition assessment, nutrition counseling, nutrition education, nutrition service and medical nutrition care. Activities of a licensed dietitian do not include the medical differential diagnoses of the health status of an individual. "Licensed nutrition counselor" means a person licensed by the Department until October 31, 2003, to provide nutrition services as defined in Section 10 of the Act. Nutrition services to individuals and groups include, but are not limited to, nutrition assessments, nutrition education, nutrition counseling and nutrition care. Activities of a licensed nutrition counselor do not include medical nutrition care and do not include the medical differential diagnoses of the health status of an individual.

"Medical nutrition therapy" means the component of nutrition care that deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food and nutrition service operations whose chief function is nutrition care and providing medically prescribed diets.

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations. The mere collection of nutrition and health data is not nutrition assessment and does not require licensure under the Act, unless activities include an evaluation of nutrition needs and nutrition recommendations.

"Nutrition care" means a dietary intervention whose primary function is to improve an individual's nutrition status and involves modification to meet individual needs. Provision of food for general sustenance of being is not construed as nutrition care and not subject to regulation under the Act and this Part.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition information by integrating information from the nutrition assessment. The distribution by an individual of written nutrition educational material prepared by or approved in writing by a licensee is not nutrition counseling or nutrition education and any person distributing such written material need not be licensed under this Act.

"Nutrition education" means a planned nutrition program based on learning objectives with expected outcomes.

"Nutrition information" is oral or written factual data that includes:

- Food sources of vitamins, minerals and nutrients;
- Nutrient analysis of food, food items, recipes and menus;
- Reporting the results of published scientific studies as long as the source is cited and recommendations are general in nature and are limited to those included in the published study;
- Instruction and uses of food, dietary supplements and food material consistent with State and federal laws (i.e., Federal Food and Drug Administration, Department of Public Health); and
- The display or distribution of printed, audio or video nutrition education information developed by a licensee, an entity of any federal, state or local government, or any nonprofit organization as outlined in Section 20(g) of the Act.

All health claims shall be consistent with the Federal Food and Drug Administration regulations.

Individuals are not required to be licensed to provide nutrition information; however, the evaluation of an individual's or group's dietary intake and/or recommendation for dietary changes is considered nutrition services and a license would be required to perform these activities.

"Registered dietitian" means a person registered with the Commission on Dietetic Registration.
"Restorative care to attainment of optimal health" relates to the use of foods, nutrients and/or dietary supplements for individuals or groups who may or may not have a diagnosed disease or medical condition, as long as it is not medical nutrition therapy. If a person has a diagnosed disease or medical condition and is on a medically prescribed diet, a licensed nutrition counselor shall be limited to use of foods, nutrients and/or dietary supplements so as to indirectly impact or not contraindicate the diagnosed disease or medical condition of the individual or group.

"Supervision" means supervision by a licensed dietitian nutritionist, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240. The supervisor shall:

- Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;
- Be responsible for the standard of work performed by the individual under supervision; and
- Have knowledge of patients/clients and the case information.

"Treatment Program" is any nutrition intervention designed for an individual or group with a specific medical diagnosis, using foods, nutrients and/or dietary supplements so as to directly and specifically impact the medical condition and health status of the individual or group.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART B: DIETITIAN NUTRITIONIST

Section 1245.110 Application for Examination/Licensure

a) An applicant for examination to obtain licensure as a dietitian nutritionist shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

1) Certification of education and an official transcript indicating the applicant holds one of the following:

A) A baccalaureate degree or post baccalaureate degree in human
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA); or

B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;

2) Verification of 900 hours of experience, on forms provided by the Department:

A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a dietitian nutritionist;

B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.140 of this Part;

3) A complete work history;

4) The required fee set forth in Section 1245.305; and

5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) In lieu of the documents in subsections (a)(1) and (2) above, an applicant for licensure as a dietitian nutritionist who at the time of application has maintained a "registered dietitian" designation from the Commission on Dietetic Registration
shall submit a copy of his/her current registration from the Commission. The applicant will not be required to take the examination set forth in Section 1245.120.

c) If an applicant for licensure is not a registered dietitian but has taken and passed the dietetic examination given through the Commission on Dietetic Registration within 12 months before applying for licensure, the applicant shall not be required to retake the exam. The examination scores shall be submitted to the Department directly from the testing entity.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.

f) Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a dietitian after October 31, 2003. All individuals will be issued a dietitian nutritionist license.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1245.120 Examination

a) The examination for licensed dietitian nutritionists shall be the dietetic examination given through the Commission on Dietetic Registration.

b) The passing score on the examination shall be the passing score of the testing entity.

c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction
shall be required to submit proof to the Department of the completion of 6 semester hours of dietetic course work as set forth in Section 1245.130(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of a licensed dietitian nutritionist or other appropriate supervisor as defined in Section 1245.140.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1245.140 Experience

a) A minimum of 900 hours of experience in dietetics as defined in Section 10 of the Act completed within 5 years is required for licensure as a dietitian nutritionist under Section 45 of the Act. The experience shall have been received from a supervisor(s) who, at the time supervision took place, was one of the following:

1) A "registered dietitian" with the Commission on Dietetic Registration;

2) A licensed dietitian nutritionist;

3) A practitioner (such as, but not limited to, a licensed physician or registered nurse) whose license includes nutrition care;

4) An individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management; or

5) An individual who obtained a doctoral degree outside the U.S. and its territories must have the degree validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.

b) After January 1, 1996, an individual shall have at least 3 years of experience in dietetics in order to supervise practice experience.

c) Supervised practice experience must be completed in the United States or its territories.

d) The supervisor shall observe, supervise and assess the applicant.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

e) The experience must be under direct supervision as defined in Section 1245.10 and documented by the supervisor as satisfactory or better.

f) The supervised experience may be obtained prior to, concurrently or following the completion of the education requirements.

g) The experience shall be completed prior to filing an application with the Department for licensure/examination.

h) The Department, upon recommendation of the Board, has determined that internships approved by the American Dietetic Association meet the experience requirements set forth in this Section.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 1245.150 Endorsement

a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a dietitian nutritionist shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification of education and an official transcript from a baccalaureate or post baccalaureate degree program in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA), or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130(a) of this Part;

2) Certification of at least 900 hours of supervised or internship experience as set forth in Section 1245.140 of this Part;

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:

A) The time during which the applicant was originally
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

licensed/registered;

B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and

C) Examinations taken and examination scores received;

4) A complete work history since graduation from a baccalaureate or post baccalaureate program; and

5) The required fee as set forth in Section 1245.305.

b) In lieu of the documents in subsections (a)(1) and (2), the applicant may submit a current registration as a "registered dietitian" from the Commission on Dietetic Registration.

c) An applicant for licensure as a dietitian nutritionist who is registered/licensed under the laws of another state or territory of the United States or of a foreign country or is a registered dietitian may practice dietetics in this State until:

1) The expiration of 6 months after the filing of the written application;

2) The withdrawal of the application; or

3) The denial of the application by the Department.

d) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1245.160 Restoration

a) Any dietitian nutritionist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.

b) Any person seeking restoration of a license that has been expired or placed on
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 and proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall also submit:

1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;

2) An affidavit attesting to military service as provided in Section 65 of the Act;

3) Proof of passage of the ADA/CDR examination for dietitian nutritionists—during the period the license was lapsed or on inactive status; or

4) Current "Registered Dietitian" status from the Commission on Dietetic Registration.

c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART C: NUTRITION COUNSELOR

Section 1245.210 Application for Examination/Licensure (Repealed)

a) Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a nutrition counselor after October 31, 2003.  
1) No new applications as a nutrition counselor will be accepted by the Department 120 days prior to November 1, 2003.  
2) An applicant for a nutrition counselor license prior to that date will be allowed to sit for the October 2003 administration of the nutrition counselor examination; however, a license will not be issued as a nutrition counselor. All applicants no matter where they are in the process will be required to complete 24 hours of continuing education in medical nutrition therapy as set forth in Section 1245.300 prior to the issuance of a dietitian nutritionist license. The 24 hours of continuing education may be waived for an applicant whose education already fulfills the requirements set forth in Section 1245.130 as an approved program in dietetics.  
3) Any person who has not taken and passed the nutrition counselor examination by October 31, 2003, will be required to sit for the CDR examination set forth in Section 1245.120.

b) An applicant for examination to obtain licensure as a nutrition counselor shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:  
1) Certification of education, on forms provided by the Department, and an official transcript indicating the applicant holds one of the following:  
   A) A baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health granted from a school or program accredited by a regional accrediting agency recognized by the Council on Higher Education Accreditation (CHEA); or  
   B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;  
2) Verification of 900 hours of experience, on forms provided by the Department:  
   A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a nutrition counselor;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.240 of this Part;

3) A complete work history since graduation from a baccalaureate program;

4) The required fee set forth in Section 1245.305; and

5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 1245.220 Examination (Repealed)

a) The examination for licensed nutrition counselors shall be the examination authorized by the Department.

b) The passing score on the examination shall be the passing score of the testing entity.

e) Applicants who fail the examination 3 times in Illinois or any other jurisdiction shall be required to submit proof to the Department of the completion of 6 semester hours of nutrition course work as set forth in Section 1245.230(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of an appropriate supervisor as defined in Section 1245.240(a).

d) The last administration of this examination will be October 2003.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 1245.230 Approved Programs of Nutrition Counselors (Repealed)

The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:

a) Is accredited by a regional accrediting agency recognized by the Council on
Higher Education Accreditation (CHEA), or is a foreign program that has been validated by an accrediting agency approved by the U.S. Department of Education as offering a degree equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States;

b) Has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from

e) Has a designated program director;

d) Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance; and

e) Either:

1) Grants a baccalaureate or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health; or

2) Offers a baccalaureate or post baccalaureate degree with a major course of study that includes all of the following course work:

   A) Foods and Nutrition—12 semester hours must include:
      i) Principles of human nutrition or the equivalent;
      ii) Principles of food preparation or the equivalent; and
      iii) Nutrition through the life cycle, applied human nutrition, advanced human nutrition or the equivalent;

   B) Management—3 semester hours (such as food service or health systems) or the equivalent;

   C) Education—3 semester hours (methods of education, student teaching or the equivalent course work);

   D) Behavioral Science—3 semester hours (such as psychology, sociology, counseling or educational psychology) or the equivalent;

   E) Organic Chemistry or Biochemistry—3 semester hours or the equivalent; and

   F) Human Anatomy and Physiology—3 semester hours or the equivalent.

f) Individuals who are deficient in any of the courses set forth in subsection (e)(2) above may complete those courses in an approved program.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 1245.240 Experience (Repealed)

a) A minimum of 900 hours of experience in nutrition services as defined in Section
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

10 of the Act completed within 5 years is required for licensure as a nutrition counselor under Section 50 of the Act. The experience shall have been received from an individual(s) who, at the time supervision took place, was one of the following:
1) A licensed nutrition counselor;
2) A "registered dietitian" with the Commission on Dietetic Registration;
3) A licensed dietitian;
4) A practitioner (such as, but not limited to, a licensed physician or registered nurse) whose license includes nutrition care;
5) An individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, public health, dietetics or
6) An individual who obtained a doctoral degree outside the United States and its territories that is equivalent to a major course of study in human nutrition, nutrition education, food and nutrition, public health, dietetics or food systems management must have the degree validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.

b) After January 1, 1996, an individual shall have at least 3 years of experience in nutrition services in order to supervise practice experience.

e) Supervised practice experience must be completed in the United States or its territories.

d) The supervisor shall observe, supervise and assess the applicant.

e) The experience shall be under direct supervision as defined in Section 1245.10 and shall be documented by the supervisor as satisfactory or better.

f) The supervised experience may be obtained prior to, concurrently or following the completion of the education requirements.

g) The experience shall be completed prior to filing an application with the Department for licensure/examination.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 1245.250 Endorsement (Repealed)

a) An applicant who is registered/licensed under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a nutrition counselor shall file an application with the Department, on forms provided by the Department, which includes:
1) Certification of a baccalaureate degree or post-baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health from a school or program accredited by a
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

regionally accredited agency recognized by the Council on Higher Education Accreditation (CHEA), or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;

2) Certification of at least 900 hours of experience in accordance with Section 1245.240 of this Part;

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant is currently licensed/registered, stating:
   A) The time during which the applicant was originally licensed/registered;
   B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
   C) Examinations taken and examination scores received;

4) A complete work history; and

5) The required fee as set forth in Section 1245.305.

b) An applicant for licensure as a nutrition counselor who is registered/licensed under the laws of another state or territory of the United States or of a foreign country

1) The expiration of 6 months after the filing of the written application;

2) The withdrawal of the application; or

3) The denial of the application by the Department.

e) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 1245.260 Restoration (Repealed)

a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 and providing proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to

b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 and proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration. The applicant shall also submit:

1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

in the other jurisdiction that the licensee was authorized to practice during
2) An affidavit attesting to military service as provided in Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
3) Proof of passage of the Department authorized examination for nutrition

e) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
   1) Provide such information as may be necessary; and/or
   2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

f) Individuals holding a license as a nutrition counselor applying for restoration of that license 90 days prior to November 1, 2003 or any time thereafter will be required, in addition to any other requirements for restoration, to complete 24 hours of continuing education that shall be in medical nutrition therapy as set forth in Section 1245.300.

(Source: Repealed at 28 Ill. Reg. ______, effective _____________)

SUBPART D: GENERAL

Section 1245.305 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

   1) The fee for application for a license as a dietitian nutritionist or nutrition counselor is $100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's
application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The fee for application as a continuing education sponsor is $500. State colleges, universities, and State agencies are exempt from payment of this fee.

b) Renewal Fees.

1) The fee for the renewal of a license shall be calculated at the rate of $50 per year.

2) The fee for renewal of continuing education sponsor approval is $250 for the renewal period (see Section 1245.310(c)(7)).

c) General Fees.

1) The fee for the restoration of a license other than from inactive status is $20 plus payment of all lapsed renewal fees, but not to exceed $300.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for certification of a licensee's record for any purpose is $20.

4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is $20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as dietitian nutritionists, dietitians or nutrition counselors in this State shall be the actual cost of producing the roster.
Section 1245.310 Continuing Education

a) Continuing Education Hours Requirements

1) For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. Beginning with the October 31, 2001 renewal and every renewal thereafter, in order to renew a license a licensee shall be required to complete 30 hours of continuing education.

2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.

3) One CE hour shall equal one clock hour. After completion of the initial CE hour, credit may be given in one-half hour increments.

4) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour, 14 CE hours for each trimester hour and 10 CE hours for each quarter hour of school credit awarded.

5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

6) Dietitian nutritionists Dietitians and nutrition counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

b) Approved Continuing Education

1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(b)(2), (3), (4) and (5) below.

2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of dietetic or nutrition services related courses that are a part of the curriculum of a college or university.

3) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school of dietetics approved in accordance with Section 1245.130 or nutrition services approved in accordance with Section 1245.230 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). A person may earn up to 10 hours per renewal.

4) CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during one renewal period.

5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with dietetics or nutrition services may be claimed as 5 hours of credit per renewal period. A presentation must be before an audience of dietitian nutritionists, dietitians or nutrition counselors. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean one of the following:

A) American Dietetic Association (ADA), branch associations, or organizations approved as sponsors of continuing education by the Commission on Dietetic Registration (CDR);

B) Certification Board of Nutrition Specialists (CBNS), branch associations, or organizations approved as sponsors of continuing education by the CBNS;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

C) Regionally accredited colleges, universities;

D) A person, firm, association, corporation or any other group that applies pursuant to subsection (c)(2) below and has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee as set forth in Section 1245.305. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:

A) Certification:

   i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;

   ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (c)(9) below;

   iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

   iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;

B) A copy of a 3 hour sample program with faculty, course materials
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

and syllabi.

3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics or nutrition services;

B) Foster the enhancement of general or specialized work in the practice of dietetics or nutrition services;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used; and

E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.

4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) All programs given by approved sponsors shall be open to all dietitians and nutritionists and not be limited to
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

members of a single organization or group.

7) To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd-numbered year a renewal application, the fee required in Section 1245.305 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

A) The name, address and license number of the sponsor;

B) The name and address of the participant;

C) A brief statement of the subject matter;

D) The number of hours attended in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

9) The sponsor shall maintain attendance records for not less than 5 years.

10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

11) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.

12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a $20 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.

2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the $20 processing fee plus a $10 per hour late fee not to exceed $150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1245.305.

g) Waiver of CE Requirements
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1245.305, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

   A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
   
   B) An incapacitating illness documented by a statement from a currently licensed physician;
   
   C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and
   
   D) Any other similar extenuating circumstance.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1245.320 Inactive Status

a) A licensed dietitian nutritionist or nutrition counselor who notifies the Department, on forms provided by the Department, may place the license on inactive status and shall be excused from paying renewal fees until he/she notifies
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

the Department in writing of the intention to resume active practice.

b) Any dietitian nutritionist or nutrition counselor whose license is on inactive status shall not practice dietetics and shall not use the title "licensed dietitian nutritionist" or "licensed nutrition counselor" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

c) Any dietitian or nutrition counselor whose license was on inactive status as of November 1, 2003 will be restored as a dietitian nutritionist. A nutrition counselor will be required to restore in accordance with Section 1245.260.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1245.330 Unprofessional Conduct

a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 95 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

1) Discriminating against clients on the basis of race, gender, religion, age, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;

2) Promoting or endorsing products in a manner that is not true or is misleading;

3) Permitting the use of his/her name to certify that professional services have been rendered when the licensee has not provided or supervised those services. When providing supervision the licensee shall assume responsibility for the actions of any person under their supervision;

4) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her nutrition services, or those of another practitioner;

5) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

6) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;

7) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);

8) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered.

b) A dietitian nutritionist or nutrition counselor shall not advertise in any way that is fraudulent, false, deceptive or misleading. Any advertising shall be considered fraudulent, false, deceptive or misleading if it:

1) Contains a misrepresentation of facts;

2) Makes only a partial disclosure of relevant facts;

3) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;

4) Represents the licensee in a deceptive or misleading manner with respect to the profession or professional status of the licensee;

5) Contains any representation of a special area of practice by the licensee which implies that the licensee requires a superior license or formal recognition by the Department other than a licensed dietitian nutritionist or nutrition counselor;

6) Makes false, unproven or misleading claims about the validity, safety, or effectiveness of any dietetic or nutrition related service, product or test;

7) Fails to conspicuously identify the licensee by name in the advertisement.

(Source: Amended at 28 Ill. Reg. ______, effective ______________)
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1245.340  Granting Variances

a) The Director may grant variances from these rules in individual cases where:

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Dietitian Nutritionist and Dietetic and Nutrition Services Practice Board in writing of the granting of a variance, and the reasons therefor.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Funeral Directors and Embalmers Licensing Code

2) Code Citation: 68 Ill. Adm. Code 1250

3) Section Numbers: Proposed Action:
   1250.120 Amendment
   1250.130 Amendment
   1250.135 Amendment
   1250.150 Amendment
   1250.155 Amendment
   1250.165 Amendment
   1250.170 Amendment
   1250.200 Amendment
   1250.205 Amendment
   1250.210 Amendment
   1250.220 Amendment

4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41].

5) A Complete Description of the Subjects and Issues Involved: Public Act 93-268, effective January 1, 2004, changes the term "funeral director and embalmer trainee" to "funeral director and embalmer intern"; this proposed rulemaking makes corresponding changes throughout this Part. Obsolete language has also been deleted and other technical changes have been made.

6) Will these amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

   Department of Professional Regulation
   Attention: Barb Smith
   320 West Washington, 3rd Floor
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Springfield IL  62786
217/785-0813

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing funeral directing and embalming services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Funeral directing and embalming skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: None, although the January 2003 included technical revisions in this Part resulting from the sunset reauthorization of the Act.

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250
FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section
1250.110 Approved Programs of Mortuary Science
1250.120 Application for Internship Traineeship
1250.130 Requirements for Internship Traineeship
1250.135 Application for Licensure
1250.140 Examination
1250.150 Reciprocity
1250.155 Inactive Status
1250.160 Restoration
1250.165 Fees
1250.170 Requirements for a Preparation Room
1250.180 Required Activities (Repealed)
1250.190 Violations (Repealed)
1250.200 Renewals
1250.205 Advertising
1250.210 Granting Variances
1250.220 Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

31, 1999; amended at 27 Ill. Reg. 7791, effective April 21, 2003; amended at 28 Ill. Reg. ______, effective ____________.

Section 1250.120 Application for Internship Traineeship

a) An applicant for a license as a funeral director and embalmer intern trainee shall file an application on forms supplied by the Department. The application shall include:

1) One of the following:

   A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, or and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;

   B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or

   C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;

2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;

3) Certification of acceptance, completed and signed by a licensed funeral director and embalmer whose license is active and in good standing, stating that the applicant will be studying and training under his or her supervision;

4) A complete work history since completion of an approved program as set forth in Section 1250.110; and

5) The required fee set forth in Section 1250.165 of this Part.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

b) Upon receipt of the above documents and review of the application, the Department shall issue a funeral director and embalmer intern trainee license or notify the applicant, in writing, of the reason for the denial of the application.

c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

d) All qualified applicants will be issued a funeral director and embalmer intern trainee license.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.130 Requirements for Internship Traineeship

a) A licensed funeral director and embalmer who agrees to sponsor an intern trainee shall be responsible for teaching the intern trainee the practical aspects of the profession, for demonstrating actual procedures and for directing and supervising the procedures done by the intern trainee.

b) The intern trainee shall be given primary responsibility for:

1) Assisting or participating in the arrangement of at least 24 funerals, including completing the necessary paperwork;

2) Assisting in the arrangement of a selection room, including buying, pricing, providing a description of each casket and other pertinent information;

3) Assisting in the preparation and embalming of at least 24 deceased human bodies, including cosmetic application, dressing and casketing. If possible, at least one of the bodies should have been autopsied; and

4) Making removals of deceased human bodies.

c) The intern trainee shall submit to the Department, on forms provided by the Department, a case report for each of the 24 funerals and 24 body preparations that are required in accordance with subsection (b) above.

1) Twelve case reports shall be submitted every 3 months during the year of the apprenticeship.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

2) If the intern trainee has not completed a total of 12 cases in the 3 month period, he or she shall submit the case reports for the cases completed and state the reason(s) why he or she was unable to complete all 12 cases (e.g., lack of available cases, illness, change of ownership).

3) All case reports shall be signed by the intern trainee and the sponsor.

d) The Department shall have the authority to investigate to determine compliance with this Section and to question the sponsor and the intern trainee to determine whether the intern trainee has been properly instructed and has performed the required procedures.

e) An intern trainee may serve his or her training period under more than one licensed funeral director and embalmer in the State of Illinois. A change of employment application must be requested and properly executed, then returned to the Department within one month following the date of change of sponsorship.

f) Upon completion of the required year of internship traineeship, the sponsor shall complete an affidavit, on forms supplied by the Department, stating that the intern trainee has satisfactorily completed the appropriate procedures under his or her direction and supervision.

g) Interns trainees shall satisfactorily complete the prescribed one year of training as evidenced by the documentation required by subsection (c), and pass the National Board examination prior to licensure. For the purpose of determining completion of the prescribed one year of internship traineeship, the internship traineeship shall commence on the date of the issuance of the intern trainee license.

h) If the license of a funeral director and embalmer intern trainee cannot be renewed in accordance with Section 10-35 of the Code and the intern trainee has not yet received a year of internship traineeship, he or she may reapply to the Department under the Code and Rules in effect at the time of reapplication. No credit will be allowed for any examinations he or she may have previously passed or for any internship traineeship he or she may have previously earned.

i) The provisions of this Section shall apply to all applicants upon adoption without
Section 1250.135 Application for Licensure

a) An applicant for a license as a funeral director and embalmer, pursuant to Section 10-10 of the Code, shall file an application on forms supplied by the Department. The application shall include the following:

1) Certification of completion of internship signed by the licensed funeral director and embalmer under whose supervision the internship was performed.

2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.

3) Verification of successful completion of the International Conference of Funeral Service Examining Boards, Inc. examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Department.

4) A complete work history since completion of an approved program as set forth in Section 1250.110.

5) Applicants not having been issued Illinois funeral director and/or embalmer licenses or who have been issued one that has been expired for more than 5 years shall submit the following:

   A) Official transcripts showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;

   B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

equivalent associate's degree (i.e., applied science); or

C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.

6) The fee specified in Section 1250.165.

b) Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of the application.

c) The Department shall not issue any new licenses as funeral directors or any new licenses for embalmers.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 1250.150 Reciprocity

a) An applicant who is currently licensed as a funeral director and embalmer under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Department together with:

1) Either:

A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;

B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or

C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming for at least 1 year, completed by 2 persons with personal knowledge of such experience;

3) A certification by the state or territory of original and current licensure, stating:
   A) The time during which the applicant was licensed in that jurisdiction;
   B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
   C) A brief description of the examination, the applicant's grades and a statement that the state grants reciprocity to funeral directors and embalmers licensed in Illinois;

4) A complete work history since completion of an approved program as set forth in Section 1250.110; and

5) The fee set forth in Section 1250.165.

b) The Department shall examine each reciprocity application to determine whether the requirements for licensure in the jurisdiction in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The Department shall either issue a license by reciprocity to the applicant or notify him or her, in writing, of the reasons for the denial of the application.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.155 Inactive Status

a) Any licensed funeral director and embalmer or any licensed funeral director who notifies the Department in writing, on forms prescribed by the Department, may elect to place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the Department in writing of the desire to resume active status.

b) Any licensee seeking restoration from inactive status shall do so in accordance
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

with Section 1250.160 of this Part.

c) Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code (Section 10-35 of the Code).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.165 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

1) The fee for application for a license as a funeral director and embalmer is $100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The application fee for a license as a funeral director and embalmer certified or licensed under the laws of another jurisdiction is $200.

3) The application fee for a license as a funeral director and embalmer intern trainee is $50.

b) Renewal Fees.

1) The fee for the renewal of a license as a funeral director and embalmer intern trainee shall be calculated at the rate of $50 per year.

2) The fee for the renewal of a license as a funeral director shall be calculated at the rate of $25 per year.

c) General Fees.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) The fee for the restoration of a funeral director and embalmers license other than from inactive status is $20 plus payment of all lapsed renewal fees not to exceed $260.

2) The fee for the restoration of a funeral director license other than from inactive status is $20 plus payment of all lapsed renewal fees not to exceed $130.

3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

4) The fee for a certification of a licensee's record for any purpose is $20.

5) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20 plus any fee charge by the testing service.

6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

7) The fee for a roster of persons licensed as funeral directors, funeral directors and embalmers, or funeral director and embalmer interns in this State shall be the actual cost of producing the roster.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.170 Requirements for a Preparation Room

a) The care and preparation for burial of all deceased bodies, regardless of cause of demise, shall be entirely private and no one shall be allowed in the embalming or preparation room until the body is fully prepared and dressed, except licensed funeral directors, licensed funeral directors and embalmers, licensed interns, their assistants, students of mortuary science, the medical examiner, the coroner, their representatives and representatives of the Department or except when it is determined to be necessary by the funeral director(s) or the medical examiner or the coroner.
DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

b) A notice of privacy shall be affixed to the preparation room or adjacent thereto.

c) Preparation rooms shall be maintained in a sanitary condition with necessary drainage and proper ventilation in accordance with the provisions of the Code.

d) Preparation rooms shall be made available to representatives of the Department for inspection to determine compliance with the Code and this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.200 Renewals

a) Every license issued under the Code shall expire on May 31 of each odd numbered year. The holder of a license may renew it during the month preceding its expiration date by paying the required fee.

b) All funeral director licensees and funeral director and embalmer licensees shall be required to comply with the continuing education requirements set forth in Section 1250.220 of this Part.

c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

d) No license of a funeral director and embalmer intern trainee shall be renewed more than twice (Section 10-35 of the Code).

e) Practicing or attempting to practice while a license is non-renewed shall be considered unlicensed practice and shall be grounds for discipline in accordance with Section 15-75 of the Code.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.205 Advertising

a) Persons licensed to practice funeral directing and embalming in the State of Illinois may advertise in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Such advertising shall contain all information
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of such communication shall be designed to communicate the information contained therein to the public in a direct, dignified and readily comprehensive manner.

b) Information that may be contained in such advertising includes:

1) Licensee's name, address, business hours and telephone number;

2) Schools attended;

3) Announcement of the opening of, change of, or return to practice;

4) Announcement of additions to or deletions from professional staff;

5) Availability of pre-need arrangements;

6) Professional society memberships;

7) Credit arrangements;

8) Foreign language ability;

9) Fees for professional services and merchandise which must include a statement that fees may be adjusted due to unforeseen circumstances;

10) Description of the establishment in which the licensee practices, e.g., accessibility to the handicapped, chapel facilities on the premises, convenience of parking; and

11) Other information about the licensee, the licensee's practice, or the types of practice in which the licensee will accept employment, which a reasonable person might regard as relevant in determining whether to seek the licensee's services.

c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee, and a recording of the actual transmission, including videotape, shall be retained by the licensee for a period of at least 5 years.
NOTICE OF PROPOSED AMENDMENTS

d) Information that may be untruthful, fraudulent, deceptive, inherently misleading, or has proven to be misleading in practice, includes that which:

1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;

2) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;

3) Contains testimonials and/or exaggerations pertaining to the quality of funeral services;

4) Describes as available products or services that are not permitted by the laws of this State and/or applicable Federal laws; and

5) Advertises professional services that the licensee is not licensed to render.

e) The solicitation of funeral services at the residence of a client or prospective client, or any health care institution in which the client or prospective client is confined, which is uninvited and which has not been previously agreed to by the client or prospective client, is prohibited. A licensee, or his or her representative, may initiate contact with a client, or prospective client, in the following manner:

1) Through general advertising;

2) By direct mail;

3) By telephone; or

4) As an invitee of a charitable, social, civic, religious, fraternal or employee or trade organization.

f) A licensee or his or her representative shall not initiate contact with a client or prospective client if:

1) The licensee, or his or her representative, reasonably should know that the physical, emotional or mental state of the person solicited is such that the person could not exercise reasonable judgment;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

2) The person solicited has made known a desire not to receive the communication; or

3) The solicitation involves coercion, duress or harassment.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1250.210  Granting Variances

a) The Director may grant variances from these rules in individual cases where he or she finds that:

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance;

3) The rules from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 1250.220  Continuing Education

a) Continuing Education Hour Requirements

1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education (CE) relevant to the practice of funeral directing and embalming during each prerenewal period.

2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing or embalming during each prerenewal period.

3) The Department shall conduct random audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

5) A licensee who has been actively licensed as a funeral director or embalmer for at least 40 years shall be exempt from the continuing education requirements of this Section.

6) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Activities for which CE credit may be earned are as follows:

1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.

2) A maximum of 6 hours for funeral directors or 12 hours for funeral directors and embalmers per prereview period for:

   A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming that is orally delivered before recognized funeral directing and embalming organizations;

   B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral directing and embalming journals;

   C) Writing a chapter in a book pertaining to funeral directing or embalming; and

   D) Completion of self-study courses taken through an accredited college or university or an approved sponsor. Such self-study courses shall meet the following requirements:

      i) Credit for each self-study course cannot exceed 6 hours.

      ii) A licensee cannot accumulate more than 12 hours from self-study courses in a renewal period.
iii) Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee by the sponsor or anyone else.

iv) Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit.

3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 6 hours for funeral directors or 12 hours for funeral directors and embalmers during any renewal period.

4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.

5) A maximum of 24 hours of CE credit shall be given for courses completed at an accredited college or university. One semester hour shall equal 8 CE hours. One quarter hour shall equal 6 CE hours.

6) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments.

7) Credit will not be given for activities that are not included in subsection (b).

c) CE Sponsors and Programs
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Sponsor, as used in this Section, pursuant to Section 10-35 of the Code, shall mean the following:

A) An accredited college or university;
B) Illinois Funeral Directors Association;
C) Funeral Directors Services Association of Greater Chicago;
D) Cook County Association of Funeral Home Owners, Inc.;
E) Illinois Selected Morticians Association;
F) National Funeral Directors Association;
G) Illinois Cemetery and Funeral Home Association—National Foundation of Funeral Service;
H) Selected Independent Funeral Homes—National Selected Morticians Association;
I) An Illinois school of mortuary science;
K) National Funeral Directors and Morticians Association; or
L) Any other school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department to coordinate and present CE courses and programs in conjunction with this Section.

2) A sponsor shall file a sponsor application which certifies the following:

A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
B) That the sponsor will be responsible for verifying attendance at
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

each course or program and provide a certificate of completion as set forth in subsection (c)(5); and

C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Code and this Part and that this information is necessary to ensure compliance.

3) All courses and programs shall:

A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;

B) Specify the course objectives, course content and teaching methods to be used;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and

E) Include some mechanism whereby participants evaluate the overall quality and content of the program.

4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.

5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:

A) The name and address of the sponsor;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

B) The name and license number of the participant;

C) A brief statement of the subject matter;

D) The number of CE hours awarded in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor such as mailing the certificate or summary of attendance at one or more qualifying educational events.

7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) above for not less than 5 years, except for the signature of the sponsor.

8) The sponsor shall be responsible for assuring that no participant shall receive CE credit for time not actually spent attending the program.

9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Department shall thereafter refuse to accept for CE credit attendance at any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.

10) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

11) The Department shall maintain a list of all approved continuing education sponsors in addition to those identified under subsection (c)(1).

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a) above.
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Department's random audit.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may be required to interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown, the Department shall waive enforcement of CE requirements for that renewal period.

2) If an interview with the Board is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of such period;

B) An incapacitating illness, documented by a currently licensed physician;

C) A physical inability to travel to the sites of approved programs
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

documented by a currently licensed physician; or

D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).

4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

5) Any applicant who submits a request for waiver that is denied may then request his or her license be placed on inactive status. The applicant shall comply with the continuing education requirements prior to restoration of the license from inactive status in accordance with Section 1250.160 of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ___________)

(continued on next page)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Intermediate Care for the Developmentally Disabled Facilities Code

2) **Code Citation:** 77 Ill. Adm. Code 350

3) **Section Number:** 350.1230
   **Proposed Action:** Amendment

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **A complete description of the subjects and issues:** Section 350.1230 (Nursing Services) is being amended to allow a licensed practical nurse to be in charge of health services when the director of nursing is not on duty. The nurse shall be a registered nurse when required by the medical needs of the residents.

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

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

6) **Will this rulemaking replace an emergency rule currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain any incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.340</td>
<td>Amendment</td>
<td>27 Ill. Reg. 7654</td>
</tr>
<tr>
<td>350.681</td>
<td>Amendment</td>
<td>27 Ill. Reg. 4973</td>
</tr>
<tr>
<td>350.2620</td>
<td>Amendment</td>
<td>27 Ill. Reg. 7654</td>
</tr>
</tbody>
</table>

10) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

11) **Time, place, and manner in which interested persons may comment on this rulemaking:** Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

    Susan Meister
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois  62761
217/782-2043
e-mail:  rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Susan Meister at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Intermediate care facilities for the developmentally disabled.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.110</td>
<td>General Requirements</td>
</tr>
<tr>
<td>350.120</td>
<td>Application for License</td>
</tr>
<tr>
<td>350.130</td>
<td>Licensee</td>
</tr>
<tr>
<td>350.140</td>
<td>Issuance of an Initial License for a New Facility</td>
</tr>
<tr>
<td>350.150</td>
<td>Issuance of an Initial License Due to a Change of Ownership</td>
</tr>
<tr>
<td>350.160</td>
<td>Issuance of a Renewal License</td>
</tr>
<tr>
<td>350.165</td>
<td>Criteria for Adverse Licensure Actions</td>
</tr>
<tr>
<td>350.170</td>
<td>Denial of Initial License</td>
</tr>
<tr>
<td>350.175</td>
<td>Denial of Renewal of License</td>
</tr>
<tr>
<td>350.180</td>
<td>Revocation of License</td>
</tr>
<tr>
<td>350.190</td>
<td>Experimental Program Conflicting With Requirements</td>
</tr>
<tr>
<td>350.200</td>
<td>Inspections, Surveys, Evaluations and Consultation</td>
</tr>
<tr>
<td>350.210</td>
<td>Filing an Annual Attested Financial Statement</td>
</tr>
<tr>
<td>350.220</td>
<td>Information to Be Made Available to the Public By the Department</td>
</tr>
<tr>
<td>350.230</td>
<td>Information to Be Made Available to the Public By the Licensee</td>
</tr>
<tr>
<td>350.240</td>
<td>Municipal Licensing</td>
</tr>
<tr>
<td>350.250</td>
<td>Ownership Disclosure</td>
</tr>
<tr>
<td>350.260</td>
<td>Issuance of Conditional Licenses</td>
</tr>
<tr>
<td>350.270</td>
<td>Monitor and Receivership</td>
</tr>
<tr>
<td>350.271</td>
<td>Presentation of Findings</td>
</tr>
<tr>
<td>350.272</td>
<td>Determination to Issue a Notice of Violation or Administrative Warning</td>
</tr>
<tr>
<td>350.274</td>
<td>Determination of the Level of a Violation</td>
</tr>
<tr>
<td>350.276</td>
<td>Notice of Violation</td>
</tr>
<tr>
<td>350.277</td>
<td>Administrative Warning</td>
</tr>
<tr>
<td>350.278</td>
<td>Plans of Correction</td>
</tr>
<tr>
<td>350.280</td>
<td>Reports of Correction</td>
</tr>
<tr>
<td>350.282</td>
<td>Conditions for Assessment of Penalties</td>
</tr>
<tr>
<td>350.284</td>
<td>Calculation of Penalties</td>
</tr>
<tr>
<td>350.286</td>
<td>Determination to Assess Penalties</td>
</tr>
<tr>
<td>350.288</td>
<td>Reduction or Waiver of Penalties</td>
</tr>
<tr>
<td>350.290</td>
<td>Quarterly List of Violators (Repealed)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.300</td>
<td>Alcoholism Treatment Programs In Long-Term Care Facilities</td>
</tr>
<tr>
<td>350.310</td>
<td>Department May Survey Facilities Formerly Licensed</td>
</tr>
<tr>
<td>350.315</td>
<td>Supported Congregate Living Arrangement Demonstration</td>
</tr>
<tr>
<td>350.320</td>
<td>Waivers</td>
</tr>
<tr>
<td>350.330</td>
<td>Definitions</td>
</tr>
<tr>
<td>350.340</td>
<td>Incorporated and Referenced Materials</td>
</tr>
</tbody>
</table>

SUBPART B: ADMINISTRATION

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.510</td>
</tr>
</tbody>
</table>

SUBPART C: POLICIES

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.610</td>
</tr>
<tr>
<td>350.620</td>
</tr>
<tr>
<td>350.625</td>
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<td>350.630</td>
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<td>350.685</td>
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<tr>
<td>350.690</td>
</tr>
<tr>
<td>350.700</td>
</tr>
<tr>
<td>350.750</td>
</tr>
</tbody>
</table>

SUBPART D: PERSONNEL

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.810</td>
</tr>
<tr>
<td>350.820</td>
</tr>
<tr>
<td>350.830</td>
</tr>
</tbody>
</table>

SUBPART E: RESIDENT LIVING SERVICES
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

Section
350.1410 Medication Policies and Procedures
350.1420 Compliance with Licensed Prescriber's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage of Medication
350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
350.1610 Resident Record Requirements
350.1620 Content of Medical Records
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Meal Planning
350.1860 Therapeutic Diets (Repealed)
350.1870 Scheduling Meals
350.1880 Menus and Food Records
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
350.2410 Codes
350.2420 Water Supply
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Department
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART O: RESIDENT'S RIGHTS

Section
350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints (Repealed)
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section
350.3710 Applicability of Other Provisions of this Part
350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room
350.3880 General Building Requirements
350.3890 Corridors
350.3900 Special Care Room
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
350.3940 Mechanical Systems
350.3950 Heating, Cooling, and Ventilating Systems
350.3960 Plumbing Systems
350.3970 Electrical Systems
350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
350.4210 Day Care in Long-Term Care Facilities

350.APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C Seismic Zone Map
350.APPENDIX D Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E Guidelines for the Use of Various Drugs
350.TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT


SUBPART F: HEALTH SERVICES

Section 350.1230 Nursing Services

a) Each facility shall have a full-time director of nursing services (DON) who is a registered nurse (RN) and whose only responsibility is the immediate supervision of the facility's health services. This person shall be on duty a minimum of 36 hours, four days per week. At least 50 percent of this person's hours shall be regularly scheduled between 7 A.M. and 7 P.M.

1) A registered nurse or licensed practical nurse shall be on duty 24 hours per day and seven days per week in charge of health services at all times when the director of nursing services is not on duty. The nurse shall be a registered nurse when required by the medical and/or nursing needs of the residents.

2) A facility may, with written approval from the Department, have two registered nurses share the duties of this position if the facility is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full time; and information about the number and availability of registered nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of registered nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full time.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

3) In facilities with a capacity of fewer than 50 beds, this person (or these persons) may also provide direct patient care, and this person's time may be included in meeting the staff to resident ratio requirements.

b) Residents shall be provided with nursing services, in accordance with their needs, which shall include, but are not limited to, the following: The DON shall participate in:

1) Pre-admission evaluation study and plan.

2) Evaluation study, program design, and placement of the resident at the time of admission to the facility.

3) Periodic reevaluation of the type, extent, and quality of services and programming.

4) Development of discharge plans, and the referral to appropriate community resources.

5) Training in habits in personal hygiene and activities of daily living.

6) Development of a written plan for each resident to provide for nursing services as part of the total habilitation program.

7) Modification of the resident care plan, in terms of the resident's daily needs, as needed.

c) A registered nurse shall participate, as appropriate, in planning and implementing the training of facility personnel.

d) Direct care personnel shall be trained in, but are not limited to, the following:

1) Detecting signs of illness, dysfunction or maladaptive behavior that warrant medical, nursing or psychosocial intervention.

2) Basic skills required to meet the health needs and problems of the residents.

3) First aid in the presence of accident or illness.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

e) Sufficient, appropriately qualified nursing staff shall be available, which may
include licensed practical nurses and other supporting personnel, to carry out the
various nursing service activities.

f) The individual responsible for providing nursing services shall have knowledge
and experience in the field of developmental disabilities.

g) Nursing service personnel at all levels of competence and experience shall be assigned responsibilities in accordance with their qualifications.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Number: Proposed Action:
   100.5040 Amendment

4) Statutory Authority: 35 ILCS 5/502(c)(4) and 5/1401(a)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the innocent spouse provisions to address issues that have arisen since the rule was originally adopted.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

   Section Numbers | Proposed Action | IL Register Citation
   -----------------|----------------|---------------------
   100.3500         | New Section    | 27 Ill. Reg. 60, 01/03/03
   100.2410         | New Section    | 27 Ill. Reg.13754, 08/15/03
   100.5050         | New Section    | 27 Ill. Reg. 15050, 09/26/03

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

    Paul Caselton
    Deputy General Counsel - Income Tax
    Illinois Department of Revenue
    Legal Services Office
    101 West Jefferson
    Springfield, Illinois 62794
    (217) 782-7055
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

   B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.

   C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCcurring Prior to December 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions

100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members

100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards


100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

Section 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)

100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)

100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986

100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

Section 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

Section 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

Section 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section 100.3000 Terms Used in Article 3 (IITA Section 301)

Section 100.3010 Business and Nonbusiness Income (IITA Section 301)

Section 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section 100.3100 Compensation (IITA Section 302)

Section 100.3110 State (IITA Section 302)

Section 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section 100.3200 Taxability in Other State (IITA Section 303)
Section 100.3210 Commercial Domicile (IITA Section 303)
Section 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
Section 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
Section 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
Section 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
Section 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
Section 100.3350 Property Factor (IITA Section 304)
Section 100.3360 Payroll Factor (IITA Section 304)
Section 100.3370 Sales Factor (IITA Section 304)
Section 100.3380 Special Rules (IITA Section 304)
Section 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
Section 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
Section 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
Section 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
Section 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
Section 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5040 Innocent Spouses

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 702)
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section 100.9200 Assessment (IITA Section 903)
Section 100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section 100.9300 Deficiencies and Overpayments (IITA Section 904)
Section 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
Section 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
Section 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section 100.9400 Credits and Refunds (IITA Section 909)
Section 100.9410 Limitations on Claims for Refund (IITA Section 911)
Section 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section 100.9500 Access to Books and Records (IITA Section 913)
Section 100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
Section 100.9510 Taxpayer Representation and Practice Requirements
Section 100.9520 Conduct of Investigations and Hearings (IITA Section 914)
Section 100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section 100.9700 Unitary Business Group Defined- (IITA Section 1501)
Section 100.9710 Financial Organizations (IITA Section 1501)
Section 100.9720 Nexus
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

100.APPENDIX A Business Income Of Persons Other Than Residents
100.TABLE A Example of Unitary Business Apportionment
100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas


DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT


SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5040 Innocent Spouses

a) Spouses who file a joint return for a taxable year are each liable for the entire tax liability of the couple, regardless of which spouse earned the income reportable on the return. (See IITA Section 502(c).) However, spouses may be entitled to relief from some or all of a joint return liability under the Innocent Spouse provision in IITA Section 502(c)(4). An election under this Section to obtain such relief applies to every year for which a joint return was filed involving the same two individuals listed in the election.

b) For tax liabilities arising and paid prior to August 13, 1999, a spouse shall, with respect to any taxable year to which the election applies, be relieved from liability for any Illinois tax, penalties, additions to tax, interest, or other amounts, to the
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

same extent as the relief provided by the Internal Revenue Service under a Section 6013(e) determination. If there is no federal income tax liability at issue, a spouse shall be relieved from liability for any Illinois tax, penalties, additions to tax, interest, or other amounts, if:

1) a joint return was filed for such taxable year;

2) the amount of understatement of tax exceeds $500 and is attributable to an omission by such person's spouse;

3) the spouse did not know of, and had no reason to know of, such omission at the time of signing the return; and

4) it is unfair to hold the spouse liable for the deficiency in tax for such omission.

c) For tax liabilities arising after August 13, 1999, or which arose prior to but remain unpaid as of August 13, 1999, any individual who makes an election under this Section shall be liable only for the amount of Illinois income tax that does not exceed the individual's separate return amount for that taxable year and the individual's liability for any deficiency assessed for that taxable year shall not exceed the portion of the deficiency properly allocable to the individual. (IITA Section 502(c)(4)(B)) If any portion of a liability for a tax year (including any portion of any interest or penalty) arising prior to August 13, 1999 remains unpaid as of that date, innocent spouse relief for that entire liability shall be determined pursuant to this subsection (c). (See Flores v. United States, 88 A.F.T.R.2d 2001-7020 (Ct. Fed. Cl. 2001).)

d) Making the Election. There are two ways that an individual may elect the protection of the innocent spouse provision according to IITA Section 502(c)(4):

1) An individual who submits proof of an election made pursuant to Section 6015 of the Internal Revenue Code (by sending a copy of Form 8857 to the Department) automatically elects the innocent spouse provision (i.e., IITA 502(c)(4)). Any determination made under Section 6015 with respect to the validity of the innocent spouse election and/or the individual's separate return amount or portion of any deficiency attributable to the individual is conclusively presumed to be correct.

2) If no election has been made under Internal Revenue Code Section 6015,
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

an innocent spouse must file Form IL-8857 and meet the following conditions:

A) a the joint return was filed for the taxable year has an understatement of tax due to erroneous items of the spouse not seeking relief under this Section; and

B) the spouse seeking relief under this Section either has been assessed an amount of Illinois income tax for the taxable year in excess of his or her separate return amount or has had a deficiency asserted against him or her (whether or not assessed) that is properly allocable to the other spouse had no actual knowledge of, and had no reason to know of, such understatement of tax at the time of signing the joint return; and

C) no assets have been transferred between the spouses as part of a scheme by such individuals to avoid payment of Illinois income tax.

e) Limitations on the Innocent Spouses Election. An innocent spouse election shall qualify as a claim for refund of any overpayment that results from the granting of innocent spouse relief. There is no limitations period for making an innocent spouse election. However, no any claim for refund of taxes paid by a spouse making the election will be made unless the election is must be filed within the applicable period for filing a claim for refund of income taxes.

f) Burden of Proof. The individual seeking relief has the burden of proof with respect to all matters, except that the Department has the burden of proof with respect to disputes regarding a spouse's knowledge of an erroneous item under subsection (d)(2)(B) of this Section or the existence of a scheme to avoid payment of tax under subsection (d)(2)(C) of this Section.

g) Collection Action. Receipt by the Department of proof of an election under the Internal Revenue Code Section 6015 or the filing of Form IL-8857 will only terminate Department collection activity against the spouse seeking relief; assessments will continue against both spouses. Collection activity will cease until a notice is sent to the electing spouse:

1) stating that the election is invalid; or
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

2) identifying the portion of tax liability or deficiency that has been allocated to the electing spouse.

h) Written Protests. An electing spouse who receives a notice stating either that the election is invalid or that the relief granted is less than the relief the electing spouse believes is warranted may file a written protest to the notice within 60 days (or 150 days if outside the United States) from the date of the notice. If a written protest is filed, the electing spouse will be granted a hearing according to IITA Section 908. Further administrative review shall be allowed in accordance with IITA Section 1201. Once the Department is in receipt of a written protest that is properly filed, no collection action shall be taken by the Department until the decision regarding the protest becomes final under Section 908(d), or if administrative review of the Department's decision is requested under Section 1201, until the decision of the court becomes final. Assessment is not affected by the filing of a written protest.

i) Claims in Addition to the Innocent Spouse Provision. Alternative grounds for the individual's claim of reduced liability or no liability shall be consolidated, if possible, with the election of the innocent spouse provision and any outstanding Notice of Deficiencies in order to enhance administrative efficiency.

j) Definitions.

1) "Separate return amount" means an amount equal to the excess (if any) of:

   A) the tax liability of the individual based on the items shown on the joint return for the taxable year if the individual had filed a separate return, over

   B) the aggregate payments of such tax properly allocable to such individual, net of any refund or credit allowed for any overpayment of tax for the taxable year.

   In determining the tax liability that the individual would have incurred had he or she filed a separate return, any item of income, deduction, exemption credit, or payment that is not clearly allocable to either spouse shall be divided equally between the spouses. In determining the payments of tax allocable to an individual for a taxable year, any payment of estimated tax made on behalf of both spouses, any credit allowed on a return for an overpayment reported on the preceding taxable year's joint return by the
DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

same spouses, and any refund or credit allowed for an overpayment shown on the return for the taxable year will be allocated in proportion to the separate return amount of each spouse for the taxable year, as determined without regard to such estimated tax payment, credit or overpayment refunded or credited.

Example 1. Interest For example, interest earned on a joint bank account, the exemptions allowed for dependent children, the credit for property taxes paid with respect to the spouses’ principal residence, and any payment of estimated tax made from a joint bank account will be divided equally between the spouses in the absence of evidence that such amounts should be allocated in a different manner.

Example 2. Husband and Wife file a 1999 Illinois income tax return, reporting an overpayment of $500 which they elect to have credited against their joint estimated tax liability for 2000. They make joint estimated tax payments of $200 in 2000 and file a joint return for 2000, and Wife subsequently requests innocent spouse relief. For 2000, Husband's separate return amount, as determined without regard to the $500 credit or the $200 in estimated tax payments, is $2,000. The tax on Wife's separate return items is less than the amount of Illinois income tax withheld from her wages by her employer. Accordingly, the entire $700 in credit and estimated tax payments are allocable to Husband. If Wife's separate return amount, determined without regard to the credit or the estimated tax payments, were $1,000, one-third of the $700 would be allocable to her and two-thirds would be allocable to Husband.

2) For purposes of this Section, "deficiency" means the difference between the total amount of tax that should have been shown on the return and the amount of tax that was actually shown on the return. The portion of a deficiency properly allocable to an individual will be determined by allocating the erroneous items of income, deduction or credit whose correction generates the deficiency between the spouses in the same manner as would be used to allocate such items between the spouses for purposes of determining the separate return amounts for the spouses; provided that the amount of any deficiency resulting from an erroneous item shall be allocated to each spouse who had actual knowledge of the erroneous item.

Example 3. Husband and Wife file a joint return for 2000 which omits
$5,000 in compensation earned by Husband from a temporary job. Wife knew that the $5,000 was improperly omitted at the time she signed the return. In determining the deficiency allocable to Husband, the $5,000 will be allocated to him because it is his income. However, in determining the deficiency allocable to Wife, the $5,000 will be allocated to her because it is an erroneous item of which she had actual knowledge. Note that the Department has the burden of proof to show that Wife had actual knowledge of the erroneous item.

3) "Erroneous items" means any unreported income and any incorrect deductions, or incorrect credits reported incorrectly shown on a return.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)
STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Numbers: Proposed Action:
1600.120 Amendment

4) Statutory Authority: 40 ILCS 5/15-177

5) A Complete Description of the Subjects and Issues Involved: A revision to 1600.120 specifies what pay is considered earnings in the calculation of the final rate of earnings, and removes subsection (d), which exempted certain situations from the 20% increase limit.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

                      Dan M. Slack
                      General Counsel
                      State Universities Retirement System
                      1901 Fox Drive
                      Champaign IL 61820

12) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: None
STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated when the last regulatory agendas were published.

The full text of the Proposed Amendment begins on the next page:
STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section
1600.10 Definitions
1600.20 Dependency of Beneficiaries
1600.30 Crediting Interest on Employee Contributions and Other Reserves
1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
1600.80 Rules of Practice-Nature and Requirements of Formal Hearings
1600.90 Excess Benefit Arrangement
1600.100 Freedom of Information Act
1600.110 Open Meetings Act
1600.120 Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130 Procurement
1600.140 Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1600.150 Definitions
1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152 Curing Minor Deficiencies
1600.153 Filing a QILDRO with the System
1600.154 Modified QILDROs
1600.155 Benefits Affected by a QILDRO
1600.156 Effect of a Valid QILDRO
1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158 Alternate Payee's Address
1600.159 Electing Form of Payment
STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

1600.160 Automatic Annual Increases
1600.161 Expiration of a QILDRO
1600.162 Reciprocal Systems QILDRO Policy Statement
1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A  Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.


SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.120  Twenty Percent Limitation on Final Rate of Earnings Increases

a) Introduction. Public Act 90-65 added to Section 15-112 of the Illinois Pension Code a limitation on increases in earnings for the period of time covered under the calculation of final rate of earnings. This Section is promulgated to provide guidance and interpretation to the staff of the State Universities Retirement System in implementing P.A. 90-65.

b) All annual increases in earnings, as defined at Section 15-111 of the Illinois Pension Code, by an employee during the period used in determining the final rate of earnings of 20% or less shall be deemed to be includable in the calculation of the final rate of earnings. Notwithstanding the foregoing sentence, the following are not considered as earnings in determining final rate of earnings: No further inquiry shall be necessary by the staff of the System.

1) severance or separation pay;
STATE UNIVERSITY RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

2) retirement pay;  
3) payment for unused sick leave; and  
4) payments from an employer for the period used in determining final rate of earnings for any purpose other than:  
   A) services rendered;  
   B) leave of absence or vacation granted during that period; and  
   C) vacation of up to 56 work days allowed upon termination of employment.

c) "Services rendered" for purposes of subsection (b)(4)(A) means payments that reflect services rendered during the academic year in which the payment is received.

d) If the benefit has been collectively bargained between the employer and the recognized collective bargaining agent pursuant to the Illinois Educational Labor Relations Act, payment received during a period of up to 2 academic years for unused sick leave may be considered as earnings in accordance with the applicable collective bargaining agreement, subject to the 20% increase limitation of Section 15-112.

e) In the event that there is an annual increase in earnings by an employee during the period used in determining the final rate of earnings of greater than 20%, such increase in excess of 20% shall be disregarded in calculating the final rate of earnings. Regardless of subsection (c), the following shall not be subject to the 20% increase limitation:  
   1) a change in the percentage of time worked by the employee (except that time worked in excess of 100% per employer shall be subject to the limitation);  
   2) a change from a nine-month position to a twelve-month position;  
   3) overloads or extensions, so long as the overload for which payment is received took place during the period used for calculating the final rate of earnings; and  
   4) supplemental contracts, so long as verifiable additional work is performed pursuant to the supplemental contract, such as the teaching of a course additional to the customary load or performance of duties additional to, and not in replacement of, the employee's regular duties.
STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 28 Ill. Reg. ______, effective _____________)
CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Carnival and Amusement Ride Inspection Law

2) **Code Citation:** 56 Ill. Adm. Code 6000

3) **Section Numbers:**
   - Adopted Action:
     - 6000.80 Amendment
     - 6000.85 New

4) **Statutory Authority:** 430 ILCS 85/2-6

5) **Effective Date of Amendments:** November 14, 2003

6) **Do these amendments contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** August 1, 2003, 27 Ill. Reg. 12219

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** No substantive changes were requested.

13) **Will this rulemaking replace any emergency amendments currently in effect?** No

14) **Are there any amendments pending on this Part?** Yes

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<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
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<tbody>
<tr>
<td>6000.10</td>
<td>Amendment</td>
<td>27 Ill. Reg. 11328; 07/25/2003</td>
</tr>
<tr>
<td>6000.300</td>
<td>Repealed</td>
<td>27 Ill. Reg. 11328; 07/25/2003</td>
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<td>6000.302</td>
<td>New</td>
<td>27 Ill. Reg. 11328; 07/25/2003</td>
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CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

15) **Summary and Purpose of Amendments:** These amendments implement action taken by the Carnival-Amusement Safety Board at their January 17, 2003 meeting. They establish minimum acceptance criteria for insurance companies affording coverage to operators of amusement rides and amusement attractions and provide the operators with a measure of assurance that the company affording coverage has the financial stability to cover any claim that may be filed.

16) **Information and questions regarding these adopted amendments shall be directed to:**

   George Sisk, Chief Legal Counsel  
   Illinois Department of Labor  
   #1 W. Old State Capitol Plaza, Room 300  
   Springfield, Illinois 62701  
   (217) 558-7178  
   (217) 782-0596

17) **Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]?** No

The full text of the adopted amendments begins on the next page:
CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION

Section
6000.10 Definitions
6000.20 Exemptions
6000.30 Inspections
6000.40 Application for a Permit to Operate
6000.50 Permit, Inspection and Associated Fees
6000.60 Revocation of Permit to Operate (Repealed)
6000.65 Suspension of Permit to Operate
6000.70 Ride Design and Construction
6000.80 Insurance
6000.85 Requirements for Liability Insurance, Bond or Deposit of Security
6000.90 Penalties
6000.100 Appeals
6000.110 Assembly and Disassembly
6000.120 Operator Requirements
6000.130 Passenger Conduct
6000.140 Signal Systems
6000.150 Daily Inspection and Test
6000.160 Reports
6000.170 Maintenance
6000.180 Stop Operation Order
6000.190 Fire Prevention and Protection
6000.200 Internal Combustion Engines
6000.210 Means of Access and Egress
6000.220 Electrical Equipment
6000.230 Hydraulic Systems
6000.240 Air Compressors and Equipment
6000.250 Wire Rope
6000.260 Chain
6000.270 Inflated Amusement Attractions and Inflated Buildings
6000.280 Non-Destructive Testing
6000.290 Ski Lifts, Aerial Tramways, and Rope Tows
6000.300 Go-Karts, Dune Buggies, and All-Terrain Vehicles
6000.310 Water Slides (Repealed)
CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

6000.320 Dry Type Slides
6000.330 Trams
6000.340 Bungee Jumping

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].


Section 6000.80 Insurance

No person shall operate an amusement ride or amusement attraction unless there is in force:

a) A current liability insurance policy or policies, with coverage in amounts at least as great as those required by Section 2-14 of the Act. Proof of insurance shall be a certificate of insurance issued by the insurer and filed with the Carnival and Amusement Ride Inspection Division of the Department of Labor; or

b) A bond in like amount, as set forth in Section 2-14 of the Act; or

c) A deposit with the Board of cash or other security acceptable to the chairman. [430 ILCS 85/2-14]

(Source: Amended at 27 Ill. Reg. 17992, effective November 14, 2003)

Section 6000.85 Requirements for Liability Insurance, Bond or Deposit of Security
CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Liability Insurance

1) Proof of insurance shall be a copy of the policy or policies, including all endorsements, or a certificate of insurance issued by the insurer and filed with the Department’s Carnival and Amusement Ride Inspection Division.

2) The company or companies affording coverage shall have a current Best’s rating of “B” or better and a current Best’s financial class of “V” or better.

3) Policies and certificates issued by companies not a part of the Illinois Insurance Guaranty Fund shall bear a surplus lines stamp.

b) Bonds

1) The bonding company shall have:

   A) A current Best’s rating of “B” or better and a current Best’s financial class of “V” or better.

   B) A duly issued license in the State of Illinois by the Department of Insurance.

2) The bonding company shall not have an unacceptable record of improper conduct or financial problems with the Illinois Department of Insurance.

3) The bond shall be in effect for a minimum of 3 years or until any pending litigation has been finalized.

c) Deposit of Cash or Other Security

1) The acceptability of any deposit of cash or other security shall be determined by the Chairman of the Carnival-Amusement Safety Board with agreement from a majority of the Board and the Director.

2) The deposits shall be held, interest free, by the Department for a minimum of 3 years or until any pending litigation has been finalized.

(Source: Added at 27 Ill. Reg. 17992, effective November 14, 2003)
ILLINOIS COMMERCe COMMISSION
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Standards of Service for Local Exchange Telecommunications Carriers

2) **Code Citation:** 83 Ill. Adm. Code 730

3) **Section Numbers:**

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<tr>
<th>Section Numbers</th>
<th>Adopted Action</th>
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<tbody>
<tr>
<td>730.100</td>
<td>Amendment</td>
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<td>730.105</td>
<td>Amendment</td>
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<tr>
<td>730.110</td>
<td>Amendment</td>
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<tr>
<td>730.115</td>
<td>New Section</td>
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<tr>
<td>730.325</td>
<td>Amendment</td>
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<td>Amendment</td>
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<tr>
<td>730.340</td>
<td>New Section</td>
</tr>
<tr>
<td>730.510</td>
<td>Amendment</td>
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<td>Amendment</td>
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<td>New Section</td>
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<td>730.550</td>
<td>New Section</td>
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</tbody>
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4) **Statutory Authority:** Implementing Section 8-301 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 13-712 and 10-101].

5) **Effective Date of Amendments:** December 1, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 11/15/2002 at 26 Ill. Reg. 16652

10) **Has JCAR issued a Statement of Objection to these amendments?** No
11) Differences between proposal and final version:

In Section 730.105, add

"Basic local exchange service" means residual and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204], excluding: services that employ advanced telecommunications capability as defined in Section 706(c)(1) of the federal Telecommunications Act of 1996; vertical services; company official lines; and records work only. [220 ILCS 5/13-712(b)(2)].

In Section 730.105, from the definition "Emergency situation", delete "or the first 90 calendar days of a strike or other work stoppage; or"

In Section 730.105, at the end of the definition of "Emergency situation", add

"This Part shall be construed as being content neutral as to whether a strike or other work stoppage is an “emergency situation.” In the event of a strike or other work stoppage, the local exchange carrier’s obligations to provide remedies for failure to comply with this part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of “emergency situation” above, the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the local exchange carrier."

Section 730.510(b)(3): Delete " D) Total number and percentage of abandoned calls."

Sections 730.105, 730.535(c), 730.540(d), and 730.545(h): Change "2003" to "2004".

Section 730.115(b): Change "a date 120 days preceding the effective date of this amendatory Act of the 92nd General Assembly" to "March 2, 2001"; change "within 30 days after the effective date of this Rule" to "by January 1, 2004".

Section 730.335(a): change "2002" to "2003".

Sections 730.535(c) and 730.540(d): Change the last sentence in each subsection to "Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection."
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace any emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The amendments add or clarify a number of definitions, impose new reporting requirements, incorporate national standards, and require the installation of network interface devices.

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

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL  62701  
217/785-3922

The full text of the adopted amendments begins on the next page:
NOTICE OF ADOPTED AMENDMENTS

PART 730
STANDARDS OF SERVICE FOR LOCAL EXCHANGE TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section
730.100 Application of Part
730.105 Definitions
730.110 Waiver
730.115 Reporting
730.120 Penalties

SUBPART B: RECORDS AND REPORTS

Section
730.200 Preservation of Records

SUBPART C: ENGINEERING

Section
730.300 Construction
730.305 Maintenance of Plant and Equipment
730.310 Grade of Service
730.315 Interoffice Trunks (Repealed)
730.320 Network Service
730.325 Emergency Operation
730.330 Construction Work Near Utility Facilities
730.335 Network Interface
730.340 Incorporation of National Codes and Standards

SUBPART D: CALL DATA, INSPECTIONS, AND TESTS

Section
730.400 Provisions for Testing
730.405 Call Data Records
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

730.410 Call Data Reading Interval
730.415 Call Data Recording Equipment and Test Facilities
730.420 Call Data Recording Equipment Requirements
730.425 Initial Test
730.430 As-Found Tests
730.435 Routine Tests
730.440 Request Tests
730.445 Referee Tests
730.450 Test Records

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section
730.500 Adequacy of Service
730.505 Operator Handled Calls
730.510 Answering Time
730.515 Central Office Administrative Requirements
730.520 Interoffice Trunks
730.525 Transmission Requirements
730.530 Coin Telephone Service (Repealed)
730.535 Interruptions of Service
730.540 Installation Requests
730.545 Trouble Reports
730.550 Network Outages and Notification

SUBPART F: SAFETY

Section
730.600 Safety Program
730.605 Accident Reports (Repealed)

SUBPART G: BOUNDARIES

Section
730.700 Map Requirements
730.705 Map Specifications
730.710 Application for Certificate
730.715 Service Outside Exchange Boundaries
730.720 Map Maintenance
730.725 District Boundaries (Repealed)
NOTICE OF ADOPTED AMENDMENTS


SUBPART A: GENERAL

Section 730.100 Application of Part

a) This Part shall apply to all local exchange carriers offering or providing either competitive or noncompetitive telecommunications services as defined in Sections 13-209 and 13-210 of the Universal Telephone Service Protection Law of 1985 ("Law") [220 ILCS 5/13-209, 13-210]. This Part shall only apply to the relationship between a serving local exchange carrier and its end user customer. This Part shall not apply to the relationship between a serving local exchange carrier subject to this Part and any local exchange carrier that provides wholesale facilities or services to another serving local exchange carrier for provisioning of services provision to its retail end user customers.

b) This Part does not supersede the authority of, nor prohibit, the Commission from imposing different, additional, or more stringent service quality standards, reporting requirements or penalties upon a carrier pursuant to 220 ILCS 5/13-506.1, Alternative forms of regulation for noncompetitive services.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.105 Definitions

As used in this Part, the following terms shall have these definitions:

"Abandoned call" means a call that has been offered to a communications network or telephone system that was terminated by the person originating the call before it was answered by the entity being called.

"Access line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides
access to the switching network for local exchange and interexchange telecommunication service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

"Analog" means a continuous electrical signal that carries information by means of variations in its amplitude or frequency. The electrical signal being transmitted varies in direct relation to the signal generated by the source.

"Answer time" means a measurement in seconds from the point the carrier's telephone system receives the call until the call is answered by the carrier's representative or voice response unit and ready to accept information. In the case when the carrier uses a menu-driven system, the measurement begins once the menu-based system has transferred the customer into the carrier's telephone system until the call is answered by the carrier's representative.

"Answer time" means a measurement from the point a call is placed in the answering queue.

"Application" means a verbal or written request for a telecommunications service.

"Appointment" means an arrangement made by a telecommunications carrier to meet a customer within an agreed 4 hour window, or, until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide service to the customer, at the customer's premises, to perform work on the network.

"Assistance calls" means calls in which the operator provides assistance or instructions to the customer. Examples: rate quotes, credit requests, trouble reports, dial assistance, and dialing instructions.

"Basic local exchange service" means residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204], excluding: services that employ advanced telecommunications capability as defined in Section 706(c)(1) of the federal Telecommunications Act of 1996; vertical services; company official lines; and records work only. [220 ILCS 5/13-712(b)(2)].

"Basic local exchange service installation" means the installation of basic local exchange service whereby the physical connecting and diagnostic testing of a local loop results in the provisioning of dial tone to the requesting customer's
network interface device. It includes move orders and orders for additional lines.

"Business office" means those offices of the company where calls are answered and made. A business office typically employs company representatives to assist customers for order entry and lookup on customers' orders and account records through the use of a computerized system.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Busy season" means the two consecutive weeks during which the greatest volume of traffic is handled in the central office.

"Busy tone" means an audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call data" means the recorded information necessary to measure and bill each call.

"Calls" means customers' messages attempted.

"Central office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office. Each central office serves local loops in an exclusive geographic area.

"Certificate of service authority" means the authorization by the Illinois Commerce Commission ("Commission") granting a local exchange carrier the right to provide telecommunications services within a specified geographical area.

"Channel" means a single path between two or more points provided for transport of user information and/or signaling for a communications service.

"Commission" means the Illinois Commerce Commission.

"Connecting company" means a corporation, association, partnership or
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

individual (other than a company affiliated interest) that owns or operates central offices or similar switching facilities and interchanges traffic directly or indirectly with the local exchange carriers.

"Customer" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services as defined in Section 13-204 of the Act Law [220 ILCS 5/13-204]. "Customer" may also be referred to as "end user."

"Customer premises equipment" or "CPE" means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications. Customer premises equipment includes customer premises wire.

"Customer premises wire" means any wire, including interface equipment, on the customer side of the network interface or equivalent.

"Customer trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"dBrnc" means a measure of the interfering effect of noise.

"Decibel" or "dB" means a standard unit used for expressing a transmission signal gain or loss.

"Dial tone" means an audible tone sent from an automatic switching system to a customer to indicate the equipment is ready to receive dial signals.

"Dial tone first" means coin telephone service that allows a customer to obtain a dial tone before money is deposited into the coin telephone.

"Digital" means a signal which carries information by discrete changes in its parameters. For digital transmission of analog information, the incoming voice, data, or video signals are sampled periodically and digitally coded for transport through the network.
"Direct Distance Dialing" or "DDD" means the automatic establishment of toll calls in response to signals from the dialing device of the originating customer.

"Distributing system" means that part of the outside cable plant connecting the central office to the customer network interface at the customer's premises.

“Emergency situation” means a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event, and shall end with the restoration or installation of the service of all affected end users.

The term single event shall include:

- a declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or

- an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or

- a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term “emergency situation” shall not include:

- a single event caused by high temperature conditions alone; or

- a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors or by the condition of facilities, equipment, or premises owned or operated by the local exchange carrier; or

- any service interruption that occur during a single event listed in this definition, but are not caused by those single events; or
a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

This Part shall be construed as being content neutral as to whether a strike or other work stoppage is an "emergency situation". In the event of a strike or other work stoppage, the local exchange carrier's obligations to provide remedies for failure to comply with this Part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of "emergency situation" above, the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the local exchange carrier.

"End user" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services for consumption, not for resale, as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. "End user" may also be referred to as "customer."

"Exchange area" means a unit established by a local exchange carrier and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchange areas are identified on exchange boundary maps on file with the Commission.

"Foreign exchange service" means a classification of exchange services whereby customers may be provided a telecommunications service from a local exchange other than the one from which they would normally be served.

"Information call" means a call in which a customer will be connected to an information bureau by dialing the proper service code or number and will be given the directory number of the customer whom he desires to call, provided that the customer's number to be called is or will be published or listed in the information records. An "information call" is also referred to as directory assistance.
"Inside wire" means the same as "customer premises wire" defined above.

"Installation trouble report" means any network trouble report filed within seven days after the completion of a basic local exchange service installation on the same line.

"Intercept service" means a service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party given such information as the called telephone number has been disconnected, discontinued, or changed to another number, or that calls are being received by another telecommunications line.

"InterMSA" means those calls originating in one Market Service Area (MSA) but terminating in another MSA. See Section 13-208 of the Public Utilities Act [220 ILCS 5/13-208].

"Interoffice trunk" means a communication path between two central offices.

"Line" means the conductor or conductors, supporting circuit equipment, and structures extending between customer network interfaces and central offices, or between central offices, whether they be in the same or different communities.

"Local exchange carrier" means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same MSA.

"Local exchange service" means the same as "local exchange telecommunications service" as defined in Section 13-204 of the Act.

"Local exchange service area" means the area where telecommunications service is furnished to customers under a specific schedule of rates and without toll charges. A local exchange service area may include one or more exchange areas or portions of exchange areas.

"Local message" means a completed call between customers served by the same central office or between customers served by two different central offices as defined by and in accordance with tariffs.

"Local loop" means a channel between a customer's network interface and its serving central office. The most common form of loop, a pair of wires, is also
called a line.

"Local usage charge" means the charge that applies to a call defined as a "local message".

"Map" means a drawing showing a geographical area in which a local exchange carrier furnishes telecommunications services.

"Message" means a completed customer call.

"Network" means the aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks, and associated switching facilities.

"Network interface" means the point of termination on the customer premises at which the local exchange carrier's responsibility for the provision and maintenance of network channel or line service ends. The network interface is part of the network and the order of appearance of central office lines on it is determined solely by the local exchange carrier.

"Network service" means a telecommunications service that links two or more discrete channels for the purpose of creating a point-to-point connection.

"Noise to Ground (Ng)" means the noise measured between ground and the tip and ring conductors. The customer does not hear the noise to ground, but the amount of noise to ground affects the amount of noise metallic that a customer hears.

"Noise Metallic (Nm)" means the noise measured across the tip and ring of a circuit and is the noise that the customer hears.

"Operator number identification" means a service provided by an intercept operator on calls that originate from a telecommunications office that is not equipped for automatic identification of the called number.

"Out of Service > 24 Hours" means that 24 hours after reporting an out of service condition to the local exchange carrier, the customer still:

- has no dial tone; or
This defined term excludes call blocking or any other intentional alteration to an end user's calling or call receiving ability.

"Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-way between the central office and customer locations or between central offices.

"Party line service" is a service offering where two or more unaffiliated end user customers share the same line and telephone number.

"Premises" means the space occupied in a single local exchange area by a customer in a building or in adjoining buildings not separated by a public thoroughfare or in a public office building where the customer's office space is all contiguous.

"Public telephone service" means one-party access line service equipped with a coin collecting and/or calling-card only telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

"Repair office" means an office to handle customers' reported telephone facility problems. Customers may call to request trouble verification tests, initiate trouble reports and obtain information on the status of open trouble reports.

"Repeat trouble report" means any network trouble report filed within 30 days after the closing of a previous network trouble report filed by the same customer for the same working line.

"Reporting entity" means a unit established by the local exchange carrier for the purpose of administering the customer service operations established by this Part.

"Telecommunications service" means any all-regulated communication service provided by local exchange carriers.

"Toll call" means a completed message between customers in different exchanges for which message toll rates are applicable.
NOTICE OF ADOPTED AMENDMENTS

"Traffic" means call volume based on number and duration of messages.

"Transmission" means the process of sending information from one point to another.

"Trouble report" means any customer complaint to the local exchange carrier regarding the operation of the network affecting their basic local exchange service, including both service-affecting conditions or out of service conditions.

"Trouble report" means any customer complaint to the local exchange carrier regarding the operation of the network affecting their basic local exchange service, including both service-affecting conditions or out of service conditions.

"Trunk" means a transmission path between switching units, switching centers, and/or toll centers.

"Vertical services" means optional telecommunication services including, without limitation, Caller ID or Call Waiting, that a customer may choose to have added to its basic access line.

"Working line" means an active access line or channel.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.110 Waiver

The Commission, on application of a company, customer, applicant, or end user or on its own motion, may grant a temporary or permanent waiver from this Part, or any subsections contained in this Part, in individual cases where the Commission finds that:

a) The provision from which the waiver is granted is not statutorily mandated;

b) No party will be injured by the granting of the waiver; and

c) The rule from which the waiver is granted would, as applied to in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.115 Reporting

a) All reports required to be submitted to either the Staff or to the Illinois Commerce Commission under this Part 730 shall be certified by an authorized agent of the
b) Each telecommunications carrier shall provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a public report that includes monthly performance data for basic local exchange service quality of service as required to be collected and reported pursuant to this Part. The performance data shall be disaggregated for each geographic area and each customer class of the State for which the telecommunications carrier internally monitored performance data as of March 2, 2001. The report shall include, at a minimum, operator answer time – toll and assistance, Section 730.510(a)(1); operator answer time – information, Section 730.510(a)(1); repair office answer time, Section 730.510(b)(1); business or customer service answer time, Section 730.510(b)(1); percent of service installations, Section 730.540(a); percent of lines out of service for more than 24 hours, Section 730.535(a); trouble reports per 100 access lines, Section 730.545(a); percent of repeat trouble reports, Section 730.545(c); percent of installation trouble reports, Section 730.545(f); missed repair appointments, Section 730.545(h); and missed installation appointments, Section 730.540(d).

Carriers shall disaggregate their performance data at least to the extent required pursuant to this Section and Section 13-712(f) of the Act and, by January 1, 2004, shall provide to the Commission a certification by an authorized officer of the carrier specifying the disaggregation that is required as well as supporting documentation sufficient to demonstrate the required disaggregation (specifically identifying the geographic and customer class disaggregation). The carriers shall bear the burden of proof with respect to the required disaggregation. Such certification and supporting documentation shall be delivered in a form that can be made publicly available and posted upon the Commission's website.

(Source: Added at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.120 Penalties

Upon complaint or its own motion and after notice and a hearing, the Commission may assess fines, penalties or impose other enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this Part. In determining the appropriate fines, penalties or other enforcement mechanisms, the Commission shall consider, at a minimum, the carrier’s gross annual intrastate revenue; past performance; the frequency, duration, severity, and recurrence of the violation or violations; and the relative harm caused to the affected customer or
other users of the network. In imposing fines, the Commission shall take into account compensation or credits paid by the telecommunications carrier to its customers. In addition, carriers subject to alternative regulation may have fines, penalties and other enforcement mechanisms determined in a company specific docket and fines, penalties or other enforcement mechanisms as part of an alternative regulation plan.

(Source: Added at 27 Ill. Reg. 17997, effective December 1, 2003)

SUBPART C: ENGINEERING

Section 730.305 Maintenance of Plant and Equipment

Each local exchange carrier shall:

a) adopt a maintenance program for its equipment based on the minimum standards set forth in this Part, which program shall be updated regularly but not less than every two years unless an earlier update is requested by the Commission.

b) inspect every two years, in accordance with the National Electric Safety Code (NESC) standards identified in 83 Ill. Adm. Code 305, its electrical grounding equipment owned by such carrier for each central office, including, without limitation, the component of such system commonly known as the master ground bar, to ascertain the integrity of the central office ground field, and maintain a copy of the test results in the office and available for inspection. The inspection shall be performed annually if one of the following events occurs: an office conversion (replacement of the current switching equipment), a building addition to a central office, or renovations to the building facilities and grounds, such as water, sewer, gas, electric facilities or parking lot.

c) copy, on a monthly basis, its database for switching equipment applicable to each central office and store such copy off-site or in a fireproof on-site storage for use in emergency restoration purposes (such copying and storage to be performed in accordance with current software backup procedures).

d) copy, on a monthly basis, its digital access and cross-connect system (DACS) database for each central office, if technically feasible, and store such copy off-site or in a fireproof on-site storage for use in emergency restoration purposes (such copying and storage to be performed in accordance with current software backup procedures).
Section 730.325 Emergency Operation

a) Each local exchange carrier shall make provisions to meet emergencies resulting from failures of commercial or power service, sudden and prolonged increases in traffic, illness of personnel, fire, storm, or other natural disasters. Each local exchange carrier shall inform employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunications service.

b) Each existing central office will contain a reserve battery supply of 5 hours where emergency power generators are not installed and 3 hours where they are in place. Central office batteries shall be maintained in accordance with Institute of Electrical and Electronic Engineers (IEEE) standards as adopted in Section 730.340, and records verifying such maintenance shall be kept on site. New central offices or central offices being replaced shall contain a reserve battery supply of 8 hours where emergency power generators are not installed and 5 hours where they are in place. In central offices without installed emergency power generators, a mobile power unit shall be available that can be delivered and connected within 5 hours.

c) In new central offices exceeding 3,000 working lines, a permanent power generator shall be installed. For existing central offices having over 3,000 lines, permanent power generators shall be installed at the time of office replacement or battery replacement.

d) Emergency generator units shall have available at least a 12 hour fuel supply.

e) Emergency generator units shall be tested under load once a month. A record of the test results shall be maintained.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)
Section 730.335  Network Interface

a) Telecommunications carriers shall have in place, no later than December 31, 2003, external combination protector/demarcation interfaces for all one- and two-line customers in single tenant residences and commercial buildings.

b) The network interface for a residential customer shall be located in or on a structure owned, rented, or leased by the customer, in which the customer resides.

c) The network interface for business customers shall be located outside in or on structures owned, rented, or leased by the customer, in which the customer is conducting business. The demarcation point shall be located at the minimum point of penetration of the network cable to the building, normally within 25 feet. Deviation from this location must be mutually agreeable to the building owner and the telecommunications provider.

d) Network interfaces shall not be located on fence posts, utility poles, or cable pedestals.

e) Network interfaces for temporary services or serving trailers, boats, or customer-owned pay telephones shall be located on structures provided by the customer or on a utility pole.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.340  Incorporation of National Codes and Standards


1) Section 2 (Definitions of Special Terms).

2) Section 9 (Grounding Methods of Electric Supply and Communications Facilities).

b) The Commission adopts as its rules the following publications of the IEEE:
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS


2) IEEE Std 450-1995 Recommended Practice for Maintenance, Testing and Replacement of Lead Acid Batteries for Stationary Applications.

c) These incorporations do not include any later amendments or editions.

(Source: Added at 27 Ill. Reg. 17997, effective December 1, 2003)

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section 730.510 Answering Time

a) Operator Offices

1) Operator offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed ten seconds for the following types of calls:

A) toll and assistance; and

B) information.

4) Toll and assistance; and

2) Whenever the average answer time for either toll and assistance calls and/or information calls, calculated on a monthly basis, exceeds ten seconds, the local exchange carrier shall take corrective action and report such action to the Commission within 15 business days after the end of the month in which the violation occurred.

b) Business and Repair Offices

1) Business offices (during normal business hours) and repair offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed 60 seconds. In the case where a menu driven, automated, or interactive system is utilized to answer any such call, such system shall provide within the first menu of options, the option of transferring to a live
attendant. This requirement shall apply separately to business offices and repair offices, if they are maintained separately.

2) Whenever the average answer time for either business offices or repair offices (if maintained separately), calculated on a monthly basis, exceeds 60 seconds, the local exchange carrier shall take corrective action and report such action to the Commission within 15 business days after the end of the month in which the violation occurred.

3) Local exchange carriers shall maintain records of answer time performance at their business offices and repair offices. At a minimum, these records shall contain the following information collected on a monthly basis:

A) Total number of calls received;

B) Total number of calls answered; and

C) Average answer time.

On or before March 1 of each year, each local exchange carrier shall file, with the Chief Clerk of the Commission, an annual report containing the above information for its business and repair office(s) (separately when it maintains separate business and repair offices) for each month of the preceding calendar year. This information shall also be made available to the Commission when requested.

e) For purposes of this Section, “average answer time” shall be calculated by dividing the total number of call waiting seconds by the total number of reported monthly calls answered. b) Whenever the average speed of answer exceeds ten seconds on a monthly basis, the company shall take corrective action. c) The average speed of answer for calls placed to the business offices and repair offices shall not exceed 60 seconds where a representative or automated system is ready to render assistance and/or accept information to process calls.

d) Companies shall maintain records of telephone answer time performance at their business offices and repair offices. At a minimum, these records shall contain the following information in monthly increments:

1) Total number of calls received;

2) Total number of calls answered;

3) Average speed of answer; and

4) Total number and percentage of abandoned calls.

On or before March 1 of each year, each company shall file an annual report on
NOTICE OF ADOPTED AMENDMENTS

its answer time for its business offices and repair offices with the Chief Clerk of the Commission. This information shall also be made available to the Commission when requested.

e) Whenever a telephone company fails to meet the monthly objectives contained in this Section, it shall report that fact to the Commission's Telecommunications Division, with a statement of the reasons, within 15 days after the end of each month.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.515 Central Office Administrative Requirements

a) Central office capacity and equipment shall be sufficient to provide and maintain a dial tone within three seconds on 95% of all calls placed during the busy hour of any given day. Whenever the dial tone rate falls below 95%, the local exchange carrier shall take corrective action and report such action to the Commission within 15% business days after the end of the month in which the violation occurred.

b) For purposes of subsection (a), the percent of calls that obtained dial tone within three seconds shall be derived by dividing the total number of customer dialing attempts during the busy hour that obtained dial tone within three seconds by the total number of customer attempts to obtain dial tone during the busy hour.

c) Each central office shall be equipped with alarms to indicate failures or improper functions.

de) Either operator or mechanized intercept service shall be provided for nonworking or changed terminating numbers until the numbers are assigned or reassigned.

d) All remote switching units are to be equipped to continue to perform basic internal switching functions if a base unit connection is interrupted.

fe) Whenever a local exchange carrier telephone company fails to meet the monthly objectives contained in this section, it shall report that fact to the Commission's Telecommunications Division, with a statement of the reasons for such failure, within 15 days after the end of the respective month.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)
Section 730.520 Interoffice Trunks

a) Local interoffice trunks and intraoffice trunks, interoffice toll trunks, and the intertoll trunk and any related switching components shall be engineered so that at least 98% of telephone calls placed shall not encounter an All Trunks Busy (ATB) all trunks busy condition and at least 98% of properly dialed incoming interMSA calls, during the busy hour, shall receive ringing signal, station busy tone, or intercept (other than ATB) on the first attempt. When the completion rate falls below 98% for three consecutive months, corrective action shall be initiated and such action reported to the Commission.

b) For purposes of subsection (a), the information required to be reported shall be calculated by capturing total call attempts (local, toll, DDD, or inter/intraoffice) and calls that do not encounter an ATB condition that are going through trunk groups controlled by the reporting entity during the busy hour. Calls that do not encounter an ATB condition should be divided by Total Trunk Attempts to derive the percent of calls completed without encountering an ATB. The calculation should be performed for each base unit and all remotes that home on each base. Measurements for all of the base and remote units should be added to provide a statewide basis. b) The trunk and related switching components in the intertoll network shall be engineered and maintained so that 98% of the properly dialed incoming interMSA calls, during the average busy season, shall receive ringing signal, busy tone, or intercept on the first attempt. When this rate falls below 96% for three consecutive months, corrective action shall be initiated and that action reported to the Commission.

e) Interoffice toll access trunks shall be engineered for completion of 99% of calls without an all trunks busy condition. Whenever the completion rate falls below 97% for three consecutive months, corrective action shall be initiated and that action reported to the Commission.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.525 Transmission Requirements

Local exchange carriers shall furnish and maintain plant, equipment, and facilities to meet the following minimum transmission standards. The transmission standards set forth in this Section are based upon measurements from the network interface at the customer premises through the local loop to a nominal 48-volt central office and measured at a frequency of 1004 hertz.

a) Local line analog loops shall have a loop resistance not exceeding the operating
NOTICE OF ADOPTED AMENDMENTS

design of the associated central office equipment. Longer loops may be used by
deployment of loop range extenders.

b) All analog loops are to be maintained to a minimum of 40,000 ohms insulation
resistance.

c) Transmission loss of analog local loop shall be engineered not to exceed $8.5 \times 10^{-1} \text{dB}$
when measured in accordance with subsection (a). The local loop
transmission loss shall be adjusted to $8.5 \times 10^{-1} \text{dB}$ or less if it exceeds $8.5 \times 10^{-1} \text{dB}$.

d) Transmission loss in analog interoffice trunks shall be engineered not to exceed 7
\text{dB}. If the loss exceeds expected design loss by $+ \text{ or } -3.5 \text{ dB}$, it shall be corrected
to within 1 dB of the design loss.

e) Transmission loss on analog toll terminating trunks shall be engineered not to
exceed 4 dB. If the loss exceeds expected design loss by $+ \text{ or } -3.5 \text{ dB}$, it shall be corrected
to within 1 dB of the design loss.

f) Transmission loss on all digital interoffice trunks shall be engineered and
maintained not to exceed 6 dB.

g) Loop current shall be maintained at 20 milliamperes or greater.

h) Power influence (Noise to Ground) shall not exceed 90 dB$\text{rnc}$.

i) Circuit noise (Noise Metallic) shall not exceed 30 dB$\text{rnc}$.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.535 Interruptions of Service

a) On a monthly basis, each the local exchange carrier shall clear 95% of all out-of-
service troubles up to the customer network interface within 24 hours after of the
time such troubles are reported by the customer, except when such service
interruptions are caused by emergency situations or natural disasters affecting a
large number of customers.

b) For purposes of maintaining records or reporting information relating to the
requirement set forth in subsection (a) above, the information required to be so
maintained or reported shall be calculated as follows:
NOTICE OF ADOPTED AMENDMENTS

1) Each occurrence shall be measured from the "create date and time" to the "cleared date and time."

2) The requirement set forth in subsection (a) shall be calculated as follows:

(a) \( \frac{a}{b} \times 100 = x \)

(b) \( \frac{a + b}{b + c} \times 100 = x \)

Variables used in the above formulas are defined as follows:

\( a = \) Total Number of Out of Service Conditions Not Repaired Within 24 Hours

\( b = \) Total Number of "Out of Service" Calls Received by the Company

\( c = \) Subsequent Reports for the same Out of Service condition

\( d = \) Condition Caused by Payphone equipment

\( e = \) Condition Caused by Customer Premises Equipment (CPE) or inside wire

\( f = \) Exclusion Due to No Access to the Property (when access is
NOTICE OF ADOPTED AMENDMENTS

3) Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunication Division, with a statement of the reasons for such failure, within 15 business days after the end of each month in which such failure occurred.

4) The information to be reported pursuant to this Section shall include out of service troubles occurring on holidays or weekends.

c) If a carrier knows entry to the dwelling is required in order to clear an out of service trouble report, the local exchange carrier shall provide reasonable notice to the affected customer of such premises visit and shall schedule an appointment to perform any such visit on a mutually agreed date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon or evening shift, or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide services to the customer). When the repair appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for such delay 24 hours prior to its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled, by a carrier that uses the resold services, network or network elements
ILLINOIS COMMERCIA COMMISSION

NOTICE OF ADOPTED AMENDMENTS

of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day. Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

db) Required toll-free numbers

1) Each local exchange carrier shall provide to its customers the telephone number to call for repair service. Calls to repair service shall be available without charge. When trouble is apparently located in a connecting company, this trouble report shall be immediately referred to the connecting company.

2) Each local exchange carrier shall provide its business office telephone number to its customers. Calls to the business office shall be available without charge.

e) Each local exchange carrier shall inform the Commission either verbally, followed by a written report within 30 days, or via facsimile of any complete central office failure or isolation of an exchange due to toll circuit failure when the failure exceeds two minutes. This record shall show the time, duration, extent, and cause of the failure, and shall be retained for a period of one year.

d) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. Those who will be most seriously affected by such interruption shall be notified in advance. Any adjustments for interrupted service shall be made pursuant to 83 Ill. Adm. Code 735.70(e).

e) Repair service shall be available at all times for reporting service out of order. Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear out of service trouble at all hours for customers who express an emergency need for service as long as clearing such trouble is consistent with the personal safety of local exchange carrier personnel. **For purposes of this subsection (e) only, an emergency need for service shall consist mean that without service there exists of an immediate threat to life, limb, or property.**

f) Each local exchange carrier shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. The company shall retain these records for a period of one year from the date of the report.

g) The local exchange carrier shall maintain service so that the average rate of all
customer network trouble reports is no greater than 6 reports per 100 access lines per month.

h) Whenever a telephone company fails to meet the monthly objectives contained in this Section, it shall report that fact to the Commission's Telecommunications Division, with a statement of the reasons, within 15 days after the end of each month.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.540 Installation Requests

a) Each local exchange carrier shall complete 90% of its "basic local exchange service installations" within five business working days after the customer requests installation or by such later date as requested by applicant, as subject to the exclusions set forth in subsection (f). This subsection (a) does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.

This subsection (a) does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.

A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines, by the carrier whose network or network elements are being utilized, is complete.

b) Each local exchange carrier shall maintain records and submit reports with respect to this Section as follows: Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report identifying the installation performance relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunications Division, as well as a statement of the reasons for such failure, within 15 days after the end of the month in which the failure occurred.

c) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by measuring customer applications or requests for basic local exchange service installation from the date the customer makes such application or request to the date the installation order is signed off by the carrier as completed.
d) If a local exchange carrier knows a premises visit (which includes entry into a dwelling) is required in connection with any basic local exchange service installation, the local exchange carrier shall advise the affected customer of such premises visit and shall schedule an appointment to perform any such visit at a mutually agreed upon date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon or evening shift or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network, or network elements of another carrier to provide services to the customer). When the installation appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for such delay 24 hours prior to its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment, or until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled by a carrier that uses the resold services, network, or network element of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day. Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

e) Each local exchange carrier shall maintain a record of installation requests as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the installation request, the action taken, the date and time of installations or other disposition, and whether the appointment(s) were kept, cancelled with at least 24 hours notice to the customer, or missed without at least 24 hours notice to the customer.

f) An installation that is not performed within the intervals referred to in subsections (a) and (d) will not be considered a violation of subsection (a) and (d) for the period of delay if the installation is delayed due to the following:

1) as a result of a negligent or willful act on the part of the customer;

2) as a result of a malfunction of customer-owned telephone equipment or inside wire;

3) as a result of, or extended by, an emergency situation;
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<td>4)</td>
<td>as a result of the carrier’s inability to gain access to the customer’s premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;</td>
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<td>5)</td>
<td>as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;</td>
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<td>6)</td>
<td>as a result of a carrier’s right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or</td>
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<td>7)</td>
<td>as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to carrier's obligation for reasonable facilities planning.</td>
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Notwithstanding anything in this subsection (f) to the contrary, in those situations where an installation cannot be completed at all as a result of the occurrence of any of the causes identified in this subsection (f), the failure to complete such installation shall not be deemed to be a violation of subsection (a).

b) Installation intervals beyond five working days may be appropriate in those instances where installation forces are busy restoring services due to interruption caused by emergency situations, where materials cannot be obtained through no fault of the company, and during unusual rush periods caused by weather or by work stoppages.

e) On a company basis, 90% of the local exchange carrier's regular service order installation commitments shall be met, excepting customer caused delays or natural disasters. When, for company reasons, the service installation date cannot be made, the applicant will be notified, where possible, of the delay, the reason for delay, and the approximate date when the service installation will take place.

d) Whenever a telephone company fails to meet the monthly objectives contained in this Section, it shall report that fact to the Commission's Telecommunications Division, with a statement of the reasons, within 15 days after the end of each month.

(Source: Amended at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.545 Trouble Reports
a) Each local exchange carrier shall maintain basic local exchange service so that the average rate of all customer network trouble reports is no greater than 6 reports per 100 access lines per month.

b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by dividing the number of customer initiated network trouble reports in any given month that are cleared to network dispositions, less customer premises equipment (CPE), inside wire, or emergency situations, by the total number of access lines in service. The rate shall be reported on a per 100 access line basis.

c) The local exchange carrier shall maintain service so that the percentage of repeat trouble reports for a month does not exceed 20% of the total customer trouble reports.

d) For purposes of maintaining records or reporting information relating to the objective in subsection (c), the information required to be so maintained or reported shall be calculated by dividing the total number of repeat trouble reports by the total number of customer trouble reports, in said month, and shall exclude troubles related to CPE, inside wire, or emergency situations.

e) Each local exchange carrier shall maintain a record of repeat trouble reports as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the repeat trouble report, the action taken, and the date and time of trouble clearance or other disposition.

f) The local exchange carrier shall maintain service so that the percentage of installation trouble reports for a month does not exceed 20% of the total installations.

g) Each local exchange carrier shall maintain a record of installation trouble reports as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken, and the date and time of installation trouble clearance or other disposition.

h) Each local exchange carrier shall keep scheduled repair appointments when a customer premises visit requires a customer to be present. If the local exchange carrier is unable to keep a scheduled repair appointment, it shall provide 24 hour notice of its inability to keep the repair appointment. The 24 hour notice period shall
be construed to mean notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled by a carrier that uses resold services, network or network elements of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day.

i) Each local exchange carrier shall maintain a record of repair appointments as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the repair appointment, the action taken, the date and time of repair appointments, and whether the appointments were kept, cancelled with at least 24 hours notice to the customer, or missed without at least 24 hours notice to the customer.

(Source: Added at 27 Ill. Reg. 17997, effective December 1, 2003)

Section 730.550 Network Outages and Notification

a) Each local exchange carrier shall inform the Commission verbally of any service interruption exceeding ten minutes duration caused by a complete or partial central office failure or complete or partial isolation of an exchange due to toll circuit failure. The notification shall be made via telephone call to (217)558-6166 and shall consist of the following information:

1) Affected Area Code/Prefix
2) Exchange Name
3) Company Name
4) Cause of Interruption
5) Outage Date and Time
6) Restoral Date and Time
7) Effect on 9-1-1 Service
8) Name and Number of Person Reporting the Service Interruption.
A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.

Minor outages shall be reported within 24 hours or during the next normal business day, when more than 100 access lines experience an outage. Minor outages consist of loss of local or toll service affecting more than 10% but less than 50% of the customers and affecting more than 100 access lines in the affected exchange for a period of time not to exceed 12 hours.

Major outages shall be reported immediately via telephone call to (217)558-6166.

Major outages consist of complete loss of local or toll service affecting equal to or more than 50% of the customers in the affected exchange or when any outage is expected to exceed 12 hours.

All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems.

b) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The local exchange carrier shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1 entities, police, fire, hospitals) it reasonably believes may be most seriously affected by such interruption. Any customer credits for interrupted service shall be made pursuant to 83 Ill. Adm. Code 732.

(Source: Added at 27 Ill. Reg. 17997, effective December 1, 2003)
POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Permits
2) Code Citation: 35 Ill. Adm. Code 602
3) Section Numbers: Adopted Action:
   602.105     Amend
   602.106     Amend
   602.108     Amend
   602.115     Amend
4) Statutory Authority: 415 ILCS 5/17 and 27
5) Effective Date of Amendments: November 12, 2003
6) Does this rulemaking contain an automatic repeal date? No
7) Do these amendments contain incorporations by reference? No
8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.
10) Has JCAR issued a Statement of Objection to these amendments? No
11) Differences between proposal and final version: The Board made only minor, nonsubstantive technical changes to the proposal it published at first notice.
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
13) Will these amendments replace any emergency amendments currently in effect? No
14) Are there any amendments pending on this Part? No
15) Summary and Purpose of Amendments: This rulemaking is explained in more detail in the Board’s final notice opinion and order of November 6, 2003 in R03-21, available from the address in item 16 below. This rulemaking extends an exemption in the Board’s rules allowing the Illinois Environmental Protection Agency (Agency) to continue issuing construction and operating permits to public water supplies (PWS) though the supplies do
not meet the radionuclide standards for drinking water. Generally, under the restricted status permit ban in the Board’s rules, the Agency cannot issue a permit to a PWS that is out of compliance with a drinking water standard. The exemption adopted in this rulemaking is available to the non-compliant PWS only if there is an enforceable court order or Compliance Commitment Agreement (CCA) binding the PWS to a specific schedule for meeting the radionuclide drinking water standards. The exemption does not relieve any PWS from meeting the radionuclide drinking water standards, but instead exempts qualifying PWS from the permit ban, allowing the qualifying PWS to receive permits. This exemption will be effective from December 8, 2003, until December 8, 2009.

Additionally, the adopted amendments require each person who signs an application for a construction permit to certify that the application is complete and accurate and that the application form has not been altered from the Agency’s official form. This will help ensure that applicants do not change the permit application form when they prepare an application electronically.

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

Richard McGill
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-6983

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R03-21 in your request. The Board order is also available from the Board’s Web site (www.ipcb.state.il.us)

The full text of the adopted amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 602
PERMITS

Section
602.101 Construction Permit
602.102 Operating Permit
602.103 Algicide Permit
602.104 Emergency Permit
602.105 Standards for Issuance
602.106 Restricted Status
602.107 Signatory Requirement for Permit Applications
602.108 Construction Permit Applications
602.109 Operating Permit Applications
602.110 Algicide Permits Applications
602.111 Application Forms and Additional Information
602.112 Filing and Final Action by Agency on Permit Application
602.113 Duration
602.114 Conditions
602.115 Design, Operation and Maintenance Criteria
602.116 Requirement for As-Built Plans
602.117 Existence of Permit No Defense
602.118 Appeals from Conditions
602.119 Revocations
602.120 Limitations

APPENDIX A: References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

Section 602.105 Standards for Issuance

a) The Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply will be constructed, modified or operated so as not to cause a violation of the Environmental Protection Act [415 ILCS 5].

b) The Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply facility conforms to the design criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other criteria which the applicant proves will produce consistently satisfactory results.

c) The Agency shall not grant any construction permit required by this Part unless the applicant submits proof that any plan documents required by this Section and Section 602.108 have been prepared by a person qualified under the Illinois Architecture Practice Act [225 ILCS 305], the Illinois Professional Engineering Practice Act [225 ILCS 325], the Illinois Structural Engineering Licensing Act [225 ILCS 340], or any required combination thereof.

d) Until December 8, 2003 the effective date of either a National Primary Drinking Water Regulation for radium-226, radium-228, or gross alpha particle activity that replaces the National Interim Primary Drinking Water Regulations for these contaminants, adopted by USEPA on July 9, 1976, or the formal withdrawal of the proposed National Primary Drinking Water Regulations for these contaminants, as proposed by USEPA on July 18, 1991 (56 Fed. Reg. 33050), the Agency shall not deny for the following reasons any construction or operating permit required by this Part:

1) the radium-226 level is less than or equal to 20 $\text{pCi/L}$;

2) the radium-228 level is less than or equal to 20 $\text{pCi/L}$; or

3) the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 $\text{pCi/L}$.

e) From December 8, 2003, until December 8, 2009, the Agency may issue a construction or operating permit to a public water supply that exceeds the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 $\text{pCi/L}$, the MCL for gross alpha particle activity of 15 $\text{pCi/L}$, or
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:

1) A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or

2) An enforceable court order after referral by the Agency.

(Source: Amended at 27 Ill. Reg. 18030, effective November 12, 2003)

Section 602.106 Restricted Status

a) Restricted status shall be defined as the Agency determination, pursuant to Section 39(a) of the Act and Section 602.105, that a public water supply facility may no longer be issued a construction permit without causing a violation of the Act or this Chapter.

b) The Agency shall publish and make available to the public, at intervals of not more than six months, a comprehensive and up-to-date list of supplies subject to restrictive status and the reasons why.

c) The Agency shall notify the owners or official custodians of supplies when the supply is initially placed on restricted status by the Agency.

d) Until December 8, 2003 the effective date of either a National Primary Drinking Water Regulation for radium-226, radium-228, or gross alpha particle activity that replaces the National Interim Primary Drinking Water Regulations for these contaminants, adopted by USEPA on July 9, 1976, or the formal withdrawal of the proposed National Primary Drinking Water Regulations for these contaminants, as proposed by USEPA on July 18, 1991 (56 Fed. Reg. 33050), the Agency shall not place public water supplies on restricted status when:

1) the radium-226 level is less than or equal to 20 \( \text{pCi/L} \); or

2) the radium-228 level is less than or equal to 20 \( \text{pCi/L} \); or

3) the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 \( \text{pCi/L} \).
POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

e) From December 8, 2003, until December 8, 2009, the Agency shall not place a public water supply on restricted status for exceeding the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:

1) A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or

2) An enforceable court order after referral by the Agency.

(Source: Amended at 27 Ill. Reg. 18030, effective November 12, 2003)

Section 602.108 Construction Permit Applications

All applications for any construction permit required under this Chapter shall contain, where appropriate, the following information and documents:

a) A summary of the design basis;

b) Operation requirements;

c) General [layout-Layout];

d) Detailed [plans-Plans];

e) Specifications;

f) A professional seal to satisfy Section 602.105(c) requirements; and

g) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and

hg) Any other information required by the Agency for proper consideration of the permit.

(Source: Amended at 27 Ill. Reg. 18030, effective November 12, 2003)
Section 602.115 Design, Operation, and Maintenance Criteria

a) The Agency may adopt criteria, in rules published in the form of Technical Policy Statements, for the design, operation, and maintenance of public water supply facilities as necessary to insure safe, adequate, and clean water. These criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.

b) Before adopting new criteria or making substantive changes to any of its rules for public water supplies, the Agency shall comply with the provisions of the Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 27 Ill. Reg. 18030, effective November 12, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Postsurgical Recovery Care Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 210

3) Section Number: Adopted Action:
   210.2250 Amendment

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) Effective date of amendment: November 12, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice of Proposal was Published in Illinois Register: May 2, 2003 – 27 Ill. Reg. 7589

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Difference between proposal and final version: The following changes were made in response to comments received during the First Notice or public comment period:

   1. In Section 210.2250(a)(15), “or disabled” was stricken; “or a person with a disability” was added.

   2. In Section 210.2250(a)(26), line 2, “or” was stricken, the semi-colon was stricken and “,” was added.

   3. In Section 210.2250(a)(27), line 3, “and” was added after “407”.

   4. In Section 210.2250(f), “s” was stricken and “w” was added.

   5. In Section 210.2250(l), line 4, “after” was changed to “after”.

   6. In Section 210.2250(o), “Notwithstanding . . . Section,” was deleted; “an” was changed to “An”.

   7. In Section 210.2250(o)(1), “. compliance with orders of protection” was deleted.
8. In Section 210.2250(p), “acting . . . implements,” was deleted.

9. The last sentence in subsection (p) was deleted.

10. In Section 210.2250(q), “Notwithstanding . . . Section,” was deleted; “waivers” was changed to “Waivers”.

11. In Section 210.2250(q)(1)-(6), “application” was changed to “consideration”.

12. In Section 210.2250(q)(1) and (4), “completion . . . imposed,” was deleted.

13. In Section 210.2250(q)(2), (3), (5) and (6), “completion . . . later of” was deleted.

14. In Section 210.2250(q)(2), (3), (5) and (6), “or completion . . . conviction” was deleted.

15. In Section 210.2250(r), “Notwithstanding . . . Section,” was deleted; “waivers” was changed to “Waivers”; “unless . . . writing” was deleted.

16. In Section 210.2250(r)(2), “or” was deleted; “or concealment of a homicidal death” was added.

17. In Section 210.2250(r)(2), “9-1.2,” was added; “9-2.1,” was added; “and” was deleted; “9-3.1, 9-3.2, and 9-3.3” was added.

18. In Section 210.2250(r)(4), “heinous battery, or infliction of great bodily harm” was added; “Section” was changed to “Sections”; “12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7” was added.

19. In Section 210.2250(r)(5), each “and” was deleted; a comma was added after each “13”; “and 12-14.1” was added.

20. A new subsection (s) was added:

   “s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act).”

21. In Subsections (s)-(y) were change to (t)-(z).
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

The following changes were made in response to comments and suggestions of the JCAR:

In Section 210.2250(q), “unless the Director of Public Health approves the waiver in writing” was deleted.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace any emergency amendment currently in effect? Yes

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of Amendment: Section 210.2250 implements the provisions of the Health Care Worker Background Check Act. The rules are being amended to make changes in the waiver review process, by which an individual convicted of a “disqualifying” crime receives a waiver from the Department that allows the individual to work in a direct care position in a health care facility. Minimum time frames are being added. Waivers will not be granted to individuals with certain convictions. Requirements that must be met by waiver applicants are being added. The rulemaking also adds examples of “other evidence” demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. A provision has also been added whereby the Director may grant a waiver to an individual who does not meet these thresholds.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois  62761
217/782-2043
e-mail: rules@idph.state.il.us

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 210
POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM CODE

Section
210.1000 Definitions
210.1050 Referenced Materials
210.1100 Demonstration Program Elements
210.1200 Application for and Issuance of a License to Operate a Postsurgical Recovery Care Center Model
210.1300 Obligations and Privileges of Postsurgical Recovery Care Center Models
210.1400 Inspections and Investigations
210.1500 Notice of Violation and Plan of Correction
210.1600 Adverse Licensure Action
210.1700 Admission Practices
210.1800 Approval of Protocols for the Admission of Postsurgical Patients
210.1900 Standards of Professional Practice
210.2000 Length of Stay
210.2100 Patient's Rights
210.2200 Personnel
210.2250 Health Care Worker Background Check
210.2300 Patient Care
210.2400 Infection Control
210.2500 Laboratory, Pharmacy and Radiological Services
210.2600 Records and Reports
210.2700 Transfer Agreement
210.2800 Food Service
210.2900 Physical Plant
210.3000 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


Section 210.2250 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));


6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));

15) Financial exploitation of an elderly or disabled person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));


22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));


24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or


b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

d) For the purpose of this Section:

1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.

2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.

3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:

1) The employee's assigned job responsibilities as set forth in the employee's job description;

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.

f) When the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (w) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history
record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.

p0) The Department may grant a waiver based on mitigating circumstances, which may include:

1) The age of the individual at which the crime was committed;

2) The circumstances surrounding the crime;

3) The length of time since the conviction;

4) The applicant's or employee's criminal history since the conviction;

5) The applicant's or employee's work history;

6) The applicant's or employee's current employment references;

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)

q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:

1) Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT

2) Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;

3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;

4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;

5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;

6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.

r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);


3) Kidnapping or aggravated kidnapping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);

4) Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);

5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);

7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);


11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and

12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).

s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

t) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

u) A facility is not obligated to employ or offer permanent employment to an
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

v) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

1) certified court records;

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

w) This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;

2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of $500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 27 Ill. Reg. 18037, effective November 12, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Alzheimer’s Disease Management Center Demonstration Program Code

2) **Code Citation:** 77 Ill. Adm. Code 225

3) **Section Number:** 225.1050

4) **Adopted Action:** Amendment

5) **Statutory Authority:** Alternative Health Care Delivery Act [210 ILCS 3]

6) **Effective date of amendment:** November 12, 2003

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain any incorporations by reference?** No

9) **A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.**

10) **Notice of Proposal was Published in Illinois Register:** May 2, 2003 – 27 Ill. Reg. 7593

11) **Has JCAR issued a Statement of Objection to this amendment?** No

12) **Difference between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:

   1. In Section 225.1050(a)(15), “or disabled” was stricken and “or a person with a disability” was added.

   2. In Section 225.1050(a)(26), “or” was stricken; the semi-colon was stricken and “;” was added.

   3. In Section 225.1050(a)(27), “and” was added after “407”.

   4. In Section 225.1050(f), “s” was stricken and “w” was added.

   5. In Section 225.1050(o), “Notwithstanding . . . Section,” was deleted; “an” was changed to “An”.

   6. In Section 225.1050(c)(1), “. compliance . . protection” was deleted.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

7. In Section 225.1050(p), “acting . . . implements,” was deleted.

8. The last sentence in subsection (p) was deleted.

9. In Section 225.1050(q) and (r), “Notwithstanding . . . Section,” was deleted; “waivers” was changed to “Waivers”; “unless . . . writing” was deleted.

10. In Section 225.1050(q)(1)-(6), “application” was changed to “consideration”.

11. In Section 225.1050(q)(1) and (4), “completion . . . imposed,” was deleted.

12. In Section 225.1050(q)(2), (3), (5) and (6), “completion . . . later of” was deleted.

13. In Section 225.1050(q)(2), (3), (5) and (6), “or completion . . . conviction” was deleted.

14. In Section 225.1050(r)(2), “or” was deleted; “. or concealment of a homicidal death” was added; “9-1.2,” was added; “. 9-2.1,” was added, “and” was deleted; “. 9-3.1, 9-3.2, and 9-3.3” was added; “9-1.2,” was added; “. 9-2.1,” was added, “and” was deleted; “. 9-3.1, 9-3.2, and 9-3.3” was added.

15. In Section 225.1050(r)(4), “. heinous battery, or infliction of great bodily harm” was added; “Section” was changed to “Sections”; “12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7” was added.

16. In Section 225.1010(r)(5), each “and” was deleted; a comma was added after each “13”; “. and 12-14.1” was added after “12-14”.

17. A new subsection (s) was added:

   “s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

18. Subsections (s)-(y) were re-lettered to (t)-(z).

The following changes were made in response to comments and suggestions of the JCAR:

No substances changes were suggested by JCAR; however, various typographical, grammatical and form changes were made in response to the comments from JCAR.
12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

13) **Will this amendment replace any emergency amendments currently in effect?** No

14) **Are there any other amendments pending on this Part?** No

15) **Summary and purpose of the amendment:** Section 225.1050 implements the provisions of the Health Care Worker Background Check Act. The rules are being amended to make changes in the waiver review process, by which an individual convicted of a “disqualifying” crime receives a waiver from the Department that allows the individual to work in a direct care position in a health care facility. Minimum time frames are being added. Waivers will not be granted to individuals with certain convictions. Requirements that must be met by waiver applicants are being added. The rulemaking also adds examples of “other evidence” demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. A provision has also been added whereby the Director may grant a waiver to an individual who does not meet these thresholds.

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

   Susan Meister  
   Division of Legal Services  
   Department of Public Health  
   535 West Jefferson, Fifth Floor  
   Springfield, Illinois 62761  
   217/782-2043  
   e-mail: rules@idph.state.il.us

   The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 225
ALZHEIMER'S DISEASE MANAGEMENT CENTER
DEMONSTRATION PROGRAM CODE

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>225.100</td>
<td>Definitions</td>
</tr>
<tr>
<td>225.200</td>
<td>Incorporated and Referenced Materials</td>
</tr>
<tr>
<td>225.300</td>
<td>Demonstration Program Elements</td>
</tr>
<tr>
<td>225.400</td>
<td>Application for and Issuance of a License to Operate an Alzheimer's Disease Management Center Model</td>
</tr>
<tr>
<td>225.500</td>
<td>Obligations and Privileges of Alzheimer's Disease Management Center Models</td>
</tr>
<tr>
<td>225.600</td>
<td>Inspections and Investigations</td>
</tr>
<tr>
<td>225.700</td>
<td>Notice of Violation and Plan of Correction</td>
</tr>
<tr>
<td>225.800</td>
<td>Adverse Licensure Action</td>
</tr>
<tr>
<td>225.900</td>
<td>Waivers</td>
</tr>
</tbody>
</table>

SUBPART B: POLICIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>225.1000</td>
<td>Policies and Procedures</td>
</tr>
<tr>
<td>225.1010</td>
<td>Admission, Transfer and Discharge Policies</td>
</tr>
<tr>
<td>225.1020</td>
<td>Medical Care Policies</td>
</tr>
<tr>
<td>225.1030</td>
<td>Personnel Policies</td>
</tr>
<tr>
<td>225.1040</td>
<td>Health Evaluations for Employees</td>
</tr>
<tr>
<td>225.1050</td>
<td>Health Care Worker Background Check</td>
</tr>
<tr>
<td>225.1060</td>
<td>Disaster Preparedness</td>
</tr>
<tr>
<td>225.1070</td>
<td>Restraints</td>
</tr>
<tr>
<td>225.1080</td>
<td>Abuse and Neglect</td>
</tr>
</tbody>
</table>

SUBPART C: PERSONNEL

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>225.2000</td>
<td>General Requirements</td>
</tr>
<tr>
<td>225.2010</td>
<td>Staff Training</td>
</tr>
<tr>
<td>225.2020</td>
<td>Nursing Assistants</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART D: RESIDENT CARE SERVICES

Section
225.3000 Resident Assessment
225.3010 Resident Comprehensive Care Plan
225.3020 Resident Care and Treatment Services
225.3030 Activity Program
225.3040 Volunteer Program
225.3050 Residential Services
225.3060 Medication Administration

SUBPART E: RESIDENTS' RIGHTS

Section
225.4000 Residents' Rights

SUBPART F: RESIDENT RECORDS

Section
225.5000 Resident Record Requirements

SUBPART G: FOOD SERVICE

Section
225.6000 Director of Food Services
225.6010 Meal Planning
225.6020 Menus and Food Records
225.6030 Diet Orders

SUBPART H: PHYSICAL PLANT

Section
225.7000 Codes and Standards
225.7010 Site
225.7020 Administration and Public Areas
225.7030 Nursing Units
225.7040 Dining, Living, and Activities Rooms
225.7050 Therapy and Personal Care Rooms
225.7060 Service Departments
SUBPART I: FACILITY DESIGN AND CONSTRUCTION

Section
225.8000  Applicability
225.8010  General Building Requirements
225.8020  Structural Requirements
225.8030  Mechanical Systems
225.8040  Plumbing Systems
225.8050  Electrical Systems

SUBPART J: QUALITY ASSESSMENT AND IMPROVEMENT

Section
225.9000  Quality Assessment and Improvement

225.TABLE A  Heat Index Table/Apparent Temperature

AUTHORITY:  Alternative Health Care Delivery Act [210 ILCS 3].


SUBPART B: POLICIES

Section 225.1050  Health Care Worker Background Check

a)  The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1)  Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1961, ch. 38, pars. 109, 141, 142, 490, and 491));


15) Financial exploitation of an elderly or disabled person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));


19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));


26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, or violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 ½, pars. 705, 705.1, 705.2, 707, and 709)); or


b) The facility shall not knowingly employ or retain any individual in a position with
a) duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Health Care Worker Background Check Act)

d) For the purpose of this Section:

1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.

2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.

3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination, the facility shall consider the following:

1) The employee's assigned job responsibilities as set forth in the employee's job description;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.

f) When the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (w) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT

working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and

2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.

p) The Department may grant a waiver based on mitigating circumstances, which may include:

1) The age of the individual at which the crime was committed;

2) The circumstances surrounding the crime;

3) The length of time since the conviction;

4) The applicant's or employee's criminal history since the conviction;

5) The applicant's or employee's work history;

6) The applicant's or employee's current employment references;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)

q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:

1) Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;

2) Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;

3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;

4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;

5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;

6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.
Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);


3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);

4) Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);

5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);

6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);

7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and

12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).

s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

t) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

u) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

v) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

1) certified court records;
2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;

2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of $500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 27 Ill. Reg. 18053, effective November 12, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Children’s Respite Care Center Demonstration Program Code

2) **Code Citation:** 77 Ill. Adm. Code 260

3) **Section Number:** Adopted Action: 
   260.1750 Amendment

4) **Statutory Authority:** Alternative Health Care Delivery Act [210 ILCS 3]

5) **Effective date of amendment:** November 12, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain any incorporations by reference?** No

8) **A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.**

9) **Notice of Proposal was Published in Illinois Register:** May 2, 2003 – 27 Ill. Reg. 7595

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:

   1. In Section 260.1750(a)(15), “or disabled” was stricken and “or a person with a disability” was added.

   2. In Section 260.1750(a)(26), line 3, “or” was stricken, the semi-colon was stricken and “_” was added.

   3. In Section 260.1750(a)(27), line 3, “and” was added after “407”.

   4. In Section 260.1750(c), “The” was changed to “A”.

   5. In Section 260.1750(c), “state” was changed to “State”.

   6. In Section 260.1750(e), line 7, “the” was changed to “a”.

   7. In Section 260.1750(d)(1), (f), and (y), “Model” was changed to “facility”.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

8. In Section 260.1750(d)(2), “subsection” was changed to “subsections”.

9. In Section 260.1750(d)(3), “toileting” was underlined.

10. In Section 260.1750(e)(2), “participants” was stricken and “clients” was added.

11. In Section 260.1750(i)(2), “health care employer” was changed to “facility”.

12. In Section 260.1750(i)(4), “subsection” was changed to “subsections” and “(1) to (27)” was added after “(a)”.

13. In Section 260.1750(l), “of” was changed to “after”.

14. In Section 260.1750(m)(1), “that” was stricken and “, which” was added.

15. In Section 260.1750(o), “Notwithstanding . . . Section,” was deleted; “an” was changed to “A”.

16. In Section 260.1750(o)(1), “, compliance with orders of protection” was deleted.

17. In Section 260.1750(p), “, acting through a waiver committee or through another internal process it implements” was deleted.

18. The last sentence in subsection (p) was deleted.

19. In Section 260.1750(q), “Notwithstanding . . . Section,” was deleted; “waivers” was changed to “Waivers”.

20. In Section 260.1750(q) and (r), “unless . . . writing” was deleted.

21. In Section 260.1750(q)(1)-(6), “application” was changed to “consideration”.

22. In Section 260.1750(q)(1) and (4), “completion . . . imposed,” was deleted.

23. In Section 260.1750(q)(2), (3), (5), and (6), “completion . . . later of” was deleted.

24. In Section 260.1750(q)(2), (3), (5), and (6), “or . . . conviction” was deleted.

25. In Section 260.1750(r)(2), “or” was deleted; “or concealment of a homicidal death” was added; “9-1.2”, “9-2.1,” and “9-3.1, 9-3.2, and 9-3.3” were added.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

26. In Section 260.1750(r)(4), “heinous battery or infliction of great bodily harm” was added; “Section” was changed to “Sections”; “12-14.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6 and 12-4.7” was added.

27. In Section 260.1750(r)(5), each “and” was deleted; commas were added after each “13”; “and 12-14.1” was added.

28. A new subsection (s) was added:
   “(s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)”.

29. In Section 260.1750(t), “Model” was changed to “employer”.

30. Subsections “(s)” – “(y)” were changed to “(t)” – “(z)”.

31. In Section 260.1750(v), “is” was underlined and “be” was added.

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 260.1750(e)(2), “participants” was changed to “residents” to reflect text currently on file.

2. In Section 260.1750(f), “(s)” was stricken and “(w)” was added.

3. In Section 260.1750(k), “subsection” was changed to “subsections” to reflect text currently on file.

4. In Section 260.1750(m)(1), “which that” was changed to “that which”.

5. In Section 260.1750(r)(2), a comma was added after “9-1.2” and the first “and” was deleted.

6. In Section 260.1750(r)(4), a comma was added after “12-4” and “12-14.1” was changed to “12-4.1”.

7. In Section 260.1750(s), “based on mitigating circumstances” was italicized.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

In addition, various typographical, grammatical and format changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace any emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendment: Section 260.1750 implements the provisions of the Health Care Worker Background Check Act. The rules are being amended to make changes in the waiver review process, by which an individual convicted of a “disqualifying” crime receives a waiver from the Department that allows the individual to work in a direct care position in a health care facility. Minimum time frames are being added. Waivers will not be granted to individuals with certain convictions. Requirements that must be met by waiver applicants are being added. The rulemaking also adds examples of “other evidence” demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. A provision has also been added whereby the Director may grant a waiver to an individual who does not meet these thresholds.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
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The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 260
CHILDREN'S RESPITE CARE CENTER DEMONSTRATION PROGRAM CODE

Section
260.1000 Definitions
260.1050 Incorporated and Referenced Materials
260.1100 Demonstration Program Elements
260.1200 Application for and Issuance of a License to Operate a Children's Respite Care Center Model
260.1300 Obligations and Privileges of Children's Respite Care Center Models
260.1400 Inspections and Investigations
260.1500 Notice of Violation and Plan of Correction
260.1600 Adverse Licensure Action
260.1700 Policies and Procedures
260.1750 Health Care Worker Background Check
260.1800 Admission Practices
260.1900 Child's Rights
260.2000 Child Care Services
260.2100 Medication Administration
260.2200 Personnel
260.2300 Food Service
260.2400 Physical Plant
260.2500 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].


Section 260.1750 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


15) Financial exploitation of an elderly or disabled person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));

16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3]...
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));


26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or


b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

d) For the purpose of this Section:

1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.

2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.

3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:

1) The employee's assigned job responsibilities as set forth in the employee's job description;

2) Whether the employee is required to or has the opportunity to be alone with clients/residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's regular responsibilities include physical contact with participants, for example to provide therapy or to draw blood.

f) When the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (w)(s) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) that the Department will forward to the Department of State Police; and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of a court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and

2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.

The Department may grant a waiver based on mitigating circumstances, which may include:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) The age of the individual at which the crime was committed;

2) The circumstances surrounding the crime;

3) The length of time since the conviction;

4) The applicant's or employee's criminal history since the conviction;

5) The applicant's or employee's work history;

6) The applicant's or employee's current employment references;

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to, the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)

q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:

1) Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;

2) Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;

4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;

5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;

6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.

r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);


3) Kidnapping or aggravated kidnapping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);

4) Aggravated battery, heinous battery or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6 and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6 and 12-4.7]);

5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);

6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);

7) Abuse and gross neglect of a long-term care facility resident (Section 12-
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

19 of the Criminal Code of 1961 [720 ILCS 5/12-19];

8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);


11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and

12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).

s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

t) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

u) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

v) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based
criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not be limited to:

1) certified court records;
2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
4) a signed affidavit from the individual concerning the validity of the report; or
5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

\(y\) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of $500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

\(z\) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 27 Ill. Reg. 18070, effective November 12, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Assisted Living and Shared Housing Establishment Code

2) **Code Citation:** 77 Ill. Adm. Code 295

3) **Section Number:** 295.3040

**Adopted Action:** Amendment

4) **Statutory Authority:** Assisted Living and Shared Housing Act [210 ILCS 9]

5) **Effective date of amendment:** November 12, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain any incorporations by reference?** No

11) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) **Notice of Proposal was published in Illinois Register:** April 11, 2003 – 27 Ill. Reg. 6163

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Difference between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:

1. In the Source Note, “or” was changed to “of”.

2. In Section 295.3040(a)(15), “or disabled” was stricken and “or a person with a disability” was added.

3. In Section 295.3040(a)(26), line 2, “or” was stricken; the semi-colon was stricken and “,” was added.

4. In Section 295.3040(a)(27), line 3, “and” was added after “407”.

5. In Section 295.3040(f), “s” was stricken and “w” was added.

6. In Section 295.3040(i)(4), “the” was added after “record of”.

7. In Section 295.3040(i)(5), line 4, “a” was added after “on”.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

8. In Section 295.3040(l), line 4, “Workers” was added and “Worker” was underlined.

9. In Section 295.3040(o), “Notwithstanding . . . Section,” was deleted; “an” was changed to “An”.

10. In Section 295.3040(o)(1), “compliance with orders of protection” was deleted.

11. In Section 295.3040(p), “acting . . . implements,” was deleted.

12. The last sentence in subsection (p) was deleted.

13. In Section 295.3040(q) and (r), “Notwithstanding . . . Section,” was deleted; “waivers” was changed to “Waivers”.

14. In Sections 295.3040(q) and (r), “unless . . . writing” was deleted.

15. In Section 295.3040(q)(1)-(6), “application” was changed to “consideration”.

16. In Section 295.3040(q)(1) and (4), “completion . . . imposed,” was deleted.

17. In Section 295.3040(q)(2), (3), (5) and (6), “completion . . . later of” was deleted.

18. In Section 295.3040(q)(2), (3), (5), and (6), “or . . . conviction” was deleted.

19. In Section 295.3040(r)(2), “or” was deleted; “or concealment of a homicidal death” was added; “9-1.2,” was added; “9-2.1,” was added; “and” was deleted; “9-3.1, 9-3.2, and 9-3.3” was added.

20. In Section 295.3040(r)(4), “heinous battery, or infliction of great bodily harm” was added; “Section” was changed to “Sections”; “12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7” was added.

21. In Section 295.3040(r)(5), each “and” was deleted; “,” was added after each “13”; “12-14.1” was added after each “12-14”.

22. A new subsection (s) was added:

“s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

23. In Section 295.3040(v), “An” was underlined and “A” was added.

24. Subsections (“s)” – “x)” were changed to “t)” – “y)”.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Source Note, “emergency expired August 28, 2003;” was added after “150 days”.

2. In Section 295.3040(q)(3), “application” was changed to “consideration”.

3. In Section 295.3040(r)(5), “and” was added after “12-14” in the second line and after “14” in the third line.

4. In Section 295.3040(s), “based on mitigating circumstances” was italicized.

In addition, various typographical, grammatical and format at changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace any emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendment: Section 295.3040 implements the Health Care Worker Background Check Act. The rules are being amended to provide additional criteria for consideration of waivers under the Act, including: Additional requirements that must be met by individuals who apply for a waiver; minimum time frames that must be met for waiver consideration; examples of “other evidence” that will be considered by the Department in granting waivers; and a list of crimes that will not be waived. A provision has also been added whereby the Director may grant a waiver to an individual who does not meet these thresholds

16) Information and questions regarding this adopted amendment shall be directed to:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

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The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 295
ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

SUBPART A: GENERAL PROVISIONS

Section  
295.100  Purpose of the Act and this Part  
295.200  Definitions  
295.300  Incorporated and Referenced Materials  
295.400  License Requirement  
295.500  Application for License  
295.600  Issuance of an Initial Regular License  
295.700  Issuance of a Renewal License  
295.800  Probationary License  
295.900  Denial of a License  
295.1000  Revocation, Suspension, or Refusal to Renew a License  
295.1010  Transfer of Ownership  
295.1020  Information to Be Made Available to the Resident by the Licensee  
295.1030  Information to Be Made Available to the Public by the Department  
295.1040  Technical Infractions  
295.1050  Violations  
295.1060  Remedies and Sanctions  
295.1070  Annual On-Site Review and Complaint Investigation Procedures  
295.1080  Waivers  
295.1090  Complaints  
295.1100  Alzheimer's Special Care Disclosure

SUBPART B: POLICIES

Section  
295.200  Residency Requirements  
295.2010  Termination of Residency  
295.2020  Notice of Closure  
295.2030  Establishment Contracts  
295.2040  Disaster Preparedness  
295.2050  Incident and Accident Reporting  
295.2060  Quality Improvement Program
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

295.2070 Negotiated Risk Agreement

SUBPART C: PERSONNEL

Section
295.3000 Personnel Requirements, Qualifications and Training
295.3010 Manager's Qualifications
295.3020 Employee Orientation and Ongoing Training
295.3030 Initial Health Evaluation for Direct Care and Food Service Employees
295.3040 Health Care Worker Background Check

SUBPART D: RESIDENT CARE AND SERVICES

Section
295.4000 Physician's Assessment
295.4010 Service Plan
295.4020 Mandatory Services
295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
295.4040 Communicable Disease Policies
295.4050 Tuberculin Skin Test Procedures
295.4060 Alzheimer's and Dementia Programs

SUBPART E: MEDICATIONS

Section
295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

SUBPART F: RESIDENT RIGHTS

Section
295.6000 Resident Rights
295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
295.6030 Resident's Representative

SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

Section
295.7000 Resident Records
295.7010 Establishment Records
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART H: FOOD SERVICE

Section
295.8000 Food Service

SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

Section
295.9000 Physical Plant
295.9005 Units
295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments
295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments
295.9030 Furnishings
295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form
295.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].


SUBPART C: PERSONNEL

Section 295.3040 Health Care Worker Background Check

a) The establishment shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));

2) Murder, homicide, manslaughter or concealment of a homicidal death
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


9) Criminal sexual assault or criminal sexual abuse (Sections 12-13,
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


15) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));


18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

(Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);


22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));


26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or

27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407, and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and]
b) The establishment shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) through (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) An establishment shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the establishment becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) through (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that an establishment has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

d) For the purposes of this Section:

"Applicant" means an individual seeking employment with an establishment who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by an establishment to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) through (27) of this Section.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the establishment shall establish a policy defining which employees provide direct care. In making this determination, the establishment shall consider the
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

following:

1) The employee's assigned job responsibilities as set forth in the employee's job description;

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's responsibilities include physical contact with residents.

f) When the establishment makes a conditional offer of employment to an applicant who is not exempt under subsection (w) of this Section for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry and has had a UCIA criminal history record check within the last 2 months, the employer need not initiate another check.

g) The establishment shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The establishment may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the establishment shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal record report from the establishment, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) An establishment may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) through (27) of this Section may request that the establishment or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) An establishment having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Health Care Worker Background Check Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The establishment may continue to employ that individual in a direct care position,
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT

may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and

2) A certified check, money order or establishment check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2). (Section 40(a-5) of the Health Care Worker Background Check Act)

o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met obligations to the court and under terms of parole (i.e., probation has been successfully completed); and

2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.

p) The Department may grant a waiver based on mitigating circumstances, which may include:

1) The age of the individual at which the crime was committed;

2) The circumstances surrounding the crime;

3) The length of time since the conviction;
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT

4) *The applicant's or employee's criminal history since the conviction;*

5) *The applicant's or employee's work history;*

6) *The applicant's or employee's current employment references;*

7) *The applicant's or employee's character references;*

8) *Nurse Aide Registry records; and*

9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to, the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)*

q) Waivers will not be granted to individuals who have not met the following time frames. "Disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:

1) **Single disqualifying misdemeanor conviction** – waiver consideration no earlier than one year after the conviction date;

2) **Two to three disqualifying misdemeanor convictions** – waiver consideration no earlier than three years after of the most recent conviction date;

3) **More than three disqualifying misdemeanor convictions** – waiver consideration no earlier than five years after of the most recent conviction date;

4) **Single disqualifying felony convictions** – waiver consideration no earlier than three years after the conviction date;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;

6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.

r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);


3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);

4) Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);

5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-4.1]);

6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);

7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and

12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).

s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

1p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

u) An establishment is not obligated to employ or offer permanent employment to an applicant, or to retain an employee, who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

v) An establishment may retain the individual in a direct care position if the individual presents clear and convincing evidence to the establishment that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) through (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:

1) certified court records;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;

2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

The establishment shall retain on file for a period of 5 years records of criminal records requests for all employees. The establishment shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of $500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

The establishment shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 27 Ill. Reg. 18087, effective November 12, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Skilled Nursing and Intermediate Care Facilities Code

2) **Code Citation:** 77 Ill. Adm. Code 300

3) **Section Numbers: Adopted Action:**
   - 300.340 Amendment
   - 300.2820 Amendment

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **Effective date of amendments:** October 15, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

12) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) **Notice of Proposal was Published in Illinois Register:** May 2, 2003 – 27 Ill. Reg. 7597

10) Has JCAR issued a Statement of Objection to these amendments? No

11) **Differences between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:

   1. In the Source Note, “544” was changed to “554” in the entry for January 1, 1991.

   2. In the Source Note, “amended” was added before “at” in the entry for July 29, 1995.

   3. In the Source Note, “amendments” was changed to “amendment” in the entry for January 1, 1996.

   4. In Section 300.340(a)(1)(D), “Building Officials and Code Administrators” was stricken; “(BOCA)” was deleted; “the” was added before “International”; “Code Council (ICC)” was added after “International”.

   5. In Section 300.340(a)(1)(E)(v), “Installation” was underlined and “Institution” was added.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

6. In Section 300.340(a)(1)(G), “No.” was deleted.

7. In Section 300.340(c)(2)(M), “Advance” was changed to “Advanced”.

8. In Section 300.340(c)(2)(RR), “Counselor” was changed to “Counselor”.

9. In Section 300.340(c)(2)(VV), “220” was changed to “210”.

10. In Section 300.2820(a), “includes” was changed to “include”.

11. In Section 300.340(c)(3)(E), the comma was stricken and “and” was added; “and Research Programs” was stricken and “Licenses” was added; “2058” was stricken and “2060” was added.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Source Note, “emergency expired July 1, 2003;” was added after the entry for February 1, 2003.

2. In the Source Note, “emergency expired August 21, 2003;” was added after the entry for March 25, 2003.

3. In Section 300.2820(e), “March 25, 2003” was changed to “October 15, 2003”.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.120</td>
<td>Amendment</td>
<td>27 Ill. Reg. 14162; August 29, 2003</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) **Summary and purpose of the amendments:** Sections 300.340 (Incorporated and Referenced Materials) and 300.2820 (Codes and Standards) are being amended to update incorporated and referenced materials, including incorporation of the 2000 edition of the National Fire Protection Association (NFPA) Life Safety Code for new facilities.

16) **Information and questions regarding these adopted amendments shall be directed to:**

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
e-mail: rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
300.110 General Requirements
300.120 Application for License
300.130 Licensee
300.140 Issuance of an Initial License for a New Facility
300.150 Issuance of an Initial License Due to a Change of Ownership
300.160 Issuance of a Renewal License
300.163 Alzheimer's Special Care Disclosure
300.165 Criteria for Adverse Licensure Actions
300.170 Denial of Initial License
300.175 Denial of Renewal of License
300.180 Revocation of License
300.190 Experimental Program Conflicting With Requirements
300.200 Inspections, Surveys, Evaluations and Consultation
300.210 Filing an Annual Attested Financial Statement
300.220 Information to Be Made Available to the Public By the Department
300.230 Information to Be Made Available to the Public By the Licensee
300.240 Municipal Licensing
300.250 Ownership Disclosure
300.260 Issuance of Conditional Licenses
300.270 Monitor and Receivership
300.271 Presentation of Findings
300.272 Determination to Issue a Notice of Violation or Administrative Warning
300.274 Determination of the Level of a Violation
300.276 Notice of Violation
300.277 Administrative Warning
300.278 Plans of Correction
300.280 Reports of Correction
300.282 Conditions for Assessment of Penalties
300.284 Calculation of Penalties
300.286 Determination to Assess Penalties
300.288 Reduction or Waiver of Penalties
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.290 Quarterly List of Violators (Repealed)
300.300 Alcoholism Treatment Programs In Long-Term Care Facilities
300.310 Department May Survey Facilities Formerly Licensed
300.315 Supported Congregate Living Arrangement Demonstration
300.320 Waivers
300.330 Definitions
300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
300.510 Administrator

SUBPART C: POLICIES

Section
300.610 Resident Care Policies
300.615 Determination of Need Screening
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.661 Health Care Worker Background Check
300.662 Resident Attendants
300.663 Registry of Certified Nursing Assistants
300.665 Student Interns
300.670 Disaster Preparedness
300.680 Restraints
300.682 Nonemergency Use of Physical Restraints
300.684 Emergency Use of Physical Restraints
300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690 Serious Incidents and Accidents
300.695 Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section
300.810 General
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section
300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1035 Life-Sustaining Treatments
300.1040 Behavior Emergencies (Repealed)
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section
300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
300.1230 Staffing
300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section
300.1410 Activity Program
300.1420 Specialized Rehabilitation Services
300.1430 Work Programs
300.1440 Volunteer Program

SUBPART H: MEDICATIONS

Section
300.1610 Medication Policies and Procedures
300.1620 Compliance with Licensed Prescriber’s Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: RESIDENT AND FACILITY RECORDS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.1810</td>
<td>Resident Record Requirements</td>
</tr>
<tr>
<td>300.1820</td>
<td>Content of Medical Records</td>
</tr>
<tr>
<td>300.1830</td>
<td>Records Pertaining to Residents' Property</td>
</tr>
<tr>
<td>300.1840</td>
<td>Retention and Transfer of Resident Records</td>
</tr>
<tr>
<td>300.1850</td>
<td>Other Resident Record Requirements</td>
</tr>
<tr>
<td>300.1860</td>
<td>Staff Responsibility for Medical Records</td>
</tr>
<tr>
<td>300.1870</td>
<td>Retention of Facility Records</td>
</tr>
<tr>
<td>300.1880</td>
<td>Other Facility Record Requirements</td>
</tr>
</tbody>
</table>

SUBPART J: FOOD SERVICE

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.2010</td>
<td>Director of Food Services</td>
</tr>
<tr>
<td>300.2020</td>
<td>Dietary Staff in Addition to Director of Food Services</td>
</tr>
<tr>
<td>300.2030</td>
<td>Hygiene of Dietary Staff</td>
</tr>
<tr>
<td>300.2040</td>
<td>Diet Orders</td>
</tr>
<tr>
<td>300.2050</td>
<td>Meal Planning</td>
</tr>
<tr>
<td>300.2060</td>
<td>Therapeutic Diets (Repealed)</td>
</tr>
<tr>
<td>300.2070</td>
<td>Scheduling Meals</td>
</tr>
<tr>
<td>300.2080</td>
<td>Menus and Food Records</td>
</tr>
<tr>
<td>300.2090</td>
<td>Food Preparation and Service</td>
</tr>
<tr>
<td>300.2100</td>
<td>Food Handling Sanitation</td>
</tr>
<tr>
<td>300.2110</td>
<td>Kitchen Equipment, Utensils, and Supplies</td>
</tr>
</tbody>
</table>

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.2210</td>
<td>Maintenance</td>
</tr>
<tr>
<td>300.2220</td>
<td>Housekeeping</td>
</tr>
<tr>
<td>300.2230</td>
<td>Laundry Services</td>
</tr>
</tbody>
</table>

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.2410</td>
<td>Furnishings</td>
</tr>
<tr>
<td>300.2420</td>
<td>Equipment and Supplies</td>
</tr>
<tr>
<td>300.2430</td>
<td>Sterilization of Equipment and Supplies</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
300.2610 Codes
300.2620 Water Supply
300.2630 Sewage Disposal
300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural
300.2920 Mechanical Systems
300.2930 Plumbing Systems
300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.3210</td>
<td>General</td>
</tr>
<tr>
<td>300.3220</td>
<td>Medical and Personal Care Program</td>
</tr>
<tr>
<td>300.3230</td>
<td>Restraints (Repealed)</td>
</tr>
<tr>
<td>300.3240</td>
<td>Abuse and neglect</td>
</tr>
<tr>
<td>300.3250</td>
<td>Communication and Visitation</td>
</tr>
<tr>
<td>300.3260</td>
<td>Resident's Funds</td>
</tr>
<tr>
<td>300.3270</td>
<td>Residents' Advisory Council</td>
</tr>
<tr>
<td>300.3280</td>
<td>Contract With Facility</td>
</tr>
<tr>
<td>300.3290</td>
<td>Private Right of Action</td>
</tr>
<tr>
<td>300.3300</td>
<td>Transfer or Discharge</td>
</tr>
<tr>
<td>300.3310</td>
<td>Complaint Procedures</td>
</tr>
<tr>
<td>300.3320</td>
<td>Confidentiality</td>
</tr>
<tr>
<td>300.3330</td>
<td>Facility Implementation</td>
</tr>
</tbody>
</table>

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.3410</td>
<td>Application of Other Sections of These Minimum Standards (Repealed)</td>
</tr>
<tr>
<td>300.3420</td>
<td>Administrator (Repealed)</td>
</tr>
<tr>
<td>300.3430</td>
<td>Policies (Repealed)</td>
</tr>
<tr>
<td>300.3440</td>
<td>Personnel (Repealed)</td>
</tr>
<tr>
<td>300.3450</td>
<td>Resident Living Services Medical and Dental Care (Repealed)</td>
</tr>
<tr>
<td>300.3460</td>
<td>Resident Services Program (Repealed)</td>
</tr>
<tr>
<td>300.3470</td>
<td>Psychological Services (Repealed)</td>
</tr>
<tr>
<td>300.3480</td>
<td>Social Services (Repealed)</td>
</tr>
<tr>
<td>300.3490</td>
<td>Recreational and Activities Services (Repealed)</td>
</tr>
<tr>
<td>300.3500</td>
<td>Individual Treatment Plan (Repealed)</td>
</tr>
<tr>
<td>300.3510</td>
<td>Health Services (Repealed)</td>
</tr>
<tr>
<td>300.3520</td>
<td>Medical Services (Repealed)</td>
</tr>
<tr>
<td>300.3530</td>
<td>Dental Services (Repealed)</td>
</tr>
</tbody>
</table>
NOTICE OF ADOPTED AMENDMENTS

300.3540 Optometric Services (Repealed)
300.3550 Audiometric Services (Repealed)
300.3560 Podiatric Services (Repealed)
300.3570 Occupational Therapy Services (Repealed)
300.3580 Nursing and Personal Care (Repealed)
300.3590 Resident Care Services (Repealed)
300.3600 Record Keeping (Repealed)
300.3610 Food Service (Repealed)
300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630 Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section
300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section
300.4000 Applicability of Subpart S
300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4040 General Requirements for Facilities Subject to Subpart S
300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Notice of Amended Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>300.6000</td>
<td>Applicability of Subpart T</td>
</tr>
<tr>
<td>300.6005</td>
<td>Quality Assessment and Improvement for Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6010</td>
<td>Comprehensive Assessments for Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6020</td>
<td>Reassessments for Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6030</td>
<td>Individualized Treatment Plan for Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6040</td>
<td>General Requirements for Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6045</td>
<td>Serious Incidents and Accidents in Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6047</td>
<td>Medical Care Policies for Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6049</td>
<td>Emergency Use of Restraints for Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6050</td>
<td>Psychiatric Rehabilitation Services for Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6050</td>
<td>Discharge Plans for Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6070</td>
<td>Work Programs for Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6080</td>
<td>Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6090</td>
<td>Personnel for Providing Services to Residents of Facilities Subject to Subpart T</td>
</tr>
<tr>
<td>300.6095</td>
<td>Training and Continuing Education for Facilities Subject to Subpart T</td>
</tr>
</tbody>
</table>

300.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F Guidelines for the Use of Various Drugs
300.APPENDIX G Facility Report
300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

<table>
<thead>
<tr>
<th>1) Private and professional association standards:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 W. Jackson, Chicago, Illinois 60606-6995.</td>
</tr>
<tr>
<td>B) American National Standards Institute, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.</td>
</tr>
<tr>
<td>i) Standard No. A177.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped</td>
</tr>
<tr>
<td>Aii) ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.</td>
</tr>
<tr>
<td>Bc) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


EF) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269:

i) No. 10 (1978): Standards for Portable Extinguishers


iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems


viii) No. 253 (1978): Flooring Radiant Heat Energy Test
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies

FG) For new facilities (see Subpart N), the following standards of the National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269:


vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

x) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition


H) The following standards, Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
   i) Fire Resistance Directory (2003 Edition), and
   ii) Building Material Directory (2003 Edition), and


J) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

K) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

L) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

2) Federal government publications:

The following guidelines of the United States Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161-Atlanta, Georgia 30333.


B) Guideline for Handwashing and Hospital Environmental Control (1985).


D) Guideline for Prevention of Surgical Site Infection (1999)

E) Guideline for Prevention of Nosocomial Pneumonia (February 1994).


3) Federal regulations:

A) 21 CFR 1306, Prescriptions (April 1, 2002)

B) 42 CFR 483.151-156, Requirements for States and Long-Term Care Facilities (October 1, 2002)

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Federal statutes:
   A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
   B) Social Security Act (42 U.S.C.A. 301 et seq., 1395 et seq. and 1396 et seq.)
   C) Controlled Substances Act (21 USC 802)

2) State of Illinois statutes:
   A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
   B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
   C) Child Care Act of 1969 [225 ILCS 10]
   D) Court of Claims Act [705 ILCS 505]
   E) Illinois Dental Practice Act [225 ILCS 25]
   F) Election Code [10 ILCS 5]
   G) Freedom of Information Act [5 ILCS 140]
   H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
   I) Hospital Licensing Act [210 ILCS 85]
   J) Illinois Controlled Substances Act [720 ILCS 570]
   K) Illinois Health Facilities Planning Act [20 ILCS 3906]
   M) Illinois Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

N) Illinois Occupational Therapy Practice Act [225 ILCS 75]
O) Illinois Physical Therapy Act [225 ILCS 90]
P) Life Care Facilities Act [210 ILCS 40]
Q) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
R) Medical Practice Act of 1987 [225 ILCS 60]
S) Mental Health and Developmental Disabilities Code [405 ILCS 5]
T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
U) Nursing Home Care Act [210 ILCS 45]
V) Pharmacy Practice Act of 1987 [225 ILCS 85]
W) Private Sewage Disposal Licensing Act [225 ILCS 225]
X) Probate Act of 1975 [775 ILCS 5]
Y) Illinois Public Aid Code [305 ILCS 5]
Z) Safety Glazing Materials Act [430 ILCS 60]
AA) Illinois Administrative Procedure Act [5 ILCS 100]
BB) Clinical Psychologist Licensing Act [225 ILCS 15]
CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
DD) Health Care Worker Background Check Act [225 ILCS 46]
FF) Cannabis Control Act [720 ILCS 550]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


HH) Living Will Act [755 ILCS 35]

II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]

JJ) Health Care Surrogate Act [755 ILCS 45]

KK) Right of Conscience Act [745 ILCS 70]

LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]

MM) Supportive Residences Licensing Act [210 ILCS 65]

NN) Community Residential Alternatives Licensing Act [210 ILCS 40]

OO) Community Living Facilities Licensing Act [210 ILCS 35]

PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

QQ) Counties Code [55 ILCS 5]

RR) Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]

SS) Podiatric Medical Practice Act of 1987 [225 ILCS 100]

TT) Illinois Optometric Practice Act of 1987 [225 ILCS 80]

UU) Physician Assistant Practice Act of 1987 [225 ILCS 95]

VV) Alzheimer's Special Care Disclosure Act [210 ILCS 4]

WW) Illinois Act on the Aging [20 ILCS 105]

XX) Alternative Health Care Delivery Act [210 ILCS 3]

YY) Uniform Conviction Information Act [20 ILCS 2635]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ZZ) Assisted Living and Shared Housing Act [210 ILCS 9]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)


C) Department of Public Health:

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

D) Department of Professional Regulation:

i) Controlled Substance Act (68 Ill. Adm. Code 3100)


E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Programs (77 Ill. Adm. Code 2058)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

G) Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended at 27 Ill. Reg. 18105, effective October 15, 2003)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2820 Codes and Standards

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any editions, additions or amendments, deletions subsequent to the date specified.
NOTICE OF ADOPTED AMENDMENTS

1) State of Illinois rules

A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health


C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health

D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal

2) Codes and standards

A) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities:


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition


ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition

B) Underwriters' Laboratories, Inc. (UL):


D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):

i) Handbook of Fundamentals, 2001

ii) Handbook of Applications, 1999


F) American National Standards Institute (ANSI):

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


b) In addition to compliance with the standards set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located shall be observed.

c) Where no local building code exists, the recommendations of the 1996 Edition of the BOCA-International Building Code shall apply.


e) Pursuant to the Medicare-Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 402.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 300.2820(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

e) Amendments to this Section effective October 31, 2003 August 31, 1998 supersede all other codes and standards incorporated in this Subpart N.

(Source: Amended at 27 Ill. Reg. 18105, effective October 15, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Sheltered Care Facilities Code

2) **Code Citation:** 77 Ill. Adm. Code 330

3) **Section Numbers:**
   - Adopted Action:
     - 330.340 Amendment
     - 330.3040 Amendment

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **Effective date of amendments:** October 15, 2003

6) **Do these amendments contain an automatic repeal date?** No

7) **Do these amendments contain any incorporations by reference?** Yes

13) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) **Notice of Proposal was Published in Illinois Register:** May 2, 2003 – 27 Ill. Reg. 7622

10) **Has JCAR issued a Statement of Objection to these amendment?** No

11) **Differences between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:
   1. In the Source Note, “emergency expired July 1, 2003;” was added.
   2. In Section 330.340(a)(4), “West” was changed to “w.”
   3. In Section 330.340(a)(3), “No” was deleted.
   4. In Section 330.340(c)(2)(L), “Governmental” was underlined and “Government” was added.
   5. In Section 330.340(c)(2)(FF), “/Art. IV” was added after “45”.
   6. In Section 330.340(c)(3)(D), “and” was added and the comma was stricken; “Licenses” was added and “and Research Program” was stricken; “2058” was stricken and “2060” was added.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

7. In Section 330.3040(c), “March 25, 2003” was deleted.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Source Note, “emergency expired August 21, 2003;” was added after the entry for March 25, 2003.

2. In Section 330.340(c)(3)(D), “Substances” was changed to “Substance”.

3. In Section 330.3040(c), “______________,” was changed to “October 15, 2003”.

In addition, various typographical, grammatical and format changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
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</thead>
<tbody>
<tr>
<td>330.120</td>
<td>Amendment</td>
<td>27 Ill. Reg. 14164; August 29, 2003</td>
</tr>
</tbody>
</table>

15) Summary and purpose of the amendments: Sections 330.340 (Incorporated and Referenced Materials) and 330.3040 (Building Codes) are being amended to update incorporated and referenced materials, including incorporation of the 2000 edition of the National Fire Protection Association (NFPA) Life Safety Code for new facilities.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

The full text of the adopted amendments begins on the next page.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>330.110</td>
<td>General Requirements</td>
</tr>
<tr>
<td>330.120</td>
<td>Application for License</td>
</tr>
<tr>
<td>330.130</td>
<td>Licensee</td>
</tr>
<tr>
<td>330.140</td>
<td>Issuance of an Initial License For a New Facility</td>
</tr>
<tr>
<td>330.150</td>
<td>Issuance of an Initial License Due to a Change of Ownership</td>
</tr>
<tr>
<td>330.160</td>
<td>Issuance of a Renewal License</td>
</tr>
<tr>
<td>330.163</td>
<td>Alzheimer's Special Care Disclosure</td>
</tr>
<tr>
<td>330.165</td>
<td>Criteria for Adverse Licensure Actions</td>
</tr>
<tr>
<td>330.170</td>
<td>Denial of Initial License</td>
</tr>
<tr>
<td>330.175</td>
<td>Denial of Renewal of License</td>
</tr>
<tr>
<td>330.180</td>
<td>Revocation of License</td>
</tr>
<tr>
<td>330.190</td>
<td>Experimental Program Conflicting With Requirements</td>
</tr>
<tr>
<td>330.200</td>
<td>Inspections, Surveys, Evaluations and Consultation</td>
</tr>
<tr>
<td>330.210</td>
<td>Filing an Annual Attested Financial Statement</td>
</tr>
<tr>
<td>330.220</td>
<td>Information to be Made Available to the Public By the Department</td>
</tr>
<tr>
<td>330.230</td>
<td>Information to be Made Available to the Public By the Licensee</td>
</tr>
<tr>
<td>330.240</td>
<td>Municipal Licensing</td>
</tr>
<tr>
<td>330.250</td>
<td>Ownership Disclosure</td>
</tr>
<tr>
<td>330.260</td>
<td>Issuance of Conditional Licenses</td>
</tr>
<tr>
<td>330.270</td>
<td>Monitoring and Receivership</td>
</tr>
<tr>
<td>330.271</td>
<td>Presentation of Findings</td>
</tr>
<tr>
<td>330.272</td>
<td>Determination to Issue a Notice of Violation or Administrative Warning</td>
</tr>
<tr>
<td>330.274</td>
<td>Determination of the Level of a Violation</td>
</tr>
<tr>
<td>330.276</td>
<td>Notice of Violation</td>
</tr>
<tr>
<td>330.277</td>
<td>Administrative Warning</td>
</tr>
<tr>
<td>330.278</td>
<td>Plans of Correction</td>
</tr>
<tr>
<td>330.280</td>
<td>Reports of Correction</td>
</tr>
<tr>
<td>330.282</td>
<td>Conditions for Assessment of Penalties</td>
</tr>
<tr>
<td>330.284</td>
<td>Calculation of Penalties</td>
</tr>
<tr>
<td>330.286</td>
<td>Determination to Assess Penalties</td>
</tr>
<tr>
<td>330.288</td>
<td>Reduction or Waiver of Penalties</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.290 Quarterly List of Violators (Repealed)
330.300 Alcoholism Treatment Programs In Long-Term Care Facilities
330.310 Department May Survey Facilities Formerly Licensed
330.315 Supported Congregate Living Arrangement Demonstration
330.320 Waivers
330.330 Definitions
330.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
330.510 Administrator

SUBPART C: POLICIES

Section
330.710 Resident Care Policies
330.720 Admission and Discharge Policies
330.730 Contract Between Resident and Facility
330.740 Residents' Advisory Council
330.750 General Policies
330.760 Personnel Policies
330.765 Initial Health Evaluation for Employees
330.770 Disaster Preparedness
330.780 Serious Incidents and Accidents
330.785 Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section
330.910 Personnel
330.911 Health Care Worker Background Check
330.913 Nursing and Personal Care Assistants (Repealed)
330.916 Student Interns (Repealed)
330.920 Consultation Services
330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section
330.1110 Medical Care Policies
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.1120 Personal Care
330.1125 Life Sustaining Treatments
330.1130 Communicable Disease Policies
330.1135 Tuberculin Skin Test Procedures
330.1140 Behavior Emergencies (Repealed)
330.1145 Restraints
330.1150 Emergency Use of Physical Restraints
330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: RESTORATIVE SERVICES

Section
330.1310 Activity Program
330.1320 Work Programs
330.1330 Written Policies for Restorative Services
330.1340 Volunteer Program

SUBPART G: MEDICATIONS

Section
330.1510 Medication Policies
330.1520 Administration of Medication
330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
330.1710 Resident Record Requirements
330.1720 Content of Medical Records
330.1730 Records Pertaining to Residents' Property
330.1740 Retention and Transfer of Resident Records
330.1750 Other Resident Record Requirements
330.1760 Retention of Facility Records
330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
330.1910 Director of Food Services
330.1920 Dietary Staff in Addition to Director of Food Services
330.1930 Hygiene of Dietary Staff
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.1940 Diet Orders
330.1950 Meal Planning
330.1960 Therapeutic Diets (Repealed)
330.1970 Scheduling of Meals
330.1980 Menus and Food Records
330.1990 Food Preparation and Service
330.2000 Food Handling Sanitation
330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
330.2210 Maintenance
330.2220 Housekeeping
330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
330.2410 Furnishings
330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
330.2610 Codes
330.2620 Water Supply
330.2630 Sewage Disposal
330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section
330.2810 Applicable Requirements (Repealed)
330.2820 Applicability of These Standards
330.2830 Submission of a Program Narrative
330.2840 New Constructions, Additions, Conversions, and Alterations
330.2850 Preparation and Submission of Drawings and Specifications
330.2860 First Stage Drawings
330.2870 Second Stage Drawings
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.2880 Architectural Drawings
330.2890 Structural Drawings
330.3000 Mechanical Drawings
330.3010 Electrical Drawings
330.3020 Additions to Existing Structures
330.3030 Specifications
330.3040 Building Codes
330.3050 Site
330.3060 General Building Requirements
330.3070 Administration
330.3080 Corridors
330.3090 Bath and Toilet Rooms
330.3100 Living, Dining, Activity Rooms
330.3110 Bedrooms
330.3120 Special Care Room
330.3130 Kitchen
330.3140 Laundry
330.3150 Housekeeping, Service, and Storage
330.3160 Plumbing
330.3170 Heating
330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section
330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection
330.3340 Fire Department Service and Water Supply
330.3350 General Building Requirements
330.3360 Exit Facilities and Subdivision of Floor Areas
330.3370 Stairways, Vertical Openings, and Doorways
330.3380 Corridors
330.3390 Exit Lights and Directional Signs
330.3400 Hazardous Areas and Combustible Storage
330.3410 Fire Alarm and Detection System
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

EXISTING SHELTERED CARE FACILITIES

Section
330.3610 Site
330.3620 General Building Requirements
330.3630 Administration
330.3640 Corridors
330.3650 Bath and Toilet Rooms
330.3660 Living, Dining, and Activity Rooms
330.3670 Bedrooms
330.3680 Special Care Room
330.3690 Kitchen
330.3700 Laundry Room
330.3710 Housekeeping and Service Rooms and Storage Space
330.3720 Plumbing and Heating
330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

Section
330.3910 Fire Protection
330.3920 Fire Department Service and Water Supply
330.3930 Occupancy and Fire Areas
330.3940 Exit Facilities and Subdivision of Floor Areas
330.3950 Stairways, Vertical Openings, and Doorways
330.3960 Exit and Fire Escape Lights and Directional Signs
330.3970 Hazardous Areas and Combustible Storage
330.3980 Fire Alarm and Detection System
330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section
330.4210 General
330.4220 Medical and Personal Care Program
330.4230 Restraints (Repealed)
330.4240 Abuse and Neglect
330.4250 Communication and Visitation
330.4260 Resident's Funds
NOTICE OF ADOPTED AMENDMENTS

330.4270  Residents' Advisory Council
330.4280  Contract With Facility
330.4290  Private Right of Action
330.4300  Transfer or Discharge
330.4310  Complaint Procedures
330.4320  Confidentiality
330.4330  Facility Implementation

SUBPART R:  DAY CARE PROGRAMS

Section
330.4510  Day Care In Long-Term Care Facilities

330.APPENDIX A  Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B  Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C  Forms for Day Care in Long-Term Care Facilities
330.APPENDIX D  Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
330.APPENDIX E  Guidelines for the Use of Various Drugs
330.TABLE A  Heat Index Table/Apparent Temperature

AUTHORITY:  Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 330.340 Incorporated and Referenced Materials

a) The following private and professional association standards are incorporated in this Part:

1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 W. Jackson, Chicago, Illinois 60606-6995.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

2) For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:

<table>
<thead>
<tr>
<th></th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition</td>
</tr>
<tr>
<td>J</td>
<td>NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition</td>
</tr>
</tbody>
</table>

3) For new and existing facilities (see Section 330.1510) NFPA 99: Standard for Health Care Facilities – 2002 Edition

4) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

5) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

6) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any amendments or editions additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:
   A) Civil Rights Act of 1964 (42 USC § 2000e et seq.)
   B) Social Security Act (42 USC § 301 et seq., 1395 et seq. and 1396 et seq.)
   C) Controlled Substances Act (2 USC 802)

2) State of Illinois statutes:
   A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
   B) Child Care Act of 1969 [225 ILCS 10]
   C) Court of Claims Act [705 ILCS 505]
   D) Illinois Dental Practice Act [225 ILCS 25]
   E) Election Code [10 ILCS 5]
   F) Freedom of Information Act [5 ILCS 140]
   G) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

H) Hospital Licensing Act [210 ILCS 85]
I) Illinois Health Facilities Planning Act [20 ILCS 3906]
K) Life Care Facilities Act [210 ILCS 40]
L) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
M) Medical Practice Act of 1987 [225 ILCS 60]
N) Mental Health and Developmental Disabilities Code [405 ILCS 5]
O) Illinois Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65]
P) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
Q) Nursing Home Care Act [210 ILCS 45]
R) Illinois Occupational Therapy Practice Act [225 ILCS 75]
S) Pharmacy Practice Act of 1987 [225 ILCS 85]
T) Illinois Physical Therapy Act [225 ILCS 90]
U) Private Sewage Disposal Licensing Act [225 ILCS 225]
V) Probate Act of 1975 [755 ILCS 5]
W) Illinois Public Aid Code [305 ILCS 5]
X) Illinois Administrative Procedure Act [5 ILCS 100]
Y) Clinical Psychologist Licensing Act [225 ILCS 15]
Z) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

AA) Health Care Worker Background Check Act [225 ILCS 46]
CC) Cannabis Control Act [720 ILCS 550]
EE) Living Will Act [755 ILCS 35]
FF) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
GG) Health Care Surrogate Act [755 ILCS 40]
HH) Right of Conscience Act [745 ILCS 70]
II) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
JJ) Illinois Controlled Substances Act [720 ILCS 570]
KK) Supportive Residences Licensing Act [210 ILCS 65]
LL) Community Residential Alternatives Licensing Act [210 ILCS 140]
MM) Community Living Facilities Licensing Act [210 ILCS 35]
NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
OO) Counties Code [55 ILCS 5]
PP) Alzheimer’s Special Care Disclosure Act [220 ILCS 4]
QQ) Tort Immunity Act [745 ILCS 10]
RR) Illinois Act on the Aging [20 ILCS 105]
SS) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TT) Assisted Living and Shared Housing Act [210 ILCS 9]
UU) Alternative Health Care Delivery Act [210 ILCS 3]
VV) Wrongs to Children Act [720 ILCS 150]
WW) Criminal Jurisprudence Act [720 ILCS 115]
XX) Uniform Conviction Information Act [20 ILCS 2635]
YY) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
ZZ) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
AAA) Physician Assistant Practice Act of 1987 [225 ILCS 95]

3) State of Illinois rules:


B) Department of Public Health

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

xv) Control of Tuberculosis Code 77 Ill. Adm. Code 696)

C) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)

D) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Program (77 Ill. Adm. Code 20602058)

E) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)

(Source: Amended at 27 Ill. Reg. 18130, effective October 15, 2003)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section 330.3040 Building Codes

a) The design and construction of the facility shall meet the minimum requirements of the following codes and regulations except as modified within this Part:
1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities:

   
   
   
   
   
   vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
   
   
   
   ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition

2) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health

3) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development
NOTICE OF ADOPTED AMENDMENTS

Board

4) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health

b) In addition to the codes and regulations listed in this Section, the design and construction of the facility shall meet the minimum requirements of all applicable local building codes and ordinances.

c) Amendments to this Section effective October 31, 2003, August 31, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended at 27 Ill. Reg. 18130, effective October 15, 2003)
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Illinois Veterans Homes Code

2) **Code Citation:** 77 Ill. Adm. Code 340

3) **Section Number:** Adopted Action:
   - 340.1010 Amendment

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **Effective date of amendment:** October 15, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain any incorporations by reference?** Yes

14) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) **Notice of Proposal was Published in Illinois Register:** May 2, 2003 – 27 Ill. Reg. 7641

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:

   1. In Section 340.1010(a), the comma was changed to “and”; “and statutes” and “or referenced” were deleted.

   2. In Section 340.1010(a)(3)(E), “Life” was changed to “life”.

   3. In Section 340.1010(b), “state” was changed to “State”.

   4. In Section 340.1010(b)(27), “U” was changed to “I”.

   5. In Section 340.1010(c)(13), “Alcoholism and Substance Abuse” was stricken and “Human Services” was added; the comma was stricken and “and” was added; “and Research Programs” was stricken and “Licenses” was added; “2058” was stricken and “2060” was added.

   The following changes were made in response to comments and suggestions of the JCAR:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1. In Section 340.1010(a)(2), the comma after “Services” was stricken and “which” was deleted.

2. In Section 340.1010(b)(2), “” was added after “seq.”.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace any emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>340.1120</td>
<td>Amendment</td>
<td>27 Ill. Reg. 14166; August 29, 2003</td>
</tr>
</tbody>
</table>

15) Summary and purpose of the amendment: Section 340.1010 (Incorporated and Referenced Materials) is being amended to update materials that are incorporated and referenced in the rules, such as State rules, federal regulations, and federal government publications. Materials no longer incorporated in the rules are being deleted.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section
340.1000 Definitions
340.1010 Incorporated and Referenced Materials
340.1110 General Requirements
340.1115 Federal Veterans' Regulations
340.1120 Application for License
340.1125 Alzheimer's Special Care Disclosure
340.1130 Criteria for Adverse Licensure Actions
340.1140 Denial of Initial License
340.1150 Revocation or Denial of Renewal of License
340.1160 Inspections, Surveys, Evaluations, and Consultations
340.1170 Presentation of Findings by the Department
340.1190 Ownership Disclosure
340.1200 Monitor and Receivership
340.1210 Determination of a Violation
340.1220 Determination of the Level of a Violation
340.1230 Plans of Correction and Reports of Correction
340.1240 Calculation of Penalties
340.1245 Conditions for Assessment of Penalties
340.1250 Reduction or Waiver of Penalties
340.1255 Supported Congregate Living Arrangement Demonstration
340.1260 Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section
340.1300 Facility Policies
340.1310 Admission and Discharge Policies
340.1320 Disaster Preparedness
340.1330 Serious Incidents and Accidents
340.1335 Infection Control
340.1340 Facility Record Requirements
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

340.1350  Personnel Policies
340.1360  Initial Health Evaluation for Employees
340.1370  Administrator
340.1375  Personnel Requirements
340.1376  Registry of Certified Nursing Assistants
340.1377  Health Care Worker Background Check
340.1378  Resident Attendants
340.1380  Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

Section
340.1400  Implementation of Resident Rights and Facility Responsibilities
340.1410  General
340.1420  Contract Between Resident and Facility
340.1430  Residents' Advisory Council
340.1440  Abuse and Neglect
340.1450  Communication and Visitation
340.1460  Resident's Funds
340.1470  Transfer or Discharge
340.1480  Complaint Procedures
340.1490  Private Right of Action

SUBPART D: HEALTH SERVICES

Section
340.1500  Medical Care Policies
340.1505  Medical, Nursing and Restorative Services
340.1510  Communicable Disease Policies
340.1520  Tuberculin Skin Test Procedures
340.1530  Physician Services
340.1535  Dental Programs
340.1540  Life-Sustaining Treatments
340.1550  Obstetrical and Gynecological Care
340.1560  Nursing Personnel
340.1570  Personal Care
340.1580  Restraints
340.1590  Nonemergency Use of Physical Restraints
340.1600  Emergency Use of Physical Restraints
340.1610  Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620  Medication Administration (Repealed)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

340.1630 Self-Administration of Medication (Renumbered)

SUBPART E: MEDICATIONS

Section
340.1650 Medication Policies and Procedures
340.1655 Compliance with Licensed Prescriber's Orders
340.1660 Administration of Medication
340.1665 Control of Medication
340.1670 Labeling and Storage of Medication
340.1675 Self-Administration of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section
340.1700 Recreational and Activity Programs
340.1710 Social Services
340.1720 Work Programs
340.1730 Volunteer Program

SUBPART G: RESIDENT RECORDS

Section
340.1800 Resident Record Requirements
340.1810 Content of Medical Records
340.1820 Records Pertaining to Resident's Property
340.1830 Retention, Transfer, and Inspection of Records
340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section
340.1900 Food Service Staff
340.1910 Diet Orders
340.1920 Meal Planning
340.1930 Therapeutic Diets (Repealed)
340.1940 Menus and Food Records
340.1950 Food Preparation and Service
340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

FURNISHINGS, EQUIPMENT AND SUPPLIES

Section
340.2000 Maintenance
340.2010 Water Supply, Sewage Disposal and Plumbing
340.2020 Housekeeping
340.2030 Laundry Services
340.2040 Furnishings
340.2050 Equipment and Supplies

340.TABLE A Heat Index Table/Apparent Temperature
340.TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].


SUBPART A: GENERAL PROVISIONS

Section 340.1010 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

BatteryMarch Park, Quincy, Massachusetts 02269. (See Section 340.1650.)

A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 W. Jackson, Chicago, Illinois 60606-6995.

B) National Council for Therapeutic Recreational Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

2) Federal government publications:

The following guidelines of the U.S. Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States U.S. Public Health Service, Department of Health and Human Services, may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161; Atlanta, Georgia 30333.

A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981);

B) Guideline for Handwashing and Hospital Environmental Control (1985);

C) Guidelines for Prevention of Intravascular Catheter-Related Infections (2002; October 1984);

D) Guideline for Prevention of Surgical Site Infection (1999); Wound Infections (March 1982; Revised 1985);

E) Guideline for Prevention of Nosocomial Pneumonia (February 1994);

F) Guideline for Isolation Precautions in Hospitals (February 18, 1997; January 1996);
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


3) Federal regulations:

A) Definitions (38 CFR 51.2, effective February 7, 2000);

B) Resident rights (38 CFR 51.70, effective February 7, 2000);

C) Admission, transfer and discharge rights (38 CFR 51.80, effective February 7, 2000);

D) Resident behavior and facility practices (38 CFR 51.90, effective February 7, 2000);

E) Quality of life (38 CFR 51.100, effective February 7, 2000);

F) Resident assessment (38 CFR 51.110, effective February 7, 2000);

G) Quality of care (38 CFR 51.120, effective February 7, 2000);

H) Nursing services (38 CFR 51.130, effective February 7, 2000);

I) Dietary services (38 CFR 51.140, effective February 7, 2000);

J) Physician services (38 CFR 51.150, effective February 7, 2000);

K) Specialized rehabilitative services (38 CFR 51.160, effective February 7, 2000);

L) Dental services (38 CFR 51.170, effective February 7, 2000);

M) Pharmacy services (38 CFR 51.180, effective February 7, 2000);

N) Infection control (38 CFR 51.190, effective February 7, 2000);

O) Physical environment (38 CFR 51.200, effective February 7, 2000);

P) Administration (38 CFR 51.210, effective February 7, 2000).
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Q) Prescriptions (21 CFR 1306, effective April 1, 2002).

b) The following federal and State statutes are referenced in this Part:

1) Civil Rights Act of 1964 (42 USC 2000e et seq.);
2) Social Security Act (42 USC 301 et seq., 1395 et seq., and 1396 et seq.);
3) Veterans' Benefits (38 USC 101; 38 USC 641 et seq.);
4) Controlled Substances Act (21 USC 802);
5) Illinois Dental Practice Act [225 ILCS 25];
6) Election Code [10 ILCS 5];
7) Freedom of Information Act [5 ILCS 140];
8) General Not For Profit Corporation Act of 1986 [805 ILCS 105];
9) Illinois Health Facilities Planning Act [20 ILCS 3960];
10) Nursing and Advanced Practice Nursing Act [225 ILCS 65];
11) Illinois Occupational Therapy Practice Act [225 ILCS 75];
12) Illinois Physical Therapy Act [225 ILCS 90];
13) Life Care Facilities Act [210 ILCS 40];
14) Medical Practice Act of 1987 [225 ILCS 60];
15) Mental Health and Developmental Disabilities Code [405 ILCS 5];
16) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70];
17) Nursing Home Care Act [210 ILCS 45];
18) Pharmacy Practice Act of 1987 [225 ILCS 85];
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

19) Probate Act of 1975 [755 ILCS 5];

20) Illinois Public Aid Code [305 ILCS 5].

21) Counties Code [55 ILCS 5];

22) Hospital Licensing Act [210 ILCS 85];

23) Child Care Act of 1969 [225 ILCS 10];

24) Community Living Facilities Licensing Act [210 ILCS 35];

25) Community Residential Alternatives Licensing Act [210 ILCS 40];

26) Supportive Residences Licensing Act [210 ILCS 65];

27) Assisted Living and Shared Housing Act [210 ILCS 9];

28) Alternative Health Care Delivery Act [210 ILCS 3];

29) Clinical Psychologist Licensing Act [225 ILCS 15];

30) Clinical Social Work and Social Work Practice Act [225 ILCS 20];

31) Alzheimer’s Special Care Disclosure Act [220 ILCS 4];

32) Illinois Administrative Procedure Act [5 ILCS 100];

33) Illinois Act on the Aging [20 ILCS 105];

34) Criminal Code of 1961 [720 ILCS 5];

35) Health Care Worker Background Check Act [225 ILCS 46];

36) Uniform Conviction Information Act [20 ILCS 2635];

37) Cannabis Control Act [720 ILCS 550];

38) Illinois Controlled Substances Act [720 ILCS 570];

39) Wrongs to Children Act [720 ILCS 150];
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

40) Criminal Jurisprudence Act [720 ILCS 115];

41) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV];

42) Probate Act of 1975 [775 ILCS 5];

43) Mental Health and Developmental Disabilities Code [405 ILCS 5];

44) Living Will Act [755 ILCS 35];

45) Health Care Surrogate Act [755 ILCS 45];

46) Right of Conscience Act [745 ILCS 70];

47) Illinois Optometric Practice Act of 1987 [225 ILCS 80];

48) Physician Assistant Practice Act of 1987 [220 ILCS 95];

49) Podiatric Medical Practice Act of 1987 [225 ILCS 100].

c) The following State of Illinois rules are referenced:

1) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690);

2) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693);

3) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);

4) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890);

5) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905);

6) Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900);
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

7) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920);

8) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);

9) Department of Public Health Freedom of Information Code (2 Ill. Adm. Code 1126);

10) Department of Public Health Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395);

11) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696);

12) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100);

13) Department of Human Services Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Programs (77 Ill. Adm. Code 2060);  


d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions additions or deletions subsequent to the date specified.  

(Source: Amended at 27 Ill. Reg. 18148, effective October 15, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Intermediate Care for the Developmentally Disabled Facilities Code

2) **Code Citation:** 77 Ill. Adm. Code 350

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Adopted Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.340</td>
</tr>
<tr>
<td>Amendment</td>
</tr>
<tr>
<td>350.2620</td>
</tr>
<tr>
<td>Amendment</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

5) **Effective date of amendments:** October 15, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain any incorporations by reference?** Yes

15) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) **Notices of Proposal was Published in Illinois Register:** May 2, 2003 − 27 Ill. Reg. 7654

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Difference between proposal and final version:** The following changes were made in response to comments received during the First Notice or public comment period:

   1. In the Source Note, “amended at 17 Ill. Reg. 2351, effective February 10, 1993;” was moved to follow the entry for September 1, 1992.

   2. In the Source Note, entry for January 1, 1996, “amendments” was changed to “amendment”; “152” was changed to “512”; a comma was added after “1996”.

   3. In the Source Note, “amended at 26 Ill. Reg. 4878, effective April 1, 2002;” was added after the entry for May 15, 2001.

   4. In Section 350.340(a)(1)(C), “Recommend” was changed to “Recommended”.

   5. In Section 350.340(a)(1)(D), “Building Officials and Code Administrators” was stricken; “(BOCA)” was deleted and “the” was added; “Code Council (ICC)” was added after “International”.


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

6. In Section 350.340(a)(1)(G), “No.” was deleted.

7. In Section 350.340(a)(1)(H)(i), the semi-colon was stricken and “and” was deleted.

8. In Section 350.340(c)(3)(C), “xi” was changed to “xii” and vice versa; the text in Section 350.340(c)(3)(C)(xi) was switched with subsection (c)(3)(C)(xii).

9. In Section 350.340(c)(3)(E), the comma was stricken and “and” was added; “and Research Programs” was stricken and “Licenses” was added; “2058” was stricken and “2060” was added.

10. In Section 350.2620(d), “Code” was added after “Association”; the comma after “101” was changed to a colon.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Source Note, the entry for “January 1, 1993;” was changed to “January 1, 1994;”.

2. In the Source Note, “emergency expired July 1, 2003;” was added after the entry for February 1, 2003.


5. In Section 350.2620(e), “March 25, 2003” was changed to “October 15, 2003”.

In addition, various typographical, grammatical and format changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.120</td>
<td>Amendment</td>
<td>27 Ill. Reg. 14168; August 29, 2003</td>
</tr>
</tbody>
</table>

15) **Summary and purpose of the amendments:** Sections 350.340 (Incorporated and Referenced Materials) and 350.2620 (Codes and Standards) are being amended to update incorporated and referenced materials, including incorporation of the 2000 edition of the National Fire Protection Association (NFPA) Life Safety Code for New Facilities.

16) **Information and questions regarding these adopted amendments shall be directed to:**

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois  62761  
217/782-2043  
e-mail: rules@idph.state.II.us

The full text of the adopted amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.110</td>
<td>General Requirements</td>
</tr>
<tr>
<td>350.120</td>
<td>Application for License</td>
</tr>
<tr>
<td>350.130</td>
<td>Licensee</td>
</tr>
<tr>
<td>350.140</td>
<td>Issuance of an Initial License for a New Facility</td>
</tr>
<tr>
<td>350.150</td>
<td>Issuance of an Initial License Due to a Change of Ownership</td>
</tr>
<tr>
<td>350.160</td>
<td>Issuance of a Renewal License</td>
</tr>
<tr>
<td>350.165</td>
<td>Criteria for Adverse Licensure Actions</td>
</tr>
<tr>
<td>350.170</td>
<td>Denial of Initial License</td>
</tr>
<tr>
<td>350.175</td>
<td>Denial of Renewal of License</td>
</tr>
<tr>
<td>350.180</td>
<td>Revocation of License</td>
</tr>
<tr>
<td>350.190</td>
<td>Experimental Program Conflicting With Requirements</td>
</tr>
<tr>
<td>350.200</td>
<td>Inspections, Surveys, Evaluations and Consultation</td>
</tr>
<tr>
<td>350.210</td>
<td>Filing an Annual Attested Financial Statement</td>
</tr>
<tr>
<td>350.220</td>
<td>Information to Be Made Available to the Public By the Department</td>
</tr>
<tr>
<td>350.230</td>
<td>Information to Be Made Available to the Public By the Licensee</td>
</tr>
<tr>
<td>350.240</td>
<td>Municipal Licensing</td>
</tr>
<tr>
<td>350.250</td>
<td>Ownership Disclosure</td>
</tr>
<tr>
<td>350.260</td>
<td>Issuance of Conditional Licenses</td>
</tr>
<tr>
<td>350.270</td>
<td>Monitor and Receivership</td>
</tr>
<tr>
<td>350.271</td>
<td>Presentation of Findings</td>
</tr>
<tr>
<td>350.272</td>
<td>Determination to Issue a Notice of Violation or Administrative Warning</td>
</tr>
<tr>
<td>350.274</td>
<td>Determination of the Level of a Violation</td>
</tr>
<tr>
<td>350.276</td>
<td>Notice of Violation</td>
</tr>
<tr>
<td>350.277</td>
<td>Administrative Warning</td>
</tr>
<tr>
<td>350.278</td>
<td>Plans of Correction</td>
</tr>
<tr>
<td>350.280</td>
<td>Reports of Correction</td>
</tr>
<tr>
<td>350.282</td>
<td>Conditions for Assessment of Penalties</td>
</tr>
<tr>
<td>350.284</td>
<td>Calculation of Penalties</td>
</tr>
<tr>
<td>350.286</td>
<td>Determination to Assess Penalties</td>
</tr>
<tr>
<td>350.288</td>
<td>Reduction or Waiver of Penalties</td>
</tr>
<tr>
<td>350.290</td>
<td>Quarterly List of Violators (Repealed)</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

350.300 Alcoholism Treatment Programs In Long-Term Care Facilities
350.310 Department May Survey Facilities Formerly Licensed
350.315 Supported Congregate Living Arrangement Demonstration
350.320 Waivers
350.330 Definitions
350.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
350.510 Administrator

SUBPART C: POLICIES

Section
350.610 Management Policies
350.620 Resident Care Policies
350.625 Determination of Need Screening
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.681 Health Care Worker Background Check
350.682 Resident Attendants
350.683 Registry of Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents
350.750 Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

Section
350.1410 Medication Policies and Procedures
350.1420 Compliance with Licensed Prescriber's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage of Medications
350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
350.1610 Resident Record Requirements
350.1620 Content of Medical Records
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Meal Planning
350.1860 Therapeutic Diets (Repealed)
350.1870 Scheduling Meals
350.1880 Menus and Food Records
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
350.2410 Codes
350.2420 Water Supply
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Department
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements
### DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF ADOPTED AMENDMENTS

#### SUBPART O: RESIDENT'S RIGHTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.3210</td>
<td>General</td>
</tr>
<tr>
<td>350.3220</td>
<td>Medical and Personal Care Program</td>
</tr>
<tr>
<td>350.3230</td>
<td>Restraints (Repealed)</td>
</tr>
<tr>
<td>350.3240</td>
<td>Abuse and Neglect</td>
</tr>
<tr>
<td>350.3250</td>
<td>Communication and Visitation</td>
</tr>
<tr>
<td>350.3260</td>
<td>Resident's Funds</td>
</tr>
<tr>
<td>350.3270</td>
<td>Residents' Advisory Council</td>
</tr>
<tr>
<td>350.3280</td>
<td>Contract With Facility</td>
</tr>
<tr>
<td>350.3290</td>
<td>Private Right of Action</td>
</tr>
<tr>
<td>350.3300</td>
<td>Transfer or Discharge</td>
</tr>
<tr>
<td>350.3310</td>
<td>Complaint Procedures</td>
</tr>
<tr>
<td>350.3320</td>
<td>Confidentiality</td>
</tr>
<tr>
<td>350.3330</td>
<td>Facility Implementation</td>
</tr>
</tbody>
</table>

#### SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>350.3710</td>
<td>Applicability of Other Provisions of this Part</td>
</tr>
<tr>
<td>350.3720</td>
<td>Administration</td>
</tr>
<tr>
<td>350.3730</td>
<td>Admission and Discharge Policies</td>
</tr>
<tr>
<td>350.3740</td>
<td>Personnel</td>
</tr>
<tr>
<td>350.3750</td>
<td>Consultation Services and Nursing Services</td>
</tr>
<tr>
<td>350.3760</td>
<td>Medication Policies</td>
</tr>
<tr>
<td>350.3770</td>
<td>Food Services</td>
</tr>
<tr>
<td>350.3780</td>
<td>Codes and Standards</td>
</tr>
<tr>
<td>350.3790</td>
<td>Administration and Public Areas</td>
</tr>
<tr>
<td>350.3800</td>
<td>Bedrooms</td>
</tr>
<tr>
<td>350.3810</td>
<td>Nurses Station</td>
</tr>
<tr>
<td>350.3820</td>
<td>Bath and Toilet Rooms</td>
</tr>
<tr>
<td>350.3830</td>
<td>Utility Rooms</td>
</tr>
<tr>
<td>350.3840</td>
<td>Living, Dining, Activity Rooms</td>
</tr>
<tr>
<td>350.3850</td>
<td>Therapy and Personal Care</td>
</tr>
<tr>
<td>350.3860</td>
<td>Kitchen</td>
</tr>
<tr>
<td>350.3870</td>
<td>Laundry Room</td>
</tr>
<tr>
<td>350.3880</td>
<td>General Building Requirements</td>
</tr>
<tr>
<td>350.3890</td>
<td>Corridors</td>
</tr>
<tr>
<td>350.3900</td>
<td>Special Care Room</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
350.3940 Mechanical Systems
350.3950 Heating, Cooling, and Ventilating Systems
350.3960 Plumbing Systems
350.3970 Electrical Systems
350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
350.4210 Day Care in Long-Term Care Facilities

350. APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350. APPENDIX B Federal Requirements Regarding Residents' Rights (Repealed)
350. APPENDIX C Seismic Zone Map
350. APPENDIX D Forms For Day Care in Long-Term Care Facilities
350. APPENDIX E Guidelines for the Use of Various Drugs
350. TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350. TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350. TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350. TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350. TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 350.340 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 West Jackson, Chicago, Illinois 60606-6995.

B) American National Standards Institute, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017:

i) Standard No. A117.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the

A) ANSI/ASME ii) Standard No. A17.1 – 2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.

B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


E) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981), and the following standards, which may be obtained from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269:

i) No. 10 (1978): Standards for Portable Extinguishers


iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems


viii) No. 253 (1978): Flooring Radiant Heat Energy Test
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

x) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies

For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA) – Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:


vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition


x) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:

i) Fire Resistance Directory (2003 Edition);

ii) Building Material Directory (2003 Edition), and


I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.

J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

2) Federal regulations:

A) 21 CFR 1306, Prescriptions (April 1, 2002), I (Requirement of Prescriptions), April 1, 1997; and B) 21 CFR 1306.21 (Refilling of Prescriptions), April 1, 1997.

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Federal statutes:
   B) Social Security Act (42 USC U.S.C.A.-301 et seq., 1395 et seq. and 1396 et seq.)
   C) Controlled Substances Act (21 USC 802)

2) State of Illinois statutes:
   A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
   B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
   C) Child Care Act of 1969 [225 ILCS 10]
   D) Court of Claims Act [705 ILCS 505]
   E) Illinois Dental Practice Act [225 ILCS 25]
   F) Election Code [10 ILCS 5]
   G) Freedom of Information Act [5 ILCS 140]
   H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
   I) Illinois Health Facilities Planning Act [20 ILCS 3906]
   J) Hospital Licensing Act [210 ILCS 85]
   L) Illinois Controlled Substances Act [720 ILCS 570]
   M) Life Care Facilities Act [210 ILCS 40]
   N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

O) Medical Practice Act of 1987 [225 ILCS 60]

P) Mental Health and Developmental Disabilities Code [405 ILCS 5]

Q) Illinois Nursing Act of 1987 [225 ILCS 65]

R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]

S) Nursing Home Care Act [210 ILCS 45]

T) Illinois Occupational Therapy Practice Act [225 ILCS 75]

U) Pharmacy Practice Act of 1987 [225 ILCS 85]

V) Illinois Physical Therapy Act of 1985 [225 ILCS 90]

W) Private Sewage Disposal Licensing Act [225 ILCS 225]

X) Probate Act of 1975 [755 ILCS 5]

Y) Illinois Public Aid Code [305 ILCS 5]

Z) Safety Glazing Materials Act [430 ILCS 60]

AA) Illinois Administrative Procedure Act [5 ILCS 100]

BB) Clinical Psychologist Licensing Act [225 ILCS 15]

CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]

DD) Health Care Worker Background Check Act [225 ILCS 46]


FF) Cannabis Control Act [720 ILCS 550]

GG) Clinical Social Work Practice Act [225 ILCS 20]

HH) Living Will Act [755 ILCS 35]
NOTICE OF ADOPTED AMENDMENTS

II) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
JJ) Health Care Surrogate Act [755 ILCS 40]
KK) Right of Conscience Act [745 ILCS 70]
LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
MM) Supportive Residences Licensing Act [210 ILCS 65]
NN) Community Residential Alternatives Licensing Act [210 ILCS 40]
OO) Community Living Facilities Licensing Act [210 ILCS 35]
PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
QQ) Counties Code [55 ILCS 5]
RR) Illinois Act on the Aging [20 ILCS 105]
SS) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
TT) Assisted Living and Shared Housing Act [210 ILCS 9]
UU) Alternative Health Care Delivery Act [210 ILCS 3]
VV) Uniform Conviction Information Act [20 ILCS 2635]
WW) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
XX) Physician Assistant Practice Act of 1987 [225 ILCS 95]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


C) Department of Public Health:

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)

iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)


v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

D) Department of Professional Regulation

i) Controlled Substances Act (68 Ill. Adm. Code 3100)


E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Programs (77 Ill. Adm. Code 2060)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

G) Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended at 27 Ill. Reg. 18160, effective October 15, 2003)

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2620 Codes and Standards

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any editions or amendments, additions or deletions subsequent to the date specified.

1) State of Illinois rules

A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health


C) Food Service Sanitation Code (77 Ill. Adm. Code 750),
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Department of Public Health

D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal

2) Codes and standards

A) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, 2000 Edition (New Health Care Occupancies-Residential-Custodial Care), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities:


vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition

B) Underwriters Laboratories, Inc. (UL)


D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):
   i) Handbook of Fundamentals, 2001 Edition


F) American Society of Mechanical Engineers (ASME) International: ANSI/ASME American National Standards Institute:

b) In addition to compliance with the standards set forth herein, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located shall be observed.

c) Where no local building code exists, the recommendations of the 2000 Edition of the BOCA-International Building Code shall apply.

d) The local building code or the recommendations of the 2000 Edition of the
NOTICE OF ADOPTED AMENDMENTS


e) Amendments to this Section effective October 31, 2003, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended at 27 Ill. Reg. 18160, effective October 15, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Community Living Facilities Code

2) **Code Citation**: 77 Ill. Adm. Code 370

3) **Section Number**: 370.715

4) **Adopted Action**: Amendment

5) **Statutory Authority**: Community Living Facilities Act [210 ILCS 35]

6) **Effective date of amendment**: November 12, 2003

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain any incorporations by reference?** No

9) **Notices of Proposal was Published in Illinois Register**: May 2, 2003 – 27 Ill. Reg. 7677

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Difference between proposal and final version**: The following changes were made in response to comments received during the first notice or public comment period:

1. In the Source Note, “amendments” was changed to “amendment” in the entry for April 30, 2003.

2. In Section 370.715(a)(15), “or disabled” was stricken and “or a person with a disability” was added.

3. In Section 370.715(a)(26), “5.1, 5.2.7,” was underlined.

4. In Section 370.715(a)(27), “and” was added after “407”.

5. In Section 370.715(f), “s” was stricken and “w” was added.

6. In Section 370.715(h), “UICA” was changed to “UCIA”.

7. In Section 370.715(l), “of” was changed to “after”.

A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

8. In Section 370.715(o), “Notwithstanding . . . Section,” was deleted; “an” was changed to “An”.

9. In Section 370.715(o)(1), “. . . compliance with orders of protection” was deleted.

10. In Section 370.715(p), “. . . implements,” was deleted.

11. The last sentence in subsection (p) was deleted.

12. In Section 370.715(q) and (r), “Notwithstanding . . . Section,” was deleted; “waivers” was changed to “Waivers”.

13. In Section 370.715(q) and (r), “unless . . . writing” was deleted.

14. In Section 370.715(q)(1)-(6), “application” was changed to “consideration”.

15. In Section 370.715(q)(1) and (4), “completion . . . imposed,” was deleted.

16. In Section 370.715(q)(2), (3), (5), and (6), “completion . . . later of” was deleted.

17. In Section 370.715(q)(2), (3), (5), and (6), “or . . . conviction” was deleted.

18. In Section 370.715(r)(2), “or” was deleted; “. . . concealment of a homicidal death” was added; “9-1.2,” was added; “. . . 9-2.1,” was added; “and” was deleted; “. . . 9-3.1, 9-3.2, and 9-3.3” was added.

19. In Section 370.715(r)(4), “. . . heinous battery, or infliction of great bodily harm” was added; “Section” was changed to “Sections”; “. . . 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7” was added.

20. In Section 370.715(r)(5), each “and” was deleted; “. . . 13” was added after each “13”; “. . . 12-14.1” was added after each “12-14”.

21. A new subsection (s) was added:

   “s) The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

22. Subsections “s)” – “z)” were changed to “t) – “aa)”.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

The following changes were made in response to comments and suggestions of the JCAR:

1. In the second line of Section 370.715(a)(26), “or” was stricken.

2. In Section 370.715(q)(3), “application” was changed to “consideration.”

3. In Section 370.715(r)(5), “and” was added before “12-14.1”.

4. In Section 370.715(aa), “employer’s” was changed to “employee’s” to reflect text currently on file.

In addition, various typographical, grammatical and format changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace emergency any amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments: Section 370.715 implements the provisions of the Health Care Worker Background Check Act. The rules are being amended to make changes in the waiver review process, by which an individual convicted of a “disqualifying” crime receives a waiver from the Department that allows the individual to work in a direct care position in a health care facility. Minimum time frames are being added. Waivers will not be granted to individuals with certain convictions. Requirements that must be met by waiver applicants are being added. The rulemaking also adds examples of “other evidence” demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. A provision has also been added whereby the Director may grant a waiver to an individual who does not meet these thresholds.

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

Susan Meister
Division of Legal Services
Department of Public Health
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

535 West Jefferson, Fifth Floor
Springfield, Illinois  62761
217/782-2043
e-mail: rules@idph.state Il.us

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 370
COMMUNITY LIVING FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section 370.110 General Requirements
370.120 Application for License
370.130 Licensee
370.140 Issuance of an Initial License for a New Facility
370.150 Issuance of an Initial License Due to a Change of Ownership
370.160 Issuance of a Renewal License
370.165 Alzheimer's Special Care Disclosure
370.170 Denial or Revocation
370.180 Experimental Program Conflicting With Requirements
370.190 Inspections
370.200 Information to Be Made Available to the Public By the Licensee
370.210 Ownership Disclosure
370.220 Variances
370.230 Alcoholism Treatment Programs In Community Living Facilities
370.240 Definitions

SUBPART B: ADMINISTRATION

Section 370.400 Administration

SUBPART C: POLICIES

Section 370.510 Social and Vocational Training Program Policies
370.520 Admission and Discharge Policies
370.530 Agreement Between Resident and Facility
370.540 General Policies
370.550 Personnel Policies

SUBPART D: PERSONNEL
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section
370.710 Personnel
370.715 Health Care Worker Background Check
370.720 Personnel Policies

SUBPART E: HEALTH MAINTENANCE SERVICES

Section
370.810 Medical Care Policies
370.820 Communicable Disease Policies
370.830 Behavior Emergencies
370.840 Medication Policies

SUBPART F: PROGRAM SERVICES

Section
370.1010 Program Evaluation
370.1020 Program and Services

SUBPART G: RECORDS

Section
370.1210 General
370.1220 Other Records
370.1230 Confidentiality

SUBPART H: FOOD SERVICE

Section
370.1410 Food Service
370.1420 Adequacy of Diet
370.1430 Therapeutic Diets
370.1440 Scheduling of Meals
370.1450 Food Preparation and Service
370.1460 Food Handling Sanitation
370.1470 Kitchen Equipment, Utensils and Supplies

SUBPART I: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

370.1610 Maintenance
370.1620 Housekeeping
370.1630 Laundry Services

SUBPART J: FURNISHINGS, EQUIPMENT AND SUPPLIES

Section
370.1810 Furnishings
370.1820 Equipment and Supplies

SUBPART K: WATER SUPPLY AND SEWAGE DISPOSAL

Section
370.2010 Codes
370.2020 Water Supply
370.2030 Sewage Disposal
370.2040 Plumbing

SUBPART L: DESIGN AND CONSTRUCTION STANDARDS FOR NEW COMMUNITY LIVING FACILITIES

Section
370.2210 Applicability of Standards
370.2220 Codes and Standards
370.2230 Preparation of Drawings and Specifications
370.2240 Site
370.2250 Administration
370.2260 Bedrooms
370.2270 Nurses' Station
370.2280 Bath and Toilet Rooms
370.2290 Living, Dining Room, and Activity Room(s)
370.2300 Kitchen
370.2310 Laundry Room
370.2320 Housekeeping and Storage
370.2330 Building General
370.2340 Exit Facilities and Subdivision of Floor Areas
370.2350 Stairways and Vertical Openings
370.2360 Hazardous Areas
370.2370 Structural
370.2380 Mechanical Systems
370.2390 Plumbing Systems
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

370.2400 Electrical Systems
370.2410 Fire Alarm and Detection System
370.2420 Emergency Electrical System
370.2430 Fire Protection

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING COMMUNITY LIVING FACILITIES

Section
370.2610 Applicability of Standards
370.2620 Codes and Standards
370.2630 Preparation of Drawings and Specifications
370.2640 Site
370.2650 Administration and Public Areas
370.2660 Bedrooms
370.2670 Nurses' Station
370.2680 Bath and Toilet Rooms
370.2690 Living, Dining Room, and Activity Room(s)
370.2700 Kitchen
370.2710 Laundry Room
370.2720 Housekeeping and Storage
370.2730 Building General
370.2740 Exit Facilities and Subdivision of Floor Areas
370.2750 Stairways and Vertical Openings
370.2760 Hazardous Areas
370.2770 Structural
370.2780 Mechanical Systems
370.2790 Plumbing Systems
370.2800 Electrical Systems
370.2810 Fire Alarm and Detection System
370.2820 Emergency Electrical System
370.2830 Fire Protection

SUBPART N: RESIDENT'S RIGHTS

Section
370.3010 General
370.3020 Medical and Personal Care Program
370.3030 Restraints
370.3040 Abuse and Neglect
370.3050 Communication and Visitation
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

370.3060 Resident's Funds
370.3070 Private Right of Action
370.3080 Transfer and/or Discharge
370.3090 Complaint Procedures
370.3100 Confidentiality
370.3110 Facility Implementation

370.APPENDIX A Program Standards
370.APPENDIX B Sanitizing Solutions

AUTHORITY: Implementing and authorized by the Community Living Facilities Act [210 ILCS 35].


SUBPART D: PERSONNEL

Section 370.715 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));

2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal
NOTICE OF ADOPTED AMENDMENT


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


15) Financial exploitation of an elderly or disabled person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

5/18-3, 18-4, and 18-5]);


22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g));


26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 705, 705.1, 705.2, 707, and 709)); or

b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)

d) For the purpose of this Section:

1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.

2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.

3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination, the facility shall consider the following:

1) The employee's assigned job responsibilities as set forth in the employee's
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

job description;

2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and

3) Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.

f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (w) of this Section, for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)
m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above.

o) An application for a waiver shall be denied unless the applicant meets the following requirements and submits documentation thereof with the waiver application:

1) Except in the instance of payment of court-imposed fines or restitution in which the applicant is adhering to a payment schedule, the applicant shall have met all obligations to the court and under terms of parole (i.e., probation has been successfully completed); and

2) The applicant shall have satisfactorily completed a drug and/or alcohol recovery program, if drugs and/or alcohol were involved in the offense.

p) The Department may grant a waiver based on mitigating circumstances, which may include:

1) The age of the individual at which the crime was committed;

2) The circumstances surrounding the crime;

3) The length of time since the conviction;

4) The applicant’s or employee’s criminal history since the conviction;

5) The applicant's or employee's work history;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

6) The applicant's or employee's current employment references;

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, which may include, but is not limited to the applicant's or employee's participation in a drug/alcohol rehabilitation program and continued involvement in recovery; the applicant's or employee's participation in anger management or domestic violence prevention programs; the applicant's or employee's status on nurse aide registries in other states; the applicant's or employee's criminal history in other states; or the applicant's or employee's successful completion of all outstanding obligations or responsibilities imposed by or to the court. (Section 40(b) of the Health Care Worker Background Check Act)

q) Waivers will not be granted to individuals who have not met the following time frames. "disqualifying" refers to offenses listed in subsections (a)(1) to (27) of this Section:

1) Single disqualifying misdemeanor conviction – waiver consideration no earlier than one year after the conviction date;

2) Two to three disqualifying misdemeanor convictions – waiver consideration no earlier than three years after the most recent conviction date;

3) More than three disqualifying misdemeanor convictions – waiver consideration no earlier than five years after the most recent conviction date;

4) Single disqualifying felony convictions – waiver consideration no earlier than three years after the conviction date;

5) Two to three disqualifying felony convictions – waiver consideration no earlier than five years after the most recent conviction date;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

6) More than three disqualifying felony convictions – waiver consideration no earlier than ten years after the most recent conviction date.

r) Waivers will not be granted to individuals who have been convicted of committing or attempting to commit one or more of the following offenses:

1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);


3) Kidnaping or aggravated kidnaping (Sections 10-1 and 10-2 of the Criminal Code of 1961 [720 ILCS 5/10-1 and 10-2]);

4) Aggravated battery, heinous battery, or infliction of great bodily harm (Sections 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7 of the Criminal Code 1961 [720 ILCS 5/12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7]);

5) Criminal sexual assault or aggravated criminal sexual assault (Sections 12-13, 12-14, and 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, and 12-14.1]);

6) Criminal sexual abuse or aggravated criminal sexual abuse (Sections 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-15 and 12-16]);

7) Abuse and gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

8) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

9) Financial exploitation of an elderly person or a person with a disability (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]);

10) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT


11) Armed robbery (Section 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-2]); and

12) Aggravated vehicular hijacking, aggravated robbery (Sections 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-4 and 18-5]).

The Director of Public Health may grant a waiver to an individual who does not meet the requirements of subsection (o), (q), or (r), based on mitigating circumstances (see subsection (p)). (Section 40(b) of the Health Care Worker Background Check Act)

An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

1) certified court records;

2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;

2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

The facility shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

The facility shall retain on file for a period of 5 years records of criminal records
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

requests for all employees. The facility shall retain the results of the UCLA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of $500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 27 Ill. Reg. 18183, effective November 12, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Numbers: Adopted Action:
   390.340  Amendment
   390.2620 Amendment

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of amendments: October 15, 2003

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain any incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice of Proposal was Published in Illinois Register: May 2, 2003 – 27 Ill. Reg. 7679

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Difference between proposal and final version: The following changes were made in response to comments received during the First Notice or public comment period:

   1. In the Source Note, “amended at 17 Ill. Reg. 19547, effective November 4, 1993” was moved to follow the entry for October 26, 1993.

   2. The entry for November 4, 1993 was changed to “November 20, 1993”.


   4. In the Source Note, “amendments” was changed to “amendment” in the entry for January 1, 1996.

   5. In the Source Note, “amended at 26 Ill. Reg. 4890, effective April 1, 2002;” was added after the entry for April 1, 2001.

   6. In Section 390.340(a)(6), “i) – “x)” were changed to “A) – “J)”.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

7. In Section 390.340(a)(7), “NO.” was deleted.

8. In Section 390.340(c)(3)(E), the comma was stricken and “and” was added; “and Research Programs” was stricken and “Licensure” was added; “2058” was stricken and “2060” was added.

9. In Section 390.2620(a)(2), “standards” was underlined and “Standards” was added.

10. In Section 390.2620(e), “March 25, 2003” was deleted and the blank line was retained; the comma after “1998” was stricken.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Source Note, “April” was added before “1, 2002”.

2. In the Source Note, “emergency expired July 1, 2003;” was added after the entry for February 1, 2003.


4. In Section 390.340(c)(3)(E), “Licensure” was changed to “Licenses”.

5. In Section 390.2620(e), the blank was changed to “October 15, 2003”.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>309.120</td>
<td>Amendment</td>
<td>27 Ill. Reg. 141701</td>
</tr>
</tbody>
</table>
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) **Summary and purpose of the amendments:** Sections 390.340 (Incorporated and Referenced Materials) and 390.2620 (Codes and Standards) are being amended to update incorporated and referenced materials, including incorporation of the 2000 edition of the National Fire Protection Association (NFPA) Life Safety Code for new facilities.

16) **Information and questions regarding these adopted amendments shall be directed to:**

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois  62761  
217/782-2043  
e-mail: rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section  
390.110 General Requirements  
390.120 Application for License  
390.130 Licensee  
390.140 Issuance of an Initial License for a New Facility  
390.150 Issuance of an Initial License Due to a Change of Ownership  
390.160 Issuance of a Renewal License  
390.165 Criteria for Adverse Licensure Actions  
390.170 Denial of Initial License  
390.175 Denial of Renewal of License  
390.180 Revocation of License  
390.190 Experimental Program Conflicting With Requirements  
390.200 Inspections, Surveys, Evaluations and Consultation  
390.210 Filing an Annual Attested Financial Statement  
390.220 Information to be Made Available to the Public by the Department  
390.230 Information to Be Made Available to the Public By the Licensee  
390.240 Municipal Licensing  
390.250 Ownership Disclosure  
390.260 Issuance of Conditional Licenses  
390.270 Monitor and Receivership  
390.271 Presentation of Findings  
390.272 Determination to Issue a Notice of Violation or Administrative Warning  
390.274 Determination of the Level of a Violation  
390.276 Notice of Violation  
390.277 Administrative Warning  
390.278 Plans of Correction  
390.280 Reports of Correction  
390.282 Conditions for Assessment of Penalties  
390.284 Calculation of Penalties  
390.286 Determination to Assess Penalties  
390.288 Reduction or Waiver of Penalties  
390.290 Quarterly List of Violators (Repealed)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

390.300 Alcoholism Treatment Programs in Long-Term Care Facilities
390.310 Department May Survey Facilities Formerly Licensed
390.315 Supported Congregate Living Arrangement Demonstration
390.320 Waivers
390.330 Definitions
390.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
390.500 Administrator

SUBPART C: POLICIES

Section
390.610 Management Policies
390.620 Resident Care Policies
390.630 Admission and Discharge Policies
390.640 Contract Between Resident and Facility
390.650 Residents' Advisory Council
390.660 General Policies
390.670 Personnel Policies
390.675 Initial Health Evaluation for Employees
390.680 Child Care/Habilitation Aides
390.681 Health Care Worker Background Check
390.682 Resident Attendants
390.683 Registry of Child Care/Habilitation Aides
390.685 Student Interns
390.690 Disaster Preparedness
390.700 Serious Incidents and Accidents
390.750 Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section
390.810 General
390.820 Categories of Personnel
390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 390.1010 Service Programs
Section 390.1020 Medical Services
Section 390.1025 Life-Sustaining Treatments
Section 390.1030 Physician Services
Section 390.1035 Tuberculin Skin Test Procedures
Section 390.1040 Nursing Services
Section 390.1050 Dental Care Services
Section 390.1060 Physical and Occupational Therapy Services
Section 390.1070 Psychological Services
Section 390.1080 Social Services
Section 390.1090 Speech Pathology and Audiology Services
Section 390.1100 Recreational and Activity Services
Section 390.1110 Educational Services
Section 390.1120 Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section 390.1310 Restraints
Section 390.1312 Nonemergency Use of Physical Restraints
Section 390.1314 Emergency Use of Physical Restraints
Section 390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
Section 390.1320 Behavior Management
Section 390.1330 Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section 390.1410 Medication Policies and Procedures
Section 390.1420 Compliance with Licensed Prescriber's Orders
Section 390.1430 Administration of Medication
Section 390.1440 Labeling and Storage of Medications
Section 390.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 390.1610 Resident Record Requirements
Section 390.1620 Content of Medical Records
Section 390.1630 Confidentiality of Resident's Records
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

390.1640 Records Pertaining to Residents' Property
390.1650 Retention and Transfer of Resident Records
390.1660 Other Resident Record Requirements
390.1670 Staff Responsibility for Medical Records
390.1680 Retention of Facility Records
390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
390.1810 Director of Food Services
390.1820 Dietary Staff in Addition to Director of Food Services
390.1830 Hygiene of Dietary Staff
390.1840 Diet Orders
390.1850 Meal Planning
390.1860 Infant and Therapeutic Diets
390.1870 Scheduling Meals
390.1880 Menus and Food Records
390.1890 Food Preparation and Service
390.1900 Preparation of Infant Formula
390.1910 Food Handling Sanitation
390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
390.2410 Codes
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section
390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section
390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 General Building Requirements
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section
390.3210 General
390.3220 Medical and Personal Care Program
390.3230 Restraints (Repealed)
390.3240 Abuse and Neglect
390.3250 Communication and Visitation
390.3260 Resident's Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action
390.3300 Transfer or Discharge
390.3310 Complaint Procedures
390.3320 Confidentiality
390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section
390.3510 Day Care in Long-Term Care Facilities

390.APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C Guidelines for the Use of Various Drugs
390.TABLE A Infant Feeding
390.TABLE B Daily Nutritional Requirements By Age Group
390.TABLE C Sound Transmissions Limitations
390.TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E Sprinkler Requirements
390.TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


SUBPART A: GENERAL PROVISIONS

Section 390.340 Incorporated and Referenced Materials
NOTICE OF ADOPTED AMENDMENTS

The following regulations and standards are incorporated in this Part:

1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1998), which may be obtained from the American Dietetic Association, 216 West Jackson, Chicago, Illinois 60606-6995.

2) American National Standards Institute, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017:

A) Standard No. A117.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped; and

1) ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.

2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.


5) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:

A) No. 10 (1978): Standards for Portable Extinguishers


C) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems


G) No. 220 (1979): Standards Types of Building Construction

H) No. 253 (1978): Flooring Radiant Heat Energy Test

I) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials


677) For new facilities (see Subpart M), the following standards of the National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:


DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


F) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition


8) The following standards Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:

A) Fire Resistance Directory (20031998 Edition)

B) Building Material Directory (20031998 Edition)


9) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

10) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.

11) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:
   A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
   B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq., and 1396 et seq.)
   C) Controlled Substances Act (21 U.S.C. 802)

2) State of Illinois statutes:
   A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
   B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
   C) Child Care Act of 1969 [225 ILCS 10]
   D) Civil Practice Act [735 ILCS 5]
   E) Court of Claims Act [705 ILCS 505]
   F) Illinois Dental Practice Act [225 ILCS 25]
   G) Election Code [10 ILCS 5]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

H) Freedom of Information Act [5 ILCS 140]
I) General Not For Profit Corporation Act [805 ILCS 105]
J) Hospital Licensing Act [210 ILCS 85]
K) Illinois Controlled Substances Act [720 ILCS 570]
L) Illinois Health Facilities Planning Act [20 ILCS 3906]
N) Life Care Facilities Act [210 ILCS 40]
O) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
P) Medical Practice Act of 1987 [225 ILCS 60]
Q) Mental Health and Developmental Disabilities Code [405 ILCS 5]
R) Illinois Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65]
S) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
T) Nursing Home Care Act [210 ILCS 45]
U) Illinois Occupational Therapy Practice Act [225 ILCS 75]
V) Pharmacy Practice Act of 1987 [225 ILCS 85]
X) Private Sewage Disposal Licensing Act [225 ILCS 225]
Y) Probate Act of 1975 [755 ILCS 5]
Z) Illinois Public Aid Code [305 ILCS 5]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

AA) Safety Glazing Materials Act [430 ILCS 60]
BB) School Code [105 ILCS 5]
CC) Illinois Administrative Procedure Act [5 ILCS 100]
DD) Clinical Psychologist Licensing Act [225 ILCS 15]
EE) Dietetic and Nutrition Services Practices Act [225 ILCS 30]
FF) Health Care Worker Background Check Act [225 ILCS 46]
HH) Cannabis Control Act [720 ILCS 550]
JJ) Living Will Act [755 ILCS 35]
KK) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
LL) Health Care Surrogate Act [755 ILCS 40]
MM) Right of Conscience Act [745 ILCS 70]
NN) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
OO) Supportive Residences Licensing Act [210 ILCS 65]
PP) Community Residential Alternatives Licensing Act [210 ILCS 40]
QQ) Community Living Facilities Licensing Act [210 ILCS 35]
RR) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
SS) Counties Code [55 ILCS 5]
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TT) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
UU) Illinois Optometric Practice Act of 1987 [225 ILCS 80]
VV) Physician Assistant Practice Act of 1987 [220 ILCS 95]
WW) Alternative Health Care Delivery Act [210 ILCS 3]
XX) Uniform Conviction Information Act [20 ILCS 2635]
YY) Wrongs to Children Act [720 ILCS 150]
ZZ) Criminal Jurisprudence Act [720 ILCS 115]
AAA) Assisted Living and Shared Housing Act [210 ILCS 9]

3) State of Illinois rules:

A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)


C) Department of Public Health
   i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
   ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
   iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
   v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

920)


x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

xi) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

xiii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

D) Department of Professional Regulation:

i) Controlled Substances Act (68 Ill. Adm. Code 3100)


E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Programs (77 Ill. Adm. Code 20602058)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

G) Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended at 27 Ill. Reg. 18204, effective October 15, 2003)
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section 390.2620 Codes and Standards

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal regulations or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any amendments or editions subsequent to the date specified.

1) State of Illinois rules

   A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health


   C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health

   D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal

2) Codes and Standards

   A) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code 2000 Edition (New Health Care Occupancies), including all appropriate references under Chapter 33, and excluding Chapter 5, Performance Based Options, and all other references to performance based options. NFPA 101A: Alternative Approaches to Life Safety shall not be allowed to establish equivalencies for new construction. In addition to the publications referenced in Chapter 33, the following documents shall be applicable for all long-term care facilities.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS


vi) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition


ix) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition

B) Underwriters Laboratories, Inc. (UL):


D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):

i) Handbook of Fundamentals, 2001 Edition
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ii) Handbook of Applications, 1999

F) American National Standards Institute (ANSI):

b) In addition to compliance with the requirements set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed.

c) Where no local building code exists, the recommendations of the 2000 Edition of the BOCA International Building Code shall apply.


e) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980 or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 390.2620(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

Amendments to this Section effective October 31, 2003 August 31, 1998, supersede all other codes and standards incorporated in this Subpart M.

(Source: Amended at 27 Ill. Reg. 18204, effective October 15, 2003)
1) **Heading of the Part**: Income Tax

2) **Code Citation**: 86 Ill. Adm. Code 100

3) **Section Number**: 100.3500  
   **Adopted Action**: New Section

4) **Statutory Authority**: 35 ILCS 5/305

5) **Effective Date of Amendment**: November 17, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Notices of Proposal Published in Illinois Register**: 27 Ill. Reg. 60; January 3, 2003

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version**: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

13) **Will this amendment replace any emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>IL Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.2410</td>
<td>New Section</td>
<td>27 Ill. Reg.13754; 08/15/03</td>
</tr>
<tr>
<td>100.5050</td>
<td>New Section</td>
<td>27 Ill. Reg. 15050; 09/26/03</td>
</tr>
</tbody>
</table>

15) **Summary and Purpose of Amendment**: This rulemaking provides guidance on the application of IITA Section 305, allocation of partnership income by partnerships and nonresident partners.
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

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

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
NOTICE OF ADOPTED AMENDMENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.2210</td>
<td>Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Definitions</td>
</tr>
<tr>
<td>100.2220</td>
<td>Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members</td>
</tr>
<tr>
<td>100.2230</td>
<td>Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards</td>
</tr>
<tr>
<td>100.2250</td>
<td>Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year</td>
</tr>
</tbody>
</table>

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100.2300</td>
<td>Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)</td>
</tr>
<tr>
<td>100.2310</td>
<td>Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)</td>
</tr>
<tr>
<td>100.2320</td>
<td>Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986</td>
</tr>
<tr>
<td>100.2330</td>
<td>Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986</td>
</tr>
<tr>
<td>100.2340</td>
<td>Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns</td>
</tr>
<tr>
<td>100.2350</td>
<td>Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership</td>
</tr>
</tbody>
</table>

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

Section 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

Section 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

Section 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section 100.3000 Terms Used in Article 3 (IITA Section 301)

Section 100.3010 Business and Nonbusiness Income (IITA Section 301)

Section 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section 100.3100 Compensation (IITA Section 302)

Section 100.3110 State (IITA Section 302)

Section 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section 100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))

100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
NOTICE OF ADOPTED AMENDMENT

100.5040 Innocent Spouses

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 702)
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
100.9700 Unitary Business Group Defined. (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section 100.9800 Letter Ruling Procedures

100.APPENDIX A Business Income Of Persons Other Than Residents
   100.TABLE A Example of Unitary Business Apportionment
   100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas


DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT


SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

a) In General.

1) This Section provides guidance for allocation and apportionment of base income by nonresidents. All base income of a resident is allocated to Illinois pursuant to IITA Section 301(a).

2) Part-year residents. Under IRC Section 706(a), the income from a partnership for a given taxable year is included in the gross income of a partner in the taxable year of the partner in which the partnership's taxable year ends. Accordingly, this Section shall apply to the income of a part-year resident from any partnership whose taxable year ends during the
DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

period in which the partner was a nonresident. Income from a partnership whose taxable year ends during the period in which the partner is a resident will be allocated entirely to Illinois.

3) Unitary partners. This Section shall not apply to the apportionment of business income of a nonresident partner who is engaged in a unitary business with the partnership. Such partners shall apportion their unitary business income derived from the partnership in accordance with IITA Section 304(e) and Section 100.3380(d) of this Part.

4) Except as provided in this subsection (a), all items of base income of a partner that are derived from the partnership shall be allocated or apportioned pursuant to this Section, including all items required to be separately stated to the partner under IRC Section 703(a)(1), all guaranteed payments under IRC Section 707(c), and all addition and subtraction modifications, but excluding items described in IRC Section 707(a).

b) Business Income. The respective shares of partners other than residents in so much of the business income of the partnership as is apportioned to this State in the possession of the partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year and allocated to this State. (IITA Section 305(a))

1) For purposes of this subsection (b), the determination of whether an item of base income is business income or nonbusiness income shall be based on the facts and circumstances of the partnership itself. Trade or business activities of a partner or of any related party are irrelevant.

2) Business income of the partnership shall be apportioned to this State pursuant to IITA Section 304, in the same manner as it is allocated or apportioned for any other nonresident. (IITA Section 305(c))

3) Lower-tier partnerships. In the case of a partnership that is itself a partner in a second partnership, a partner in the first partnership shall include in net income its partnership share of the first partnership's share of the items of business income of the second partnership, as apportioned to Illinois by that second partnership. If the second partnership is itself a partner in a third partnership, a partner in the first partnership shall include in net
income its partnership share of the first partnership's share of the items of 
business income of the third partnership as determined under the 
preceding sentence, and so on through all partnerships that are themselves 
partners in other partnerships.

c) Nonbusiness Income. The respective shares of partners other than residents in the 
items of partnership income and deduction not taken into account in computing 
the business income of a partnership shall be taken into account by such partners 
pro rata in accordance with their respective distributive shares of such 
partnership income for the partnership's taxable year, and allocated as if such 
items had been paid, incurred or accrued directly to such partners in their 
separate capacities. (IITA Section 305(b))

(Source: Added at 27 Ill. Reg. 18225, effective November 17, 2003)
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part**: State Toll Highway Rules

2) **Code Citation**: 92 Ill. Adm. Code 2520

3) **Section Numbers**: Emergency Action:

   - 2520.110 Amend
   - 2520.223 Amend
   - 2520.700 Amend
   - 2520.702 Amend
   - 2520.704 Amend
   - 2520.705 Amend
   - 2520.706 Amend
   - 2520.707 Repeal
   - 2520.708 Amend
   - 2520.709 Amend
   - 2520.710 Repeal
   - 2520.711 Amend
   - 2520.712 Amend
   - 2520.713 Amend
   - 2520.715 New
   - 2520.716 New
   - 2520.717 New

4) **Statutory Authority**: 605 ILCS 10/10(a) and currently pending Senate Bill 1848 of the 93rd General Assembly.

5) **Effective date of emergency amendments**: November 6, 2003

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire**: N/A

7) **Date filed with the Index Department**: November 6, 2003

8) **A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

9) **Reason for Emergency**: Senate Bill 1848 contains language that, among other additions, will amend the Toll Highway Act to provide the Tollway with additional remedies to collect unpaid tolls and corresponding fines. We anticipate that this bill will become law in the upcoming weeks. It is the Tollway's desire and intention that the administrative
rules pertaining to these additional remedies be in place upon the pending legislation becoming law.

10) A complete description of the subjects and issues involved: The emergency rulemaking changes incorporate the anticipated addition of the statutory toll violation remedies. Additionally, the Tollway is submitting proposed rule changes to clarify and reorganize existing toll violation hearing requirements and procedures.

11) Are there any proposed amendments to this Part Pending? No

12) Information and questions regarding this emergency amendment shall be directed to:

    Robert T. Lane, Assistant Attorney General
    The Illinois State Toll Highway Authority
    2700 Ogden Avenue
    Downers Grove, Illinois 60515
    (630)241-6800 ext.1530

The full text of the Emergency Amendments begins on the next page:
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITY

PART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2520.105</td>
<td>Authority</td>
</tr>
<tr>
<td>2520.110</td>
<td>Definitions</td>
</tr>
</tbody>
</table>

**EMERGENCY**

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2520.200</td>
<td>Illinois Vehicle Code</td>
</tr>
<tr>
<td>2520.201</td>
<td>Use of Tollway Prohibited or Restricted</td>
</tr>
<tr>
<td>2520.202</td>
<td>Vehicles and Equipment Which May Be Excepted from Provisions of Section</td>
</tr>
<tr>
<td>2520.203</td>
<td>Transportation of Hazardous Materials</td>
</tr>
<tr>
<td>2520.204</td>
<td>Special Usage Toll</td>
</tr>
<tr>
<td>2520.205</td>
<td>Loading or Unloading of Vehicles</td>
</tr>
<tr>
<td>2520.206</td>
<td>Full Stop at All Toll Plazas</td>
</tr>
<tr>
<td>2520.207</td>
<td>Entering and Leaving the Tollway</td>
</tr>
<tr>
<td>2520.208</td>
<td>&quot;U&quot; Turns, Etc.</td>
</tr>
<tr>
<td>2520.209</td>
<td>Backing Up of Vehicles</td>
</tr>
<tr>
<td>2520.210</td>
<td>Parking, Standing or Stopping</td>
</tr>
<tr>
<td>2520.211</td>
<td>Relocating of Vehicles</td>
</tr>
<tr>
<td>2520.212</td>
<td>Pushing or Towing of Vehicles</td>
</tr>
<tr>
<td>2520.213</td>
<td>Stopping or Halting Vehicles by the Authority</td>
</tr>
<tr>
<td>2520.214</td>
<td>Destruction of Authority Property</td>
</tr>
<tr>
<td>2520.215</td>
<td>Picnics</td>
</tr>
<tr>
<td>2520.216</td>
<td>Aircraft</td>
</tr>
<tr>
<td>2520.217</td>
<td>Sale of Goods and Services</td>
</tr>
<tr>
<td>2520.218</td>
<td>Solicitation of Rides</td>
</tr>
<tr>
<td>2520.219</td>
<td>Loitering or Interfering with Traffic</td>
</tr>
<tr>
<td>2520.220</td>
<td>Approaching/Departing a Toll Plaza</td>
</tr>
<tr>
<td>2520.221</td>
<td>Compliance with Orders or Directions of State Troopers, Etc.</td>
</tr>
<tr>
<td>2520.222</td>
<td>Duty Upon Striking Fixtures, Structures or Other Property on Tollway</td>
</tr>
<tr>
<td>2520.223</td>
<td>Payment of Tolls</td>
</tr>
</tbody>
</table>
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

**EMERGENCY**

2520.224 Prohibited and Restricted Lanes
2520.225 Traffic Control Devices
2520.226 Penalty for Violation

**SUBPART C: TRESPASS**

Section
2520.300 Authority
2520.301 Restriction of Vehicles Using the Tollway
2520.302 Restriction on Nature of Use of Tollway
2520.303 Enforcement
2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C
2520.305 Penalties

**SUBPART D: SPEED RESTRICTIONS**

Section
2520.400 Authority
2520.401 Maximum Speed Limits for Passenger Cars
2520.402 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers
2520.403 Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps
2520.404 Road Hazards and Construction Zones
2520.405 Minimum Speed Limits
2520.406 Special Road Conditions

**SUBPART E: CONDUCT PROVISIONS**

Section
2520.500 Provisions
2520.501 Violations
2520.502 Littering – Penalty
2520.503 Spurious or Counterfeit Tickets, Coupons or Tokens – Penalty
2520.504 Toll Collection Devices – Penalty for Breaking

**SUBPART F: SEVERABILITY CLAUSE**

Section
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

2520.600 Partial Invalidity

SUBPART G: General Provisions

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2520.700</td>
<td>Authority</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.701</td>
<td>Related Statutes</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.702</td>
<td>Notice to Respondent</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.703</td>
<td>Establishment of the Toll Free Telephone Number</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.704</td>
<td>Judicial Review</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.705</td>
<td>Penalties</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.706</td>
<td>Discovery</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.707</td>
<td>Administrative Adjudication <em>(Repealed)</em></td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.708</td>
<td>Hearing Officers – Appointment, Disqualification, and Powers and Duties Duties of Hearing Officer</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.709</td>
<td>Hearings Format</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.710</td>
<td>Default – Failure to Appear <em>(Repealed)</em></td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.711</td>
<td>Enforcement of Final Order</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.712</td>
<td>Continuance</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.713</td>
<td>Authority Rulemaking</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.714</td>
<td>Severability Clause <em>(Repealed)</em></td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.715</td>
<td>Timely Request for Hearing – Notice of Hearing</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.716</td>
<td>Failure to Respond to Notice of Violation – Default</td>
</tr>
<tr>
<td><strong>EMERGENCY</strong> 2520.717</td>
<td>Liability of Lessor</td>
</tr>
</tbody>
</table>
ILLINOIS REGISTER 18243

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].


SUBPART A: AUTHORITY AND DEFINITIONS

Section 2520.110 Definitions

EMERGENCY

The following words and phrases when used in this Part shall have the meanings respectively ascribed to them in this Section:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as the Illinois State Toll Highway Commission.

"Authorized Emergency Vehicles" means vehicles of fire departments and police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority when performing emergency business.

"Complaint" and "Notice" means the documents or information sent by the Authority to the respondent notifying the respondent of the alleged violations.

"Department of Transportation" means the Department of Transportation of the State of Illinois.

"Final Notice" means the notice sent by the Authority to the respondent that informs the respondent of a finding of liability of the listed charges that has been entered against the respondent.

"Hazardous Materials" means and includes explosives, radioactive materials,
etologic agents, and other dangerous materials, as defined in 18 USC 831, including flammable liquids.

"Hearing" means a formal hearing conducted by the Authority or appointed Hearing Officer, to determine whether a violation of the Toll Highway Act and/or any of its rules and regulations promulgated thereto exists.


"I-PASS" means electronic toll collection.

"I-PASS All Lanes" means that, in addition to regular toll collection equipment and toll booths, all lanes are also "I-PASS" equipped.

"I-PASS Only Lanes" means that those lanes are restricted to cars and smaller, and dual wheeled vehicles that have "I-PASS" transponders.

"I-PASS Express Lanes" means that those lanes are restricted to vehicles with "I-PASS" transponders.

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portions of the Tollway Right-of-Way occupied by restaurants, buildings and service stations, and adjacent parking and landscaped areas.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Toll Highway Act.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier walls, where no fence exists), including but not limited to the roadways, shoulders, plazas, structures, and landscaped areas, maintenance areas, Oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority. The right-of-way does not include property declared "excess property" or leased as declared by the Board and it does not include the maintenance buildings, Central Administration building or other buildings and their parking lots.
ILLINOIS REGISTER

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means 605 ILCS 10.

"Toll Plaza" means any toll collection facility located upon the Tollway, including manned toll booths and/or automatic toll collection machines.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and federal laws as well as any and all intergovernmental agreements by and between the Authority and other governmental entities.

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

"Truck I-PASS/Mixed Use Lanes" means lanes primarily intended for trucks only, which may be converted for use by all vehicles with I-PASS Transponders.

"Truck I-PASS Only Lanes" means lanes restricted for use by commercial vehicles as defined in the Illinois Motor Vehicle Code at 625 ILCS 5/1-111.8.

"Violation" or "Toll Evasion" means one or more acts prohibited by the Toll Highway Act and/or any rules or regulations relating to the payment or failure to pay tolls.

Any and all terms that are not specifically defined in this Section shall have the meanings ascribed to them in the Illinois Vehicle Code and the Toll Highway Act.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS
NOTICE OF EMERGENCY AMENDMENTS

Section 2520.223 Payment of Tolls

EMERGENCY

a) All persons driving vehicles upon the Tollway, except as provided in subsection (b), are required to pay the prescribed toll at each Toll Plaza encountered while using the Tollway. Tolls may be paid for in the following manner:

1) By currency or change presented to a Toll Collector, or by correct change deposited in the automatic coin machine.

2) By I-PASS.

b) Tolls shall not be required of Authority officers and employees while on Authority business, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the Tollway system, and when the vehicle is readily identifiable as such.

c) In addition to the remedies available pursuant to the Illinois Vehicle Code at 625 ILCS 5/3-704.2 and 625 ILCS 5/6-306.7, failure to pay the prescribed toll is subject to punishment as provided in Section 27.1 of the Toll Highway Act.

d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit, expired, or unauthorized credit cards of any type, or any electronic device or equipment not authorized by the Authority in lieu of or to avoid payment of a toll shall be deemed guilty of a petty offense and shall be subject to a fine for each such offense, as provided in Section 27.1 of the Toll Highway Act.

e) Any person, except an authorized Authority employee or agent, who removes any coin from the pavement or from the ground surface within 10 feet of a toll collection booth or machine shall be guilty of a petty offense. This subsection shall not apply to any person who retrieves coins he or she dropped while attempting payment of a toll.

f) Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance with intent to commit larceny shall be deemed guilty of a Class 4 felony and subject to fine and/or punishment as provided by the law for such class of crime.

g) No vehicle shall be driven through a Toll Plaza collection facility without
NOTICE OF EMERGENCY AMENDMENTS

payment of the proper toll. In the event of non-payment of the proper toll, as evidenced by video, photo or electronic recording, the registered owner of such vehicle shall, upon notice to the registered owner by first class mail or personal service, be liable to make prompt payment to the Authority of the proper toll charge as well as an administrative fine fee of $20. Upon the failure of the registered vehicle owner to either pay in-full all outstanding tolls and fines set forth in the notice or the failure to file a timely request for a hearing, the registered vehicle owner shall be deemed to have admitted liability and to have waived his or her right to a hearing and the Authority may enter a final order of liability in default against the registered vehicle owner. Upon failure to pay the proper toll and administrative fine fee to the Authority after notice thereof and within the time designated in the notice, the registered owner shall also be subject to payment of an additional fine of $50 for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. Upon receipt of a certified report from the Authority stating that the registered owner of a vehicle has failed to satisfy any fine or penalty resulting from a final order of liability issued by the Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both, the Secretary of State shall suspend the vehicle registration and/or driver's license of the person [625 ILCS 5/3-704.2 and 6-306.7]. This subsection shall not apply if the driver of the vehicle is fined or otherwise penalized for the same violation under the Illinois Vehicle Code or other Rule or Regulation regarding failure to pay the prescribed toll.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

SUBPART G: GENERAL PROVISIONS

Section 2520.700 Authority

EMERGENCY

The following Rules in this Subpart G provide for an administrative adjudication hearing to investigate, mediate, and/or adjudicate alleged violations of a vehicle's operation on a toll highway without the required toll having been paid, as detected by the Authority's video or photo surveillance system, pursuant to 605 ILCS 10/10(a)(5) of the Toll Highway Act (see PA 89-0120, effective July 7, 1995).

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)
Section 2520.702  Notice to Respondent

The Authority, or its duly authorized agent, shall give Notice to the respondent of the alleged violation. Once valid Notice has been given, nothing in this Part shall be construed to limit the Authority's rights or remedies. The notice shall be served on respondent by First Class United States Mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease. The service shall be deemed complete three calendar days after the date of the Notice. The Notice shall be in the following sequence and shall include, but not be limited to, the following information: a) A "Notice of Violation" specifying the date, approximate time and location of the violation cited, the particular regulation violated, the State registration number of cited vehicle (if available), the outstanding toll, the fine, and the amount of any additional fine that may be assessed for late payment, the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be had. Upon request, the Authority shall make available the photo video surveillance evidence related to the cited violation. The notice shall also state that failure to either pay the indicated toll, fine and any applicable penalty or to request a hearing on the merits may result in a final order determination of toll evasion liability in the amount of the toll, fine and/or penalty indicated. b) A "Notice of Final Determination" shall be sent following a determination of toll evasion liability. The notice shall state that the unpaid fine and/or penalty is a debt owing the Authority. The notice shall contain warnings that failure to pay any fine or penalty due and owing within the time specified may result in the Authority's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered as a judgment as provided by this Section. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.704  Judicial Review

Judicial review of all final orders of the Authority shall be conducted in accordance with the Illinois Administrative Review Law, 735 ILCS 5/A rt. III. All such actions for administrative review must be filed and heard in the Circuit Court of any county in which the administrative hearing was held or in which the underlying violation occurred of DuPage County.
Section 2520.705 Penalties

EMERGENCY

a) Section 2520.223(g) of this Part authorizes the Illinois State Toll Highway Authority to:

a) 1) Assess the outstanding toll per found violation and a $20.00 fine per found violation against the registered owner of a vehicle against whom a final order of liability has been entered who fails to pay the proper toll; and

b) 2) Upon failure to pay the proper toll and fine to the Authority after notice of a final determination and within 14 days after the notice, the registered owner shall also be subject to payment of an additional fine of $50.00 for each and every violation pursuant to Section 2520.223(g) of this Part; and

c) 3) Upon failure of a registered owner of a vehicle to satisfy any toll, fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, notify the Secretary of State to suspend the vehicle registration and/or driver's license of the person.

1)b) A prerequisite to the suspension of vehicle registration and/or driver's license by the Secretary of State, under 625 ILCS 5/3-704.2 or 6-306.7, shall be the submission to the Secretary of State, by the Authority, of a certified report containing the following information:

A) The name, last known address and driver's license number of the person who failed to satisfy the fines or penalties and the registration number of any vehicle known to be registered in this State to the person.

B) A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, to the person named in the report at the address recorded with the Secretary of State, the date on which the notice was sent, and the address to which the notice was sent. [625 ILCS 5/3-704.2]

2)e) The person to whom the notice of impending suspension was sent may
ILLINOIS REGISTER

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

challenge the accuracy of the information contained in the Certified Report by submitting his/her challenges, within 21 days after the date of the notice, in writing, to:

The Illinois State Toll Highway Authority
ATTN: Violation Administration Center
2700 Ogden Avenue
Downers Grove, Illinois 60515

Challenges to the accuracy of the information contained in the Certified Report shall be limited to the following:

A) 1) The person having received the notice was not the registered owner of the vehicle in question at the time of the alleged violations.

B) 2) The person having received the notice has already paid the fine/penalty. 3) The person having received the notice was found not guilty of the alleged violations. 4) The person having received the notice was found guilty of fewer than 5 violations. 5) Any other material error in the contents of the Certified Report.

3) The Authority shall notify the Secretary of State whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Authority determines that the original report was in error. Upon receipt of the Authority's notification, the Secretary of State shall terminate the suspension. [625 ILCS 5/6-306.7]

4) In addition to any tolls, fines, and other penalties assessed for toll violations, the registered owner of the vehicle involved in the toll violations at issue shall be required to reimburse the Authority for all fees paid to the Illinois Secretary of State for the enforcement of this Section.

d) Upon failure of a registered owner of a vehicle to satisfy any toll, fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, any and all vehicles registered to the owner shall be subject to immobilization, towing and/or impoundment. This subsection (d) shall be effective upon the effective date of Senate Bill 1848 of the 93rd Illinois General Assembly.
NOTICE OF EMERGENCY AMENDMENTS

1) The registered owner may challenge the immobilization, tow and/or impoundment within 21 days after the date of immobilization, tow and/or impoundment, in writing, to:

   The Illinois State Toll Highway Authority
   ATTN: Violation Administration Center
   2700 Ogden Avenue
   Downers Grove IL 60515

2) Challenges to the accuracy of the information contained in the certified report shall be limited to the following:

   A) The registered owner was not the registered owner of the vehicle in question at the time of the alleged violations.

   B) The registered owner has already paid the fine/penalty.

3) If a hearing officer determines that the registered owner was not the registered owner of the vehicle in question at the time of the alleged violations or the registered owner has already paid the fine/penalty, then the hearing officer shall order the Authority to release the vehicle without any costs to the registered owner.

4) If a hearing officer determines that the registered owner was the registered owner of the vehicle in question at the time of the alleged violations or the registered owner has not already paid the fine/penalty, then the hearing officer shall order the Authority to release the vehicle only upon payment in full to the Authority of any and all outstanding final order judgment totals plus reimbursement to the Authority for all fees paid relating to the immobilization, tow, impoundment and/or storage of the vehicle by the registered owner of the vehicle.

   e) Place a lien upon the personal and/or real property of a registered owner of a vehicle who has failed to satisfy any toll, fine or penalty resulting from a final order or orders issued by the Authority relating directly or indirectly to toll violations where the total of the order or the cumulative total of the orders is $500 or more. The Authority shall release the lien upon payment in full of any and all outstanding final order judgment totals plus reimbursement to the Authority for all fees paid relating to the placement and the removal of the lien by the registered owner.
NOTICE OF EMERGENCY AMENDMENTS

owner of the vehicle. This subsection (e) shall be effective upon the effective date of Senate Bill 1848 of the 93rd Illinois General Assembly.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.706 Discovery

Except by the written agreement of all parties, discovery is limited to the following:

a) The respondent will be allowed to schedule an appointment to review any photo video surveillance evidence prior to the scheduled hearing. Such appointments shall be made during regular business hours of the Authority and shall take place at the Authority's corporate office located at 2700 Ogden Avenue, Downers Grove, Illinois  60515, or the Violation Administration Center, or any other location designated by the Authority.

b) Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing in this subsection (b) shall impose a duty upon the Authority to serve respondent with any documents that were previously sent to the registered owner of the cited vehicle as recorded with the Illinois Secretary of State by U.S. mail.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.707 Administrative Adjudication (Repealed)

a) If the respondent fails to pay the assessed fines in the time specified and fails to request a hearing in the time specified in the notice, the respondent may be found liable for the alleged violations. The Authority shall designate a Hearing Officer to conduct the hearing. The Authority may designate any person familiar with the law relating to the substance of the hearing as the Hearing Officer.

b) Notice of Hearing—The Authority shall provide written notice of the date and time of the hearing to all interested parties to the proceeding. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings. The Authority may, at its sole discretion, establish a process whereby respondents
may contest the charges by mail rather than participating in a hearing.

e) Contesting Violations by Mail—If the notice allows for the contesting of the alleged violations by mail and the respondent elects to contest the alleged violations by mail, then respondent shall be bound by the determinations of the Hearing Officer as if the respondent had appeared in person for such hearing.

d) Minutes of Hearing—No minutes of the hearing shall be required; however, all pleas and all determinations of liability must be evidenced in the Hearing Officer's report and must set forth the basis of the finding in sufficient detail as to allow for meaningful review of the finding.

e) Conduct of Hearing—The Hearing Officer shall have full authority to conduct and control the procedure at the hearing. The Hearing Officer shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The Hearing Officer shall not be bound by the strict rules of evidence of courts of law and equity.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.708 Hearing Officers – Appointment, Disqualification, and Powers and Duties of Hearing Officer

a) The Authority shall appoint independent attorneys to serve as hearing officers in administrative hearings under this Subpart. In addition, each hearing officer shall be an attorney admitted to the practice of law in the State of Illinois for at least 5 years and shall participate in a formal training program on the relevant substantive and procedural law and judicial conduct.

b) A motion to disqualify a hearing officer may be made for bias or conflict of interest and must be made prior to the commencement of the hearing.

c) The powers and duties of the hearing officer at the hearing include, but are not limited to:

1) a) presiding over the hearing;

2) b) explaining the procedures of the hearing to the interested parties;

3) e) administering all oaths and listening to testimony;
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

4) ruling on the admissibility of evidence and permitting parties to present evidence;

5) permitting parties to examine and cross examine witnesses; and

6) issuing a decision preparing a report indicating his/her finding and the evidence and reasons supporting the finding.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.709 Hearings Format

EMERGENCY

a) The Authority may be represented by an employee or duly authorized agent at the hearing or may proceed on the notice of violation. However, in no event shall the hearing officer be allowed to present any evidence on behalf of the Authority; provided, however, that the notice of violation may be placed into the record by the hearing officer. A respondent may represent himself or herself or be represented by a duly authorized agent. The Authority or the respondent may introduce into evidence, and the Hearing Officer may consider, all video surveillance evidence relating to the charged violations regardless of any foundation objections made by the opposing party.

b) The Authority or the respondent may introduce into evidence, and the hearing officer may consider, all photo surveillance evidence relating to the charged violations, the foundation for which shall be presumed subject to rebuttal. Any employee of the Authority may present the evidence on behalf of the Authority related to the alleged violations. However, in no event shall the Hearing Officer be allowed to present any evidence on behalf of the Authority.

c) Each party to the hearing may make an opening statement, call, examine and cross examine witnesses, and seek to offer evidence. Evidence may be written or oral.

d) Each party may make a closing statement at the conclusion of the hearing. e) The Hearing Officer may establish reasonable time limits for each presentation.

e) No testimony shall be given or received at the hearing relating to discussions, offers, counter offers, rejections or admissions at any settlement conferences that
NOTICE OF EMERGENCY AMENDMENTS

Stipulations – Any written stipulations of the parties may be introduced as evidence at the hearing. Such stipulations shall be introduced at the beginning of the hearing and shall become part of the record of the hearing.

The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by a telephonic hearing or mail-in hearing as opposed to an in-person hearing.

The hearing officer shall have full authority to conduct and control the procedure at the hearing. The hearing officer shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The hearing officer shall not be bound by the strict rules of evidence of courts of law and equity. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence not admissible under the rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Oral testimony in in-person or telephonic hearings may be recorded by audio or electronic means, provided, however, that, in the event of a recording loss or malfunction, the hearing officer may prepare a written summary of the oral testimony for purposes of administrative review. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.

Final Order – Upon completion of a hearing on the merits, the hearing officer shall issue a final order setting forth his or her finding or findings as to liability or non-liability of the owner. If the hearing officer finds for the Authority, he or she, in the order, shall assess the tolls, fines and other penalties as mandated or provided by law, and shall also in the order state that an automatic additional fine of $50 per found violation will be assessed, by operation of law and without further notice or order, upon failure of the registered owner to pay the proper toll and fine to the Authority within 14 calendar days after the issuance of a final order of liability. A final order shall also inform the parties of the right to seek judicial review under the Illinois Administrative Review Law [735 ILCS 5/Art. III].
NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.710 Default – Failure to Appear (Repealed)

EMERGENCY

a) If a party fails to appear at the hearing and fails to timely and properly request a continuance of the hearing, the Hearing Officer may enter an order of default against the party, and may also assess fines and penalties pursuant to the "Penalties" Section 2520.705, contained herein.

b) If a representative from the Authority fails to appear at the hearing to prosecute the complaint/violation, the Hearing Officer shall dismiss the complaint with prejudice.

(Source: Repealed by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.711 Enforcement of Final Order

EMERGENCY

The Authority when determines that its order imposing fines remains unpaid, the Authority may exercise any of its remedies listed under Section 2520.710 2520.705, penalties. Those remedies will be cumulative and the exercise of any remedy does not preclude the use of any other remedy by the Authority.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.712 Continuance

EMERGENCY

The hearing officer may grant a continuance only upon a finding of good cause. A respondent may be granted one continuance to seek retention of legal counsel but that motion must be made in a timely manner prior to the introduction of any testimony or other evidence on the merits. A disruption in the automated adjudicatory file system shall also be grounds for an additional continuance.

a) The Authority shall have no right to a continuance unless the respondent requested and was granted a continuance in the matter.

b) All requests for continuance shall be made at least 24 hours in advance of the scheduled hearing date. All requests for continuances shall be made by contacting the Authority at its toll free number and requesting a new hearing date.

The
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

respondent shall be issued a new hearing date that sets the matter for hearing within 30 days after
the previously scheduled hearing date. Unless good cause is shown, in writing, at least 7 days
before the scheduled hearing, no party shall be granted more than one continuance.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November
6, 2003, for a maximum of 150 days)

Section 2520.713 Authority Rulemaking

EMERGENCY

This Part These rules shall be liberally construed to accomplish the purposes of the Toll Highway
Act and the laws of the State of Illinois. This Part These rules and regulations shall be available to
the public at the main administrative office of the Authority during regular business
hours and on the Authority's web site. These rules are subject to modification, under the Illinois
Administrative Procedure Act [5 ILCS 100], at any time by the Authority's Board of Directors.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November
6, 2003, for a maximum of 150 days)

Section 2520.715 Timely Request for Hearing – Notice of Hearing

EMERGENCY

Upon receipt of a timely request for a hearing from the registered vehicle owner, the Authority or
its duly authorized agent shall provide notice of the date, time and location of the hearing to the
respondent. The hearing shall be scheduled during regular business hours and shall be held at
the main office of the Authority or at any other location designated by the Authority for such
hearings.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18238, effective November
6, 2003, for a maximum of 150 days)

Section 2520.716 Failure to Respond to Notice of Violation – Default

EMERGENCY

Upon the failure of the registered vehicle owner to either pay in-full all outstanding tolls and
fines set forth in the notice or the failure to file a request for a hearing within the time permitted,
the registered vehicle owner shall be deemed to have admitted liability and to have waived his or
her right to a hearing and the Authority may enter a final order of liability in default against the
registered vehicle owner.
ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)

Section 2520.717 Liability of Lessor

EMERGENCY

No commercial entity that is the lessor of a vehicle pursuant to a written lease agreement shall be liable for the violation involving that vehicle during the period of the lease if the lessor provides a copy of the leasing agreement to the Authority within 21 days after the issue date of the notice of violation. In addition, the leasing agreement must contain a provision or addendum informing the lessee that the lessee is liable for payment of all tolls, as well as all fines for both evasion, and each lessor must also post a sign to that effect at the leasing counter. The copy of the leasing agreement must contain the name, address and driver's license number of the lessee. "Lessor", for purposes of this Section, includes commercial leasing and rental entities, but does not include public passenger vehicle operators.

(Source: Added by emergency rulemaking at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days)
ILLINOIS SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Department of Personnel

2) Code Citation: 80 Ill/Admin.Code 420

3) Section Number: Emergency Action:  
420.30 Amend

4) Statutory Authority: 15 ILCS 310

5) Effective Date of Amendment: November 17, 2003

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed with the Index Department: November 17, 2003

8) A copy of the adopted amendment, including any material incorporated by reference, is on file and is available for public inspection by contacting:

   Stephan J. Roth, Senior Legal Advisor
   Office of the Secretary of State
   148 Howlett Building
   Springfield IL 62756
   (217) 782-1750

9) Reason for Emergency: Legislation was signed by the Governor on August 1, 2003 which reflected changes to the Secretary of State Merit Employment Code. The same text that was changed in the Merit Employment Code is contained in Section 420.310 of the Administrative Code. Therefore, Section 420.310 needs to be amended to incorporate the statutory change. Due to the immediate effective date of the statutory change, an emergency rule change is necessary.

10) A complete Description of the Subjects and Issues Involved: Amend rules to conform with the recent statutory changes, as well as minor technical changes such as statutory references.

11) Are there any Proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This proposed rulemaking would bring consistency to statutory and regulatory provisions.
ILLINOIS SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT

13) Information and questions regarding these amendments shall be directed to:

Stephan J. Roth, Senior Legal Advisor
Secretary of State’s Office
148 Howlett Bldg.,
Spfld. IL  62756
(217) 782-1750

The full text of the Emergency Amendment begins on the next page:
ILLINOIS SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
420.210 Position Classification
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
420.310 Appointment and Selection
420.320 Trainees
420.330 Intermittents
420.340 Continuous Service
420.350 Performance Review
420.360 Probationary Status
420.370 Promotions
420.380 Employee Transfers
420.390 Demotion
420.400 Layoffs and Reemployment
420.410 Voluntary Reduction
420.415 Sworn Personnel – Inter-Agency Assignment
420.420 Resignation and Reinstatement
420.430 Discipline, Discharge, and Termination
420.435 Return of State Property
# NOTICE OF EMERGENCY AMENDMENT

## SUBPART D: CONDITIONS OF EMPLOYMENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Rule Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.600</td>
<td>Grievance Procedure</td>
</tr>
<tr>
<td>420.610</td>
<td>Sick Leave</td>
</tr>
<tr>
<td>420.620</td>
<td>Leave for Personal Business</td>
</tr>
<tr>
<td>420.630</td>
<td>On-The-Job Injury – Industrial Disease</td>
</tr>
<tr>
<td>420.640</td>
<td>Leaves of Absence Without Pay</td>
</tr>
<tr>
<td>420.645</td>
<td>Adoption/Child Care Leave</td>
</tr>
<tr>
<td>420.650</td>
<td>Limitations on Leaves of Absence</td>
</tr>
<tr>
<td>420.660</td>
<td>Leaves of Absence – Special</td>
</tr>
<tr>
<td>420.665</td>
<td>Leaves of Absence – Sworn Personnel – Inter-Agency Assignment</td>
</tr>
<tr>
<td>420.670</td>
<td>Leaves of Absence – Special – Salary</td>
</tr>
<tr>
<td>420.680</td>
<td>Employee Rights After Leave</td>
</tr>
<tr>
<td>420.690</td>
<td>Leave of Absence – Election to Public Office</td>
</tr>
<tr>
<td>420.700</td>
<td>Failure to Return From Leave of Absence</td>
</tr>
<tr>
<td>420.710</td>
<td>Military and Peace Corps Leave</td>
</tr>
<tr>
<td>420.720</td>
<td>Leave For Annual Military Reserve Training or Special Duty</td>
</tr>
<tr>
<td>420.730</td>
<td>Leave for Military Physical Examinations</td>
</tr>
<tr>
<td>420.740</td>
<td>Leave to Take Exempt Position</td>
</tr>
<tr>
<td>420.760</td>
<td>Disability Leave</td>
</tr>
<tr>
<td>420.770</td>
<td>Attendance in Court</td>
</tr>
<tr>
<td>420.800</td>
<td>Vacation</td>
</tr>
<tr>
<td>420.810</td>
<td>Work Schedules</td>
</tr>
<tr>
<td>420.820</td>
<td>Overtime</td>
</tr>
<tr>
<td>420.825</td>
<td>Temporary Assignment</td>
</tr>
<tr>
<td>420.830</td>
<td>Holidays</td>
</tr>
</tbody>
</table>

## SUBPART E: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Rule Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>420.1000</td>
<td>Records</td>
</tr>
<tr>
<td>420.1010</td>
<td>Benefits</td>
</tr>
<tr>
<td>420.1030</td>
<td>Other Provisions</td>
</tr>
</tbody>
</table>

**AUTHORITY:** Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

ILLINOIS SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT


SUBPART C: MERIT AND FITNESS

Section 420.310 Appointment and Selection

EMERGENCY

a) Eligible Lists: The Department of Personnel shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 420.300(a). The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be specified in the examination announcement.

b) Responsibilities of Eligibles: It shall be the responsibility of each eligible to inform the Department of Personnel in writing of any changes in name, address or availability for employment.

c) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of examination or which may be made available at a later date.

d) Removal of Names From Eligible Lists:

1) The Director of Personnel shall remove names from an eligible list for any of the following reasons:

A) Appointment of an eligible from the eligible list;

B) Death of an eligible;

C) Notice by postal authorities that they are unable to locate the eligible at his last known address;
ILLINOIS SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT

D) Attempt by an eligible to practice any deception or fraud in connection with an examination;

E) Evidence that the eligible lacks any of the qualifications required for the class for which he was erroneously declared eligible;

F) Request of an eligible to remove name;

G) The applicant's name has remained on the eligible list for twelve months.

2) Following are the only criteria by which the Director of Personnel may remove names from an eligible list. Eligibles shall be notified of such removal.

A) Failure of an eligible, upon referral, to reply or to report for interview;

B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;

C) Failure of an eligible, upon request, to furnish written evidence of availability for employment;

D) Specifying conditions of employment by an eligible which are not associated with the class for which eligible;

E) Refusal of an eligible to accept three separate offers of employment;

F) After an eligible has been passed over three times after referral to the same department for the appointment of an eligible lower on the eligible list, and the department concerned requests removal of the eligible from the list for good and sufficient cause;

G) Poor work history of eligible;

H) Former experience and history of eligible not compatible with duties and responsibilities of the class;
ILLINOIS SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT

I) Physical inability of eligible to perform the duties and responsibilities of the class;

J) After eligible accepts promotion;

K) When a change in either classification or testing standards or other change requires such action;

L) Conviction of an eligible of a felony;

M) Addiction of an eligible to narcotics or to alcohol.

e) Replacement of Names on Eligible List:

1) The Director of Personnel may restore a name to the same eligible list when such action would be in the best interest of the Office of the Secretary of State, including but not limited to:

A) Names of eligibles who, upon removal from list for failure to reply due to powers beyond control, did not receive referral in time to respond in the prescribed amount of time;

B) Names of veterans returning from active military service of not more than four years shall be restored to an eligible list for the same class if the request is made by the veteran within 90 days after discharge or from hospitalization continuing after discharge for not more than one year. The eligible must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class;

C) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.

2) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time remaining of the original eligibility.

f) Appointment From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination such appointment shall be made of the person standing among those who are available
ILLINOIS SECRETARY OF STATE  
NOTICE OF EMERGENCY AMENDMENT

within the three highest grades, if such list is in order of examination grade, or from the highest ranking group of three or more available eligibles, if such list is in category groupings, except as provided for under Section 420.310(g).

g) Extension of Jurisdiction B:

1) Employees in positions to which Jurisdiction B is extended pursuant to Sections 5d and 10d of the Merit Employment Code shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director of Personnel within six (6) months after such jurisdiction is extended and provided that they satisfactorily complete their respective probationary periods.

2) Appropriate standards for probationary appointments shall be prepared by the Director of Personnel and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by rankings instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by this Part of any position held by any such incumbent.

h) Appointments – Positions Subject to Jurisdiction B: Positions which are covered by Jurisdiction B of the Code shall be filled in one of the following ways:

1) By appointment of an applicant standing among the three highest on an eligible list which is numerically rated;

2) By appointment of an applicant from the highest ranking group of three or more available eligibles from an eligible list which is not numerically rated;

3) By present employees (May 24, 1977) who have passed examinations in accordance with the Personnel Code [20 ILCS 415](Ill. Rev. Stat. 1981, ch. 127, pars. 63b101 et seq.) under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;

4) By present employees (May 24, 1977) who having been promoted in accordance with the rules under the Personnel Code under the Governor of
ILLINOIS SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

the State of Illinois (23 Ill. Adm. Code 302) shall be continued in their positions without further examination;

5) By present employees (May 24, 1977) who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;

6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within nine (9) months after May 24, 1977;

7) By present employees (May 24, 1977) or past employees who have rights or privileges arising under the Personnel Code under the Governor of Illinois or through judicial process and who shall be continued in the extent of such rights and privileges;

8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 420.370(b);

9) By emergency appointment for a period not in excess of ninety (90) calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. Such appointments may not be renewed;

10) By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director of Personnel. Such appointments shall not exceed six (6) months out of any twelve (12) month period;

11) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed six (6) months out of any twelve (12) month period;

12) By the transfer of employees from one position to another if the qualifications, responsibilities, duties and salary range are similar;

NOTICE OF EMERGENCY AMENDMENT

Rev. Stat. 1981, ch. 24 1/2, pars. 38b1 et seq.), or the Comptroller Merit Employment Code [15 ILCS 410](Ill. Rev. Stat. 1981, ch. 15, pars. 401 et seq.). To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems, except as provided in Section 420.430(k).

14) By reemployment of an employee whose name appears upon a reemployment list; such reemployment may be made to positions in the same or lower salary range as to that salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;

15) By the appointment of trainees into training programs approved by the Director of Personnel; such appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;

16) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director of Personnel;

17) By the transfer of active, certified employees from the jurisdictions of the Personnel Code of Illinois, the University Civil Service System, or the Comptroller Merit Employment Code, persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

i) Types of Status: The following types of appointments may be made by the Director:

1) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 5d and 10d of the Code, such employee shall establish eligibility for such position by passing satisfactorily a qualifying examination prescribed by the Director of Personnel within six (6) months after the extension of Jurisdiction B to such position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within six (6) months by successfully competing in the open competitive examination and receiving a probationary appointment.
NOTICE OF EMERGENCY AMENDMENT

according to applicable rules.

2) Emergency: For persons selected by departments to meet emergency situations. Such appointments shall not exceed 90 ninety (90) days, shall not be renewed, and may be made without regard to an eligible list. Notices of selections and terminations shall be reported to the Director of Personnel.

3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six (6) months out of any 12-month period.

4) Provisional: For persons in positions for which there are fewer than 10 three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than six months out of any 12-month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such positions shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.

5) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.

6) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.

7) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.

j) Permanent Part-Time: Permanent part-time employees shall have all rights and benefits granted by Jurisdictions A, B and C based on the proration of the part-time scheduled hours against the normal 1957.5 hour work year.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days)
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers: Proposed Action:
   125.260  Amend
   125.280  Amend
   125.380  Amend

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 68 FR 34207

5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]

6) Effective Date: November 14, 2003

7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is rescinding the regulatory standards of identity for “pizza with meat” and “pizza with sausage.” FSIS has determined that the standards no longer serve their original purpose of protecting the public from economic deception. Furthermore, FSIS believes that the standards may be inhibiting manufacturers of federally inspected pizzas from producing and marketing the style of pizzas that today’s consumers demand. Once this rule becomes effective, products may be identified with a common or usual name that includes the term “pizza;” identifies the meat or poultry component, e.g., “pepperoni;” and declares other components as a feature that distinguishes them from the other pizza product, e.g., “pizza—garlic sauce, tomatoes, reduced-fat cheese and seasoned beef strips on a crust.”

FSIS is also amending the meat and poultry products inspection regulations to require, for a limited time, that the labels of products identified as meat or poultry pizzas in their common or usual names include the percent of meat or poultry in the product in a parenthetical statement that is contiguous to the ingredients statement. This labeling requirement will expire after three years. FSIS is adopting this requirement because, based on comments received in response to the proposed rule, the Agency has concluded that some consumers still rely on the standards to ensure that a product identified as a
meat or poultry “pizza” contains a certain amount of meat or poultry. FSIS will allow pizza manufacturers to exhaust their remaining packaging inventory before they will be required to comply with the new labeling requirement. Requiring percent labeling of the meat or poultry content of non-standardized pizzas for a limited time is a transitional step to allow these consumers to understand the nature of the food.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed with the Index Department: November 14, 2003

10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

12) Are there any other proposed amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>125.10</td>
<td>Amend</td>
<td>27 Ill. Reg. 14055</td>
</tr>
<tr>
<td>125.145</td>
<td>Add</td>
<td>27 Ill. Reg. 14055</td>
</tr>
<tr>
<td>125.340</td>
<td>Amend</td>
<td>27 Ill. Reg. 14055</td>
</tr>
</tbody>
</table>

13) Statement of Statewide Policy Objective: Peremptory amendment does not affect units of local government.

14) Information and questions regarding this peremptory amendment shall be directed to:

   Linda Rhodes  
   Department of Agriculture  
   State Fairgrounds, P.O. Box 19281  
   Springfield IL 62794-9281  
   Telephone: 217/785-5713  
   Facsimile: 217/785-4505

The full text of the Peremptory Amendments begins on the next page:
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section
125.10 Definitions
125.20 Incorporation by Reference of Federal Rules
125.30 Application for License; Approval
125.40 Official Number
125.50 Inspections; Suspension or Revocation of License
125.60 Administrative Hearings; Appeals (Repealed)
125.70 Assignment and Authority of Program Employees
125.80 Schedule of Operations; Overtime
125.90 Official Marks of Inspection, Devices and Certificates
125.100 Records and Reports
125.110 Exemptions
125.120 Disposal of Dead Animals and Poultry
125.130 Reportable Animal and Poultry Diseases
125.140 Detention; Seizure; Condemnation
125.141 Sanitation Standard Operating Procedures (SOP's)
125.142 Hazard Analysis and Critical Control Point (HACCP) Systems
125.143 Imported Products
125.144 Preparation and Processing Operations
125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products

SUBPART B: MEAT INSPECTION

Section
125.150 Livestock and Meat Products Entering Official Establishments
125.160 Equine and Equine Products
125.170 Facilities for Inspection
125.180 Sanitation (Repealed)
125.190 Ante-Mortem Inspection
125.200 Post-Mortem Inspection
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220 Humane Slaughter of Animals
125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250 Marking Products and Their Containers
125.260 Labeling, Marking and Containers
125.270 Entry into Official Establishment; Reinspection and Preparation of Product
125.280 Meat Definitions and Standards of Identity or Composition
125.290 Transportation
125.295 Imported Products (Repealed)
125.300 Special Services Relating to Meat and Other Products
125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
125.310 Application of Inspection
125.320 Facilities for Inspection
125.330 Sanitation
125.340 Operating Procedures
125.350 Ante-Mortem Inspection
125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380 Labeling and Containers
125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400 Definitions and Standards of Identity or Composition
125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS


SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers


b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).

f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.

g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in 225 ILCS 650/13.

h) Generically approved labeling is labeling that complies with the following:

1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;

2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;

3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;

4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;

5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;

6) Meat inspection legends;

7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

of products, provided the devices contain no reference to product and bear no misleading feature;

8) Labeling for consumer test products not intended for sale;

9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:

   A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;

   B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., “lb.” for “pound” or “oz.” for “ounce” or of the word “pound” for “lb.” or “ounce” for “oz.”;

   C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words “prepared for” or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);

   D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);

   E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

   F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;

H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;

I) The addition, deletion or amendment of recipe suggestions for the product;

J) Any change in punctuation;

K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;

L) The addition or deletion of open dating information;

M) A change in the type of packaging material on which label is printed;

N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;

O) The deletion of the word “new” on new product labeling;

P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);

Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);

R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
NOTICE OF PEREMPTORY AMENDMENTS

S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;

T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;

U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;

V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;

W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and

X) The addition or deletion of a direct translation of the English language into a foreign language for products marked “for export only”.

i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).

k) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.


Section 125.280 Meat Definitions and Standards of Identity or Composition


SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001; 68 FR 44859, effective October 22, 2003).

b) Each shipping container and each immediate container containing inspected and
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.

h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 27 Ill. Reg. _______, effective November 14, 2003)
ILLINOIS LABOR RELATION BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: General Procedures

2) Code Citation: 80 Ill. Adm. Code 1200

3) Register Citation to Notice of Proposed Amendments:

   27 Ill. Reg. 15208; October 3, 2003

4) Date, Time and Location of Public Hearing:

   November 24, 2003
   1:00 p.m.

   Illinois Labor Relations Board
   160 N. LaSalle St.
   Suite S-400
   Chicago, IL 60601

5) Other Pertinent Information:

   The Board requests that individuals who wish to speak at the public hearing advise the Board in advance of that wish so that it can allocate equal amounts of time to each speaker.
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Representation Proceedings

2) Code Citation: 80 Ill. Adm. Code 1210

3) Register Citation to Notice of Proposed Amendments:
   27 Ill. Reg. 15210; October 3, 2003

4) Date, Time and Location of Public Hearing:
   November 24, 2003
   1:00 p.m.

   Illinois Labor Relations Board
   160 N. LaSalle St.
   Suite S-400
   Chicago, IL 60601

5) Other Pertinent Information:

   The Board requests that individuals who wish to speak at the public hearing advise the Board in advance of that wish so that it can allocate equal amounts of time to each speaker.
The following second notices were received by the Joint Committee on Administrative Rules during the period of November 18, 2003 through November 24, 2003 and have been scheduled for review by the Committee at its December 16, 2003 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
<th>Start Of First Notice</th>
<th>JCAR Meeting</th>
</tr>
</thead>
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<td>12/16/03</td>
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<td>10201</td>
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NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500 against Dora’s Financial Services, Inc., License No. 5372 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective October 21, 2003.
DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Twin Builders Construction, Inc., IDOL File No.(s) 03-PW-LL02-0721 and 03-PW-LL02-0720, the Director of the Department of Labor gives notice that [Twin Builders Construction, Inc.’s,], its member(s), officer(s), manager(s), agent(s), and all persons acting in Twin Builders Construction, Inc.’s, interest and/or on Twin Builders Construction, Inc.’s, behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Twin Builders Construction, Inc.’s, its member(s), officer(s), manager(s), agent(s), and all other persons acting in Twin Builders Construction, Inc.’s, interest and/or on Twin Builders Construction, Inc.’s, behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing November 7, 2003 and continuing through November 7, 2005.

Copies of the Prevailing Wage Act are available on the internet at http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217
PROCLAMATION

2003-300
Rule of Law Week

WHEREAS, the Russian Constitution, which was adopted in December of 1993, enshrines the Russian citizens’ right to freedom and personal inviolability; and
WHEREAS, Russian President, Vladimir Putin, and the Russian Parliament are considering adopting various reforms designed to overhaul Russia’s legal and judicial system; and
WHEREAS, the Open World Program is a special program designed to give Russian leaders a firsthand look at the U.S. political system and business and community life, while promoting understanding and forging bonds of friendship between the two nations; and
WHEREAS, during the week of November 8 -15, 2003, five Russian judges, Vasiiliy Kochin, Gennadiy Ivanov, Petr Yurkin, Murad Umariyev and Yelena Semerneva, are being hosted in the city of Springfield, with programs in the Circuit, Appellate and Supreme Courts, and the U.S. District Court, and in the offices of the Sangamon County Sheriff, the States Attorney, the Circuit Clerk, the US Attorney, Senator Richard Durbin, Congressman Ray LaHood and Judge Richard Mills; and
WHEREAS, Rotary International, an international service organization in 165 countries, composed of leading professionals who are dedicated to world peace and understanding, has agreed to help host the Rule of Law contingent:
THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of November 10, 2003 as RULE OF LAW WEEK in Illinois, and congratulate each of the outstanding members of the delegation on their commitment to judicial integrity and reform.
Issued by the Governor November 13, 2003.
Filed by the Secretary of State November 14, 2003.
# ILLINOIS ADMINISTRATIVE CODE Issue Index

Rules acted upon in Volume 27, Issue 48 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

## Proposed Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Rule</th>
<th>Page</th>
</tr>
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<tbody>
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## Adopted Rules

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## Emergency Rules

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## Peremptory Rules

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Rule</th>
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## Public Hearings on Proposed Rules

<table>
<thead>
<tr>
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<th>Part</th>
<th>Rule</th>
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## Second Notices Received

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<th>Rule</th>
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## Executive Orders and Proclamations

<table>
<thead>
<tr>
<th>Title</th>
<th>Part</th>
<th>Rule</th>
<th>Page</th>
</tr>
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(Processing fee for credit cards purchases, if applicable.) $ 1.50

**TOTAL AMOUNT OF ORDER** $ ____________

☐ Check Make Checks Payable To: Secretary of State

☐ VISA ☐ Master Card ☐ Discover (There is a $1.50 processing fee for credit card purchases.)

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