

2003

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 27 Issue 39
September 26, 2003
Pages 14893 - 15207

Index Department
Administrative Code Div.
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Printed on recycled paper

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ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3)

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 110.20 | Amend |
| 110.50 | Amend |
| 110.60 | Amend |
| 110.70 | Amend |
| 110.80 | Amend |
| 110.90 | Amend |
| 110.100 | Amend |
| 110.110 | Amend |
| 110.120 | Amend |
| 110.130 | Amend |
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The laboratory fee schedule is being revised and updated. New tests have been added at the laboratories and fees are being established. Tests that are no longer available are being deleted, and fees are being adjusted to better reflect the cost of the test.
- 6) Will these amendments replace an emergency rule 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? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 30, 2003 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds,

ILLINOIS DEPARTMENT OF AGRICULTURE

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Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 27, 2003. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Veterinarians, livestock producers, slaughter facilities, municipalities and individuals who use the animal diagnostic laboratories.
 - 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: July 2003

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES ACT

| | |
|---------|-----------------------------------|
| Section | |
| 110.10 | Definitions |
| 110.20 | Submitting Specimens |
| 110.30 | Payment For Laboratory Services |
| 110.40 | Tests Not Covered By Fee Schedule |
| 110.50 | Minimum Fees |
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| 110.80 | Histopathology Fees |
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| 110.100 | Parasitology Fees |
| 110.110 | Toxicology Fees |
| 110.120 | Miscellaneous Fees |
| 110.130 | Meats Chemistry Fees |
| 110.140 | Liquor Control Commission Fees |

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March, 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9, 1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606,

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 27 Ill. Reg. _____, effective _____.

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to the laboratory designated as performing the test. Addresses of the laboratories are as follows:

- a) Animal Disease Laboratory, 9732 Shattuc Road, Centralia, Illinois 62801-9284.
- b) Animal Disease Laboratory, 2100 South Lake Storey Road, P.O. Box 2100X ~~2110X~~, Galesburg, Illinois 61402-2100.
- c) State-Federal Serology Laboratory, P.O. Box 2819, State Fairgrounds, Springfield, Illinois 62708-2819.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.50 Minimum Fees

- a) A minimum ~~accession~~ fee of \$5 per accession shall be charged on all accessions originating from Illinois animals, ~~with the exception of samples for trichinosis testing for which the minimum accession fee is \$1.~~ If such fees for the individual tests exceed the minimum fee, no minimum fee shall be charged. Persons submitting specimens for which there are no charges for the laboratory procedure shall be exempt from the minimum fee.
- b) The necropsy fee is ~~\$65~~ \$50 per accession up to ~~three~~ four animals for all species and cadavers submitted where more than one test is needed, with an additional ~~\$25~~ \$20 for each additional animal. ~~Poultry are exempt from the additional charge for each animal over four.~~ If multiple tissue specimens are submitted where more than one test is needed, the fee is \$50 per accession for up to ~~three~~ four animals with an additional \$20 for each additional animal. The necropsy fee and multiple tissue specimens fee will include up to one a-test in pathology, bacteriology, virology, clinical pathology, microbiology, parasitology and toxicology as indicated by the necropsy. These fees do not include electron microscopy examination, toxicologic screens, water and feed analysis, serology or herd surveys. In cases where only a necropsy is performed without any tests, the fee is \$40 for up to three animals \$35 plus the disposal fee. Upon submission, all carcasses become the property of the State of Illinois, to be disposed of in any

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

~~manner consistent with Illinois law. No portion thereof, except the ashes resulting from cremation of the carcass, will be returned to the previous owner. The fee for a cosmetic necropsy for cats and dogs is \$125 (cases where the owner wants the carcass back).~~

- c) ~~Toxicologic Electron microscopy and toxicologic~~ tests (other than a screen for metals and pesticides) shall be performed only after consultation with and with approval from the person who requested the laboratory services at the fees set forth in this Part.
- d) All fees, including the minimum accession and necropsy fee, shall be doubled on all out-of-state owners, unless a specific charge is noted or the sample is referred from another state diagnostic laboratory at which time only the in-state fee will be charged.
- e) Serologic tests on paired, acute and convalescent specimens will be billed as one accession at the fee set forth in this Part. provided they are submitted at the same time and are identified as paired samples.
- f) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours. ~~Accessions submitted as "rush priority" specimens shall be charged at twice the normal rate. This charge shall apply to any submission requesting service at a rate faster than the normal laboratory routine turnaround time for the requested test (e.g., before the regularly scheduled day, before other samples or on days requiring additional personnel time such as weekends or holidays). For cases where there is no in-state fee (i.e., pseudorabies or bovine or swine brucellosis), the fee shall be as for out-of-state samples.~~
- g) The fee for accessions up to ~~three~~ four animals or multiple tissues from up to ~~three~~ four animals for the following work-ups will be as indicated, with an additional ~~\$25~~ \$20 for each additional animal. ~~Poultry are exempt from the additional charge for each additional animal over four.~~

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| | | | | |
|----|---|-----------------------------|----|---|
| 1) | Porcine Abortion Work-up..... | \$80.00 75.00 | C, | G |
| 2) | Bovine Abortion Work-up | 80.00 75.00 | C, | G |
| 3) | Respiratory or Enteric Diagnostic Work-up | 80.00 75.00 | C, | G |
| 4) | Equine Abortion Work-up..... | 80.00 75.00 | C, | G |
| 5) | Ovine Abortion Work-up..... | 80.00 75.00 | C, | G |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.60 Euthanasia Fees

~~Companion animals (pets, equids, camelids) and feral animals will not be accepted alive at any Department laboratory. These animals must be euthanized prior to submission. Livestock (cattle, swine, sheep, goats and poultry) can be accepted alive and will be euthanized following euthanasia guidelines published by the American Veterinary Medical Association. A fee of \$10.00 shall be charged for euthanasia of a companion animal (i.e., household pet) only. Euthanasia will be performed only upon written request of the veterinarian requesting the services, with a release authorizing euthanasia signed by the owner, and only when necessary to perform diagnostic tests.~~

~~If chemical euthanasia is required, a minimum charge of \$10.00 will apply. Aggregate weights will apply when a submission includes multiple animals.~~

~~The following fees apply to livestock accepted at a Department laboratory for euthanasia based on the total weight of the livestock:~~

| <u>Weight (in pounds)</u> | <u>With Sedation</u> | <u>Without Sedation</u> |
|---------------------------|----------------------|-------------------------|
| <u>0-100</u> | <u>10.00</u> | <u>10.00</u> |
| <u>101-200</u> | <u>19.00</u> | <u>15.00</u> |
| <u>201-300</u> | <u>28.00</u> | <u>20.00</u> |
| <u>301-400</u> | <u>37.00</u> | <u>25.00</u> |
| <u>401-500</u> | <u>46.00</u> | <u>30.00</u> |

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|-------------------------|--------------|--------------|
| <u>501-600</u> | <u>55.00</u> | <u>35.00</u> |
| <u>601-700</u> | <u>64.00</u> | <u>40.00</u> |
| <u>701-800</u> | <u>73.00</u> | <u>45.00</u> |
| <u>801-900</u> | <u>82.00</u> | <u>50.00</u> |
| <u>901-1000</u> | <u>91.00</u> | <u>55.00</u> |
| <u>Each additional</u> | | |
| <u>Increment of 100</u> | <u>9.00</u> | <u>5.00</u> |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.70 Clinical Pathology Fees

The following fees apply to those specimens submitted where a necropsy is not involved; with a minimum total fee of ~~\$5.00~~ \$5:

a) Hematology

| | | | |
|-----------------|--|------------------|-----------------|
| 1) | Complete Blood Count (RBC, Hb, <u>PCV, Ht</u> , WBC, Diff.)..... | 13.00 | C, € |
| 2) | Erythrocyte | 6.00 | C, € |
| 3) | Leukocyte | 5.00 | C, € |
| 4) | Bendixen Key | 5.00 | €, € |
| 45) | Hemoglobin | 6.00 | C, G |
| 56) | Hematocrit | 6.00 | C, G |
| 67) | Differential..... | 5.00 | C, € |
| 78) | Eosinophil Count – Total..... | 5.00 | C |
| 9) | Stippling..... | 3.00 | €, € |
| 840) | Fibrinogen (chemical or refractometric) | 7.00 | G |
| | | 5.00 | |
| 11) | Erythrocyte Indices..... | 3.00 | € |
| 12) | Shorr Stain (canine distemper)..... | 5.00 | €, € |
| 13) | Hemobartonella – Acridine Orange..... | 5.00 | € |
| 914) | Erythrocyte Parasites – Wright's Giemsa Stain | 6.00 | C, G |
| 15) | Erythrocyte Sedimentation Rate..... | 5.00 | € |
| 16) | Blood Compatibility Crossmatch..... | 15.00 | € |

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| | | | | |
|------------------|--|------------------|-----------------|--|
| 17) | Pandy (Qualitative Protein)..... | 3.00 | C | |
| 1048) | Bone Marrow Examination <u>and Collection</u>..... | 20.00 | C, G | |
| | | 2.00 | | |
| 1149) | Microscopic exam, microfilaria <u>Microfilaria, occult</u>..... | 15.00 | C, G | |
| 12) | Activated Partial Thromboplastin Time (APTT)..... | 5.00 | C | |
| 13) | Prothrombin Time (PT)..... | 5.00 | C | |
| b) | Urinalysis | | | |
| 1) | Routine Chemistry and Microscopic Examination..... | 9.00 | C, G | |
| 2) | Urine Urobilinogen, Qualitative | 3.00 | G | |
| 23) | Urine Na..... | 3.00 | C | |
| 34) | Urine K..... | 3.00 | C | |
| 4) | Urinalysis, dip-stick..... | 6.00 | C, G | |
| c) | Enzymology | | | |
| 1) | <u>Aspartate aminotransferase (AST, SGOT) SGOT (serum glutamic oxalacetic transaminase)</u> | 5.00 | C | |
| 2) | <u>Alanine aminotransferase (ALT, SGPT) SGPT (serum glutamic pyruvic transaminase)</u> | 5.00 | C | |
| 3) | <u>Lactic dehydrogenase (LDH) LDH (lactic dehydrogenase)</u> | 5.00 | C | |
| 4) | Alkaline Phosphatase (<u>AlkPhos</u>)..... | 5.00 | C | |
| 5) | Lipase..... | 6.00 | C | |
| 6) | Amylase | 6.00 | C | |
| 7) | Sorbitol dehydrogenase..... | 6.00 | C | |
| 8) | Arginase | 6.00 | C | |

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| | | | |
|-----|--|----------------|--|
| 9) | <u>Creatinine Kinase (CK).....</u> | <u>5.00 C</u> | |
| 10) | <u>Gamma-glutamyl transferase (GGT).....</u> | <u>5.00 C</u> | |
| 11) | <u>Lactic dehydrogenase (LDH).....</u> | <u>5.00 C</u> | |
| 12) | <u>NH4.....</u> | <u>5.00 C</u> | |
| 13) | <u>Triglycerides</u> | <u>5.00 C</u> | |
| 14) | <u>General Profile: ALB, ALKP, ALT, AMY, CHOL, CREAT, GLU, PHOS, TBIL, TP, BUN.....</u> | <u>25.00 C</u> | |
| 15) | <u>Mini-General Profile: ALB, ALKP, ALT, CREAT, GLU, TP, BUN</u> | <u>20.00 C</u> | |
| 16) | <u>Pre-Surgery: ALB, ALKP, ALT, CREAT, GLU, PHOS, TBIL, TP, BUN.....</u> | <u>20.00 C</u> | |
| 17) | <u>Gastric/Intestinal: ALB, CREAT, NH3, TP, BUN, K, NA, CL</u> | <u>20.00 C</u> | |
| 18) | <u>Cardiac: ALB, ALT, AST, CHOL, CK, CREAT, CLU, LDH, TP, BUN, NA, K, CL</u> | <u>20.00 C</u> | |
| 19) | <u>Endocrine: ALK, ALT, AMYL, CA, CHOL, CREAT, GLU, LIP, PHAS, TRIG, BUN, NA, K, CL.....</u> | <u>25.00 C</u> | |
| 20) | <u>Hepatic: ALB, ALKP, ALT, GGT, NH3, TBIL, TP</u> | <u>20.00 C</u> | |
| 21) | <u>Lipid: ALB, CHOL, GLU, TP, TRIG.....</u> | <u>15.00 C</u> | |
| 22) | <u>Pancreatic: ALKP, ALT, AMYL, CA, CHOL, GGT, GLU, LIPA, PHOS, TRIG, BUN</u> | <u>20.00 C</u> | |
| 23) | <u>Renal: ALB, CA, CREAT, PHOS, TP, BUN (NA, K, CL).....</u> | <u>20.00 C</u> | |
| d) | Chemistry | | |
| 1) | Bilirubin – Total and Direct..... | 10.00 C | |
| | Total Only | 5.00 C | |
| | Direct Only..... | 5.00 C | |

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| | | | |
|----------------|--|---------------------------|------|
| 2) | Electrolytes (Ca, P, Mg, K and Na)..... | 15.00 C | |
| 3) | Calcium..... | 5.00 C; | € |
| 4) | Chloride..... | 5.00 C | |
| 5) | Cholesterol, Total..... | 5.00 C | |
| 6) | Creatinine..... | 5.00 C | |
| 7) | Glucose..... | 5.00 C | |
| 8) | Phosphorus..... | 5.00 C; | € |
| 9) | Lactic Acid..... | 5.00 C | |
| 10) | Potassium..... | 5.00 C | |
| 11) | Total Protein (<u>chemical or refractometric</u>)..... | 5.00 C, | G |
| 12) | Albumin..... | 5.00 C | |
| 13) | Sodium..... | 5.00 C; | € |
| 14) | Blood Urea Nitrogen..... | 5.00 C | |
| 15) | Uric Acid..... | 5.00 C | |
| 16) | Zinc..... | 5.00 C | |
| 17) | Magnesium..... | 5.00 C | |
| 18) | Copper..... | 5.00 € | |
| 19) | Iron..... | 5.00 € | |
| e) | Other Tests | | |
| 1) | Calculi Analysis, Qualitative..... | 10.00 C | |
| 2) | Semen Examination..... | 10.00 C; | € |
| 3) | Cytology (<u>per site</u>) Transudate/Exudate Cytology Examination Only | 20.00+ 8.00 | C, G |

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| | | | |
|---|------------------|-----------------|-----------------|
| Complete (i.e., Count, SG, TP, Sugar, Culture) | | | |
| Transudate/Exudate/fluid analysis (cytology, cell count, TP) | 20.00 | C, G | C, G |
| 4) Spinal Fluid (Cytology, SG, TP)..... | 10.00 | C, G | |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.80 Histopathology Fees

a) The following are the fees for histopathology:

| | | | |
|--|------------------|-------------|--|
| 1) Biopsy (tissue) <u>(1 IHC stain and/or special histochemical stain)</u> | \$30.00 | C, G | |
| <u>Additional sites each</u> | <u>8.00</u> | <u>C, G</u> | |
| 2) <u>Necropsy Multiple Tissues (per block)</u> | <u>8.00</u> | <u>C, G</u> | |
| <u>2-5 tissues</u> | <u>40.00</u> | <u>C, G</u> | |
| <u>6 or more</u> | <u>50.00</u> | <u>C, G</u> | |
| 3) Immunohistochemistry testing <u>(per antigen)</u> | <u>12.00</u> | C, G | |
| | 10.00 | | |
| <u>4) Special histochemical stains</u> | <u>8.00</u> | <u>C, G</u> | |

b) In the event some specialty testing situation is requested by the person requesting the laboratory services, other fixatives are available. Please consult the respective diagnostic laboratory for the specific fee.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.90 Microbiology Fees

The following are the fees for microbiology (per sample or pool unless otherwise specified):

a) Bacteriology, Mycoplasma and Fungi

| | | | |
|--|------------------|-----------------|--|
| 1) Aerobic or anaerobic culture without sensitivity testing..... | 12.00 | C, G | |
| 2) Aerobic culture with sensitivity testing | 20.00 | C, G | |

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| | | | |
|------------------|--|------------------|-----------------|
| 23) | Antibiotic sensitivity (per isolate) Clostridium perfringens serotyping by PCR..... | 8.00 | C, G |
| | | 20.00 | |
| 34) | Milk samples for mastitis evaluation per sample..... | 3.00 | C, G |
| | 1-4 Specimens..... | 15.00 | C, G |
| | additional specimens, each at..... | 3.00 | C, G |
| | Wisconsin mastitis test..... | 2.00 | C |
| | 1-10 specimens, each..... | 2.00 | C |
| | additional specimens, each at..... | 1.00 | C |
| 45) | Leptospirosis culture per specimen—6 serotypes | 12.00 | G |
| | Microtiter test per specimen..... | 2.00 | C, G |
| 6) | Canine brucellosis—per specimen..... | 5.00 | C, G |
| 57) | Fluorescent Antibody Test (FA)..... | 12.00 | C, G |
| | | 10.00 | |
| 68) | Escherichia coli serotyping..... | 3.00 | C, |
| 79) | Campylobacter (culture)..... | 10.00 | C, G |
| 810) | Salmonella isolation using (enrichment media, per site or pool)..... | 8.00 | C, G |
| 911) | Hemophilus (culture)..... | 8.00 | C, G |
| | | 3.00 | |
| 1012) | Bordetella culture Nasal Swabs—Bordetella | 8.00 | C, G |
| | | 2.00 | |
| 1113) | Listeria (cold enrichment culture)..... | 8.00 | C, G |
| | | 6.00 | |
| 1214) | Taylorella Haemophilus equigenitalis (CEM)..... | 12.00 | C, G |
| | | 4.00 | |
| 1315) | Brachyspira | 10.00 | C, G |
| | Spirochetes (swine dysentery—Treponema sp.) | 5.00 | |
| 1416) | Johne's Bacillus..... | 10.00 | C, G |
| | first specimen..... | 7.00 | C, G |
| | each additional specimen..... | 4.00 | C, G |

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|----------------|---|----------------------------------|-----------------|--|
| 17) | Prepare and Supply Transport Media (per tube)..... | 1.00 | C, G | |
| <u>1548)</u> | Return culture for bacterin production per organism..... | <u>4.00</u> 2.00 | C, G | |
| <u>1649)</u> | Mycology Testing Culture | 8.00 | C, G | |
| <u>1720)</u> | Microscopic examination (<u>brightfield, darkfield, outside normal procedures</u>)..... | 3.00 | C, <u>G</u> | |
| | <u>Microscopic examination, acid-fast-stained smears</u> | <u>7.00</u> | <u>C, G</u> | |
| <u>1821)</u> | Mycoplasma Testing Culture..... | 10.00 | C, G | |
| 22) | E. Coli or Metritis | | | |
| | 1-4 specimens | 15.00 | C, G | |
| | each additional specimen | 2.00 | C, G | |
| | Serotyping by PCR | 20.00 | G | |
| <u>1923)</u> | Trichomonas transport media | 4.00 | C, G | |
| <u>2024)</u> | PCR testing | 15.00 | G | |
| <u>2125)</u> | Clostridium difficile toxin ELISA (<u>per sample or pool</u>)..... | <u>22.00</u> 10.00 | G | |
| b) | <u>Food safety microbiology</u> | | | |
| <u>1)</u> | <u>AGID test, mammalian specie ID.....</u> | <u>10.00</u> | <u>C</u> | |
| <u>2)</u> | <u>Culture, antibiotic residue growth inhibition.....</u> | <u>5.00</u> | <u>C</u> | |
| <u>3)</u> | <u>Culture, bacterial, aerobic, quantitative.....</u> | <u>10.00</u> | <u>C</u> | |
| <u>4)</u> | <u>Culture, bacterial, aerobic, quantitative, E. coli</u> | <u>10.00</u> | <u>C</u> | |
| <u>5)</u> | <u>Culture, bacterial, anaerobic quantitative</u> | <u>10.00</u> | <u>C</u> | |
| <u>6)</u> | <u>Culture, bacteria, Escherichia coli 0157</u> | <u>10.00</u> | <u>C</u> | |
| <u>7)</u> | <u>Enzyme-linked FA test, Escherichia coli.....</u> | <u>10.00</u> | <u>C</u> | |
| <u>8)</u> | <u>Enzyme-linked FA test, Listeria</u> | <u>10.00</u> | <u>C</u> | |

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| | <u>9) Enzyme-linked FA test, Salmonella (HACCP)</u> | <u>10.00</u> | <u>C</u> | |
| | <u>10) Enzyme-linked FA test, staphylococcus enterotoxins ...</u> | <u>10.00</u> | <u>C</u> | |
| <u>c)</u> | <u>Water safety microbiology</u> | | | |
| | <u>1) Water Potability Test – Municipal – Total & Fecal Coliform</u> | <u>8.00</u> | <u>C</u> | |
| | <u>2) Water Potability Test – Private – Nitrate, Coliform, Enterococcus, Fecal Coliform.....</u> | <u>10.00</u> | <u>C</u> | |
| | <u>3) Water Potability – Nitrate, Coliform, Enterococcus, Fecal Coliform and Bacti ID.....</u> | <u>20.00</u> | <u>C</u> | |
| | <u>4) Culture, aerobic quantitative, MMO-MUG, Enterococcus</u> | <u>4.00</u> | <u>C</u> | |
| | <u>5) Culture, aerobic, MMO-MUG, coliforms</u> | <u>4.00</u> | <u>C</u> | |
| | <u>6) Culture, aerobic, MMO-MUG, E. coli.....</u> | <u>4.00</u> | <u>C</u> | |
| | <u>7) Culture, aerobic, quantitative, total coliforms</u> | <u>4.00</u> | <u>C</u> | |
| | <u>8) Culture, bacterial, aerobic, quantitative</u> | <u>4.00</u> | <u>C</u> | |
| | <u>9) Culture, bacterial, aerobic, quantitative, E. coli.....</u> | <u>4.00</u> | <u>C</u> | |
| | <u>10) Culture, bacterial, denitrifying bacteria, quantitative ...</u> | <u>5.00</u> | <u>C</u> | |
| | <u>11) Culture, bacterial, iron-reducing bacteria, quantitative.....</u> | <u>5.00</u> | <u>C</u> | |
| | <u>12) Culture, bacterial, nitrifying bacteria, quantitative</u> | <u>5.00</u> | <u>C</u> | |
| | <u>13) Culture, bacterial, sulfate-reducing bacteria, quantitative.....</u> | <u>5.00</u> | <u>C</u> | |
| | <u>14) Culture, filter, pseudomonas</u> | <u>5.00</u> | <u>C</u> | |
| | <u>15) Culture, viable Helminth ova.....</u> | <u>5.00</u> | <u>C</u> | |

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|-----|---|--------------|-------------|--|
| 16) | <u>Free chlorine, colorimetric.....</u> | <u>5.00</u> | <u>C</u> | |
| 17) | <u>Microscopic exam.....</u> | <u>3.00</u> | <u>C</u> | |
| 18) | <u>Nitrate, colorimetric.....</u> | <u>3.00</u> | <u>C</u> | |
| d) | <u>Bacterial serology</u> | | | |
| 1) | <u>Actinobacillus pleuropneumonia (APP, serotypes 1,3,5,7).....</u> | <u>4.00</u> | <u>G</u> | |
| 2) | <u>Brucella abortus (BAPA, card, std place).....</u> | <u>N/C</u> | <u>G, S</u> | |
| 3) | <u>Brucella abortus (std tube).....</u> | <u>N/C</u> | <u>G</u> | |
| 4) | <u>Brucella canis card test.....</u> | <u>6.00</u> | <u>G</u> | |
| 5) | <u>Brucella abortus RAP.....</u> | <u>N/C</u> | <u>G</u> | |
| 6) | <u>Brucella abortus rivanol.....</u> | <u>N/C</u> | <u>G</u> | |
| 7) | <u>Brucella abortus (BAPA, card, std plate: out-of-state).....</u> | <u>1.00</u> | <u>G, S</u> | |
| 8) | <u>Brucella abortus (species other than bovine, porcine and canine).....</u> | <u>1.00</u> | <u>G, S</u> | |
| 9) | <u>Leptospirosis (microtiter agglutination, 6 serotypes, per sample).....</u> | <u>12.00</u> | | |
| 10) | <u>Mycoplasma hyopneumoniae.....</u> | <u>3.00</u> | <u>G</u> | |
| 11) | <u>Mycoplasma synoviae, M. gallisepticum, M. meleagridis (not done separately).....</u> | <u>N/C</u> | <u>G</u> | |
| 12) | <u>Salmonella typhumurium.....</u> | <u>N/C</u> | <u>G</u> | |
| 13) | <u>Salmonella pullorum.....</u> | <u>N/C</u> | <u>G</u> | |
| 14) | <u>Salmonella tissue juice ELISA.....</u> | <u>5.00</u> | | |
| eb) | <u>Virology</u> | | | |

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| | | | |
|-----|---|----------------------------------|-----------------|
| 1) | Electron Microscopy – fecal..... | 15.00 | G |
| 2) | Pseudorabies Serology (<u>AutoLex or ELISA</u> positive or negative)..... | N/C <u>no charge</u> | C, G |
| | Pseudorabies Serology Out-of-State..... | 3.00 | C, G |
| | Pseudorabies Serology (positive or negative) and end titer | 3.00 | C, G |
| | Pseudorabies Serology (request for screen at dilution of 1:2, <u>SN</u>) | 3.00 | C, G |
| | Pseudorabies (<u>LATEX</u>) <u>Rush</u> | 3.00 | C, G |
| | Pseudorabies ELISA <u>or AutoLex</u> , Screen Out-of- State | 1.50 | C, G |
| | Pseudorabies Latex Agglutination Out-of-State..... | <u>3.00</u> 1.50 | C, G |
| | Pseudorabies G1 ELISA Out-of State | 1.75 | C, G |
| 3) | Fluorescent Antibody Test each disease—food animal | <u>12.00</u> 10.00 | C, G |
| | Fluorescent Antibody Test each disease—non-food animal | 15.00 | C, G |
| 4) | Rabies..... | <u>12.00</u> 10.00 | C, G |
| 5) | Virus Isolation (<u>per virus</u>) <u>in-Cell Culture</u> | <u>15.00</u> | C, G |
| | 1 specimen | 15.00 | C, G |
| | Each additional specimen | 10.00 | C, G |
| 6) | <u>Unlisted</u> Viral Serology (each disease) <u>per sample</u> | <u>3.00</u> | C, G |
| | 1-5 specimens, each | 3.00 | C, G |
| | Each additional specimen | 1.00 | C, G |
| 7) | Feline Leukemia Virus (<u>FeLV</u>) and Feline <u>Immunodeficiency Virus (FIV)</u> | <u>15.00</u> 11.00 | C |
| 8) | Feline Infectious Peritonitis (F.I.P.)..... | 8.00 | C |
| 9) | Canine <u>parvovirus</u> parvo-virus (ELISA) fecal..... | 5.00 | C, G |
| 10) | Canine <u>parvovirus</u> parvo-virus serum | 5.00 | C |

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| | | | |
|-------------------|---|---------------------------|-----------------|
| 11) | Canine distemper on serum..... | 5.00 | C |
| 12) | Rotavirus, ELISA (feces) Rota-virus on fecal | 10.00 | C |
| 13) | Semen testing (export) | 10.00 | C |
| 14) | Swine enterovirus (8 serotypes)..... | 12.00 | C |
| 15) | FeLV Feline Leukemia Virus only - FeLT | 10.00 15.00 | C |
| 16) | Porcine fetal fluid IgG | 3.00 | G |
| 16+7) | Feline Immunodeficiency Virus (FIV) lentivirus (FeLT)..... | 10.00 | C |
| 17+8) | Encephalomyocarditis (per sample)..... | 3.00 | G |
| | 1-5 specimens, each | 3.00 | C, G |
| | Each additional specimen | 1.00 | C, G |
| 18+9) | PRRS (screening 1:20, IFA) | 3.00 | C, G |
| | | 2.00 | |
| | PRRS ELISA | 4.00 | C, G |
| | PCR/PRRS | 15.00 | G |
| | | 10.00 | |
| | PRRS IFA US strain | 4.00 | G |
| | PRRS IFA, Lelystad | 4.00 | G |
| 19+20) | Bovine virus diarrhea, P1, immunohistochemistry (Ear notches) (per block of 5) AI Screen by IHL, skin..... | 15.00 | C, G |
| | 1-5 animals each | 15.00 | C, G |
| | Each additional specimen | 3.00 | C, G |
| 20) | TGE/PRCV Differential ELISA (per specimen) | 4.00 | C, G |
| 21) | BVD P1 Serum Antigen Capture ELISA | 5.00 | C |
| fe) | Chlamydia Isolation in Cell Culture | 15.00 | C, G |
| gd) | Miscellaneous serology | | |
| 1) | Toxoplasmosis | 5.00 | C |

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| | | | |
|-----------------|---|-------------------|--------------------|
| | first sample | 5.00 € | |
| | Each additional sample | 2.50 € | |
| 2) | EIA-AGID..... | 2.50 | C, S |
| | EIA-CELISA..... | 10.00 | C, S |
| 3) | Mare Immunological Pregnancy Test 35-60 days post-service | 15.00 | C |
| 4) | Aleutian Disease – Mink (immunoelectrophoresis) | .20 | S |
| 5) | Out-of-State brucellosis serology | .50 | C, G, S |
| 6) | Brucellosis testing other than bovine, porcine and canine | .50 | C, G, S |
| | Brucella canis slide assay | 6.00 | C, G |
| 57) | Bluetongue | 3.50 | C |
| | 1-5 specimens, each | 3.00 | C |
| | Each additional specimen | 2.00 | C |
| | Each additional specimen | 1.00 | C, S |
| 68) | Bovine leukemia virus (BLV-AGID) | 3.50 | C, S |
| | 1-5 specimens, each | 3.00 | C, S |
| | Each additional specimen | 1.00 | C, S |
| 79) | Vesicular stomatitis | 3.50 | C |
| | 1-5 samples each | 3.00 | C |
| | Each additional sample | 2.00 | C |
| 810) | Complement Fixation Serology | 3.50 | C |
| | 1-5 specimens, each | 3.00 | C |
| | Each additional specimen | 1.00 | C |
| | Note: The Complement Fixation Serology tests include testing for anaplasmosis, Johne's and chlamydia. | | |
| 911) | Johne's ELISA | 10.00 | C |
| | 1-10 specimens, each | 10.00 | C |
| | 11 or more specimens, each | 5.00 | C |
| 12) | Actinobacillus pleuropneumoniae per serotype APP) | 2.00 | G |

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| | | | | |
|------------------|--|------------------|-----------------|--|
| 13) | Mycoplasma hyopneumoniae | 3.00 | G | |
| 1014) | Caprine Arthritis Encephalitis (CAE) <u>and OPP</u> | 3.50 | C, G | |
| | first specimen | 3.00 | C, G | |
| | each additional specimen | 1.00 | C, G | |
| 1145) | Bovine leukemia virus ELISA | 5.00 | C | |
| | 1-5 specimens, each | 5.00 | C | |
| | each additional specimen | 3.00 | C | |
| 16) | Dirofilaria immitis | 10.00 | C, G | |
| 12) | Serology Spin Charge (per specimen) | 1.00 | C, G | |
| 13) | Anaplasmosis ELISA | 10.00 | C | |
| 14) | Anaplasmosis CF | 3.50 | C | |
| 15) | West Nile IgM Capture | 15.00 | C | |
| 16) | Blastomycosis AGID | 10.00 | C | |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.100 Parasitology Fees

The following are the fees for parasitology:

| | | | | | |
|----|--|------------------|---------------|--------------|--|
| a) | Morphologic examination – ecto and endoparasites..... | 10.00 | C, | G | |
| | | 6.00 | | | |
| b) | Baermann or Digestion | 5.00 | | G | |
| c) | Trichomonas foetus (Venereal trichomoniasis in cattle) | | | | |
| | per sample Examination and culture of vaginal | | | | |
| | washings (including carrier media) | 10.00 | C, | G | |
| | 1-4 specimens | 10.00 | C, | G | |
| | Additional specimens, each | 2.00 | C, | G | |
| d) | Occult Dirofilaria serology (ELISA) | 8.00 | C | | |
| e) | Tissue Digestion Procedure (trichina) | .10 | C | | |

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|--|----------------------------------|---|--|
| f) Helminth ova in sludge..... | 5.00 | C | |
| g) Cryptosporidia ELISA (<u>feces</u>)..... | 15.00 | C | |
| h) Giardia/Cryptosporidia FA (<u>feces</u>)..... | <u>12.00</u> 10.00 | G | |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.110 Toxicology Fees

| | | | | |
|----|---|----------------------------------|--------------|--|
| a) | A maximum charge of \$100 shall be assessed Illinois residents <u>for cases involving domestic livestock</u> . There is no maximum charge for out-of-state residents. | | | |
| b) | Toxicology Work-up: Maximum \$50 per animal or \$100 per herd (Illinois animals). | | | |
| c) | Metals | | | |
| 1) | Arsenic or Selenium, <u>each</u> | <u>25.00</u> | <u>C</u> | |
| | 1-3 specimens, each | 25.00 | € | |
| | each additional specimen | 10.00 | € | |
| 2) | Lead, Copper, Zinc, Thallium, Calcium, Sodium, Magnesium, Potassium, Iron, Chromium, Cobalt, Nickel, or Manganese, <u>each</u> | <u>10.00</u> | <u>C</u> | |
| | 1-3 specimens, each | 8.00 | € | |
| | each additional specimen | 5.00 | € | |
| 3) | Cadmium, Molybdenum and Mercury, <u>each</u> | <u>12.00</u> | <u>C</u> | |
| | 1-3 specimens, each | 10.00 | € | |
| | each additional specimen | 6.00 | € | |
| d) | Insecticide Screen | | | |
| 1) | Organochlorines, organophosphates..... | <u>60.00</u> 45.00 | C | |
| 2) | Carbamates..... | <u>50.00</u> 45.00 | C | |

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| | | | | |
|----------------|---|---------------------------|--------------|--|
| 3) | Individual insecticide..... | 25.00 20.00 | C | |
| 4) | Ivermectin: | | | |
| | Blood..... | 25.00 | C | |
| | Tissue..... | 50.00 | C | |
| e) | Herbicides | | | |
| 1) | Phenoxy compounds screen..... | 60.00 50.00 | C | |
| 2) | Individual analysis of any herbicide from screen | 25.00 20.00 | C | |
| 3) | Herbicide screen (heterocyclic nitrogen derivatives, dintroanilines, urea, carbamate and anilide compounds)..... | 60.00 50.00 | C | |
| 4) | Imidazole compounds | 60.00 50.00 | C | |
| 5) | Individual compounds requiring derivitization | 30.00 | C | |
| f) | Rodenticides | | | |
| 1) | Anticoagulant screen..... | 50.00 | C | |
| 2) | Zinc Phosphide | 20.00 10.00 | C | |
| 3) | Strychnine and other alkaloids..... | 15.00 10.00 | C | |
| 4) | Yellow Phosphorus | 5.00 | C | |
| 45) | Individual anticoagulant | 25.00 20.00 | C | |
| g) | Mycotoxins | | | |
| 1) | Screen (aflatoxins, T-2, DAS, Vomitoxin, Zearalenone) | 60.00 | C | |

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|----|---|---------------------------|--------------|--|
| 2) | Milk or urine aflatoxin..... | 25.00 20.00 | C | |
| 3) | Ochratoxin | 30.00 | C | |
| 4) | Citrinin..... | 30.00 | C | |
| 5) | Individual analysis of any mycotoxin from screen..... | 25.00 20.00 | C | |
| 6) | Cyclopiazonic acid (CPA)..... | 30.00 | C | |
| 7) | Blacklight for <i>Aspergillus flavus</i> | 5.00 2.00 | C | |
| 8) | Endophyte testing | | | |
| | Staining | 12.50 | C | |
| | Grow-out..... | 15.00 | C | |
| h) | Miscellaneous Analysis | | | |
| 1) | Feed microscopy..... | 15.00 | C | |
| 2) | Nitrate: | | | |
| | Ground Materials | | | |
| | first specimen..... | 10.00 | C | |
| | each additional specimen..... | 4.00 | C | |
| | Forages | | | |
| | first specimen..... | 12.00 | C | |
| | each additional specimen..... | 9.00 | C | |
| | In Or Vitreous humor | 10.00 | C | |
| 3) | Cyanide | 10.00 | C | |
| | Cyanide (screen – picric acid) | 10.00 | C | |
| 4) | Ammonia (Urea Toxicosis)..... | 15.00 | C | |
| | first specimen..... | 15.00 | C | |
| | each additional specimen..... | 5.00 | C | |
| 5) | Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin | | | |
| | first specimen..... | 15.00 | C | |
| | each additional specimen..... | 5.00 | C | |

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| 6) | Sulfate | 5.00 | C |
| 7) | Creosote, Petroleum Products..... | <u>50.00</u> | C |
| 8) | pH..... | <u>3.00</u> 4.00 | C |
| 9) | Urea..... | <u>15.00</u> | C |
| 10) | Total chlorides, feeds or water..... | 5.00 | C |
| 11) | Monensin or other ionophore (each)..... | <u>40.00</u> | C |
| 12) | Water chlorine..... | 5.00 | C |
| 13) | Water nitrate, nitrite (each)..... | 5.00 | C |
| 14) | Water hydrogen sulfide..... | 5.00 | C |
| 15) | Water hardness..... | 5.00 | C |
| 16) | Pentachlorophenol <u>Pentachlorophenol</u> (PCP or Penta) | <u>40.00</u> | C |
| 17) | Bone – Percent Ash, Ca, Po4..... | <u>25.00</u> | C |
| 18) | Ca, Po4 (in feed) | <u>20.00</u> | C |
| 19) | Ergot alkaloids | 15.00 | € |
| <u>1920)</u> | Antibiotics in feed (each)..... | 15.00 | C |
| 21) | Vitamin Analysis (each) | 10.00 | € |
| <u>2022)</u> | Feed Quality Analysis..... | <u>38.50</u> | C |
| <u>2123)</u> | Protein and moisture analysis | 7.50 | C |
| <u>2224)</u> | Gas chromatographic/mass spectrophotometric analysis (each sample)..... | 50.00 | C |
| <u>2325)</u> | Cholinesterase: | | |
| | Blood..... | <u>10.00</u> | <u>C</u> |
| | first specimen | 10.00 | € |
| | each additional specimen | 5.00 | € |
| | Brain..... | <u>15.00</u> | <u>C</u> |
| | first specimen | 15.00 | € |

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| each additional specimen | 10.00 | € | |
| 2426) Drug screen | 30.00 | C | |
| 2527) Sulfa residue (each sulfa drug) | 5.00 | C | |
| 2628) Water quality screen (CH, OP, Carbamates, Herbicides, Lead) | 100.00 | C | |
| 2729) Total dissolved solids (Water) | 5.00 | C | |
| 2830) Specific gravity (Water) | 5.00 | C | |
| 2934) Polychlorinated biphenyls (PCB) | 50.00 | C | |
| 32) Sugar analysis (each) | 20.00 | € | |
| 3033) Ethylene glycol | 20.00 | C | |
| 3134) Fiber | 5.00 | C | |
| 3235) Feed particle size | 5.00 | C | |
| 3336) Total suspended solids | 5.00 | C | |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.120 Miscellaneous Fees

| | | | | |
|-----|---|--------------------|--------------|--|
| a) | Swine health checks at slaughter facilities: | | | |
| | Market swine health check per head with a minimum | | | |
| | of 10 head | 5.00 | | |
| | (Contact the Galesburg laboratory for information) | | | |
| b) | Water potability test (Coliform and Enterococcus— | | | |
| | Millipore Method and Nitrates) | 8.00 | € | |
| ae) | Return of shipping container | <u>actual</u> | C, G, S | |
| | | <u>shipping</u> | | |
| | | <u>cost</u> | | |
| | | <u>current</u> | | |
| | | <u>postal rate</u> | | |

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|------------|--|--|--------------------|
| <u>bd)</u> | Field trip by Department laboratory personnel to take specimens..... | 150.00 60.00 | C, G |
| <u>ce)</u> | Cremation | | |
| | <u>up to under 50 pounds</u> | 50.00 | G |
| | <u>51 50 pounds and above, each additional pound</u> | 1.00 | G |
| <u>df)</u> | Handling fee for sending specimens to out-of-state laboratories..... | 5.00 | C, G, S |
| | <u>Non-refrigerated</u> <u>actual shipping cost plu</u> | 2.50 | C, G, S |
| | <u>Refrigerated</u> <u>actual shipping cost plu</u> | 2.50 | C, G, S |
| | <u>Dry ice</u> <u>actual shipping cost plu</u> | 10.00 | C, G, S |
| <u>eg)</u> | Disposal Fee: (when lab tests have not been conducted, a disposal fee will be charged in addition to any cremation costs)..... | <u>0.15 per pound, minimum</u> 10.00 | C, G |
| | <u>under 50 pounds</u> | 5.00 | C, G, S |
| | <u>50 pounds to 100 pounds</u> | 10.00 | C, G, S |
| | <u>100-400 pounds</u> | 17.00 | C, G |
| | <u>over 400 pounds</u> | 30.00 | C, G |
| <u>h)</u> | <u>Overnight shipping</u> | current postal rate | C, G, S |
| <u>i)</u> | <u>Shipping containers</u> | current market price | C, G, S |
| <u>ff)</u> | Pullorum antigen per ml..... | 2.00 | S |
| <u>g)</u> | <u>Fax results – EIA results only</u> | 5.00 | S |
| | <u>Each additional page</u> | 1.00 | S |
| <u>h)</u> | <u>Chronic wasting disease (CWD) killed by hunter in State</u> | 45.00 | C, G |
| | <u>CWD killed by hunter out of state</u> | 50.00 | C, G |
| | <u>CWD surveillance and not in a CWD surveillance program</u> | 45.00 | C, G |
| <u>i)</u> | <u>Laboratory supplies or materials</u> | actual cost | C, G, S |

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

j) Emergency fee (outside working hours)..... \$50.00 C, G, S |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 110.130 Meats Chemistry Fees

The Department shall not charge any ~~State state~~ agency for any meats chemistry laboratory tests. The following are the fees for meats chemistry laboratory:

| | | | | |
|----|------------------------------------|----------------------------------|---|--|
| a) | Protein | \$8.00 <u>7.00</u> | C | |
| b) | Moisture | 6.00 <u>5.00</u> | C | |
| c) | Salt | 7.00 <u>6.00</u> | C | |
| d) | Fat..... | 10.00 <u>9.00</u> | C | |
| e) | Nitrite (Semi-Quantitative) | 9.00 <u>8.00</u> | C | |
| f) | Nitrite (Qualitative)..... | 7.00 <u>6.00</u> | C | |
| g) | Nonfat Dry Milk..... | 9.00 <u>8.00</u> | C | |
| h) | Cereal (Qualitative)..... | 7.00 <u>6.00</u> | C | |
| i) | Soy Flour (Semi-Quantitative)..... | 7.00 <u>6.00</u> | C | |
| j) | Sulfite (Qualitative)..... | 7.00 <u>6.00</u> | C | |
| k) | Ascorbate (Qualitative)..... | 7.00 <u>6.00</u> | C | |

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

| | | | | |
|----|-------------------------------|--------------------------------------|---|--|
| l) | Borate (Qualitative)..... | 7.00 6.00 | C | |
| m) | Extraneous material..... | 6.00 5.00 | C | |
| n) | Nitrite cures/pickles | 13.00 12.00 | C | |
| o) | Cereal (Quantitative)..... | 9.00 8.00 | C | |
| p) | Nitrite (Quantitative)..... | 13.00 12.00 | C | |
| q) | Protein Fat Free (PFF)..... | 24.00 23.00 | C | |
| r) | Benzoate (Quantitative) | 21.00 20.00 | C | |
| s) | Species | 36.00 35.00 | C | |
| t) | Antibiotic residue | 16.00 15.00 | C | |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Minimum Organizational Capital Requirements for Banks and Trust Companies
- 2) Code Citation: 38 Ill. Adm. Code 310
- 3)

| <u>Section Number</u> | <u>Proposed Action</u> |
|-----------------------|------------------------|
| 310.100 | New |
| 310.110 | New |
| 310.200 | New |
| 310.210 | New |
| 310.220 | New |
| 310.300 | New |
| 310.310 | New |
| 310.320 | New |
| 310.330 | New |
| 310.340 | New |
- 4) Statutory Authority: Implementing Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7] and authorized by Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7].
- 5) A complete description of the subjects and issues involved: Public Act 92-483 deleted the requirement that the Commissioner record organization capital requirements with the Office of the Secretary of State. The proposed rule puts in rule form the minimum organizational capital requirements for banks and trust companies so that interested parties will have easier access to the organizational capital requirements. The proposed rules also set out when greater capital requirements may be necessary, exceptions to minimum organizational capital requirements for banks and trust companies, and provisions concerning capital in cases of merger or consolidation of trust companies, and the adequacy of capital investments of trust companies.
- 6) Will these proposed rules replace emergency amendments currently in effect? No
- 7) Does this rule contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed amendments pending to this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

- 11) Time, place and manner in which interested persons may comment on this proposed rules:
Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Jeff Riley
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
Telephone: (217) 785-2900 fax: (217) 557-0330

The Agency will consider all written comments it receives in writing within 45 days after the date of publication of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: The rule applies to banks and trust companies seeking to be regulated by the Office of Banks and Real Estate or those state chartered banks and trust companies seeking to relocate within the State.
 - 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 rule was summarized: January 2002

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 310
MINIMUM ORGANIZATIONAL CAPITAL REQUIREMENTS
FOR BANKS AND TRUST COMPANIES

SUBPART A: SCOPE AND DEFINITIONS

| | |
|---------|---------------------|
| Section | |
| 310.100 | Scope and Authority |
| 310.110 | Definitions |

SUBPART B: BANKS

| | |
|---------|---|
| Section | |
| 310.200 | Minimum Organizational Capital Requirements for Banks |
| 310.210 | When Greater Capital Requirements May Be Necessary |
| 310.220 | Exceptions to Minimum Organizational Capital Requirements for Banks |

SUBPART C: TRUST COMPANIES

| | |
|---------|---|
| Section | |
| 310.300 | Minimum Organizational Capital Requirements for Trust Companies |
| 310.310 | When Greater Capital Requirements May Be Necessary |
| 310.320 | Exceptions to Minimum Organizational Capital Requirements for Trust Companies |
| 310.330 | Merger or Consolidation of Trust Companies |
| 310.340 | Adequacy of Capital Investments of Trust Companies |

AUTHORITY: Implementing Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7] and authorized by Section 48(b)(6) of the Illinois Banking Act [205 ILCS 5/48(b)(6)] and Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)].

SOURCE: Adopted at 27 Ill. Reg. _____, effective _____.

SUBPART A: SCOPE AND DEFINITIONS

Section 310.100 Scope and Authority

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

Pursuant to Section 7 of the Illinois Banking Act [205 ILCS 5/7] and Section 2-7 of the Corporate Fiduciary Act [205 ILCS 620/2-7], this Part establishes the minimum organizational capital requirements that must be met in order for proposed State banks and State banks to exercise the powers conferred by the Illinois Banking Act and for proposed Illinois trust companies and Illinois trust companies to exercise the powers conferred by the Corporate Fiduciary Act. The Commissioner shall use these minimum organizational capital requirements in reviewing the applications of proposed or existing State banks or proposed or existing Illinois trust companies in applications for: a permit to organize a State bank under Section 10 of the Illinois Banking Act [205 ILCS 5/10]; a certificate of authority under Section 2-5 of the Corporate Fiduciary Act [205 ILCS 620/2-5]; a change in the location of a State bank's main banking premises under Section 13 of the Illinois Banking Act [205 ILCS 5/13]; a merger resulting in a State bank under Section 22 or 30 of the Illinois Banking Act [205 ILCS 5/22 or 30]; a merger or consolidation resulting in a trust company under Section 3-1 of the Corporate Fiduciary Act [205 ILCS 620/3-1]; and a conversion resulting in a State bank under Section 26 or 30 of the Illinois Banking Act [205 ILCS 5/26 or 30].

Section 310.110 Definitions

“Chicago, Illinois central business district” is generally considered as that part of the city of Chicago bounded by a line beginning with Lake Shore Drive on the east, thence south to Balbo Drive, thence west to Michigan Avenue, thence north to Harrison Street, thence west to Clinton Street, thence north to Lake Street, thence east to Wacker Drive, and thence on Wacker Drive north and east to Orleans Street, thence north to Chicago Avenue and thence east to Lake Shore Drive. However, certain locations (e.g., areas within close proximity or areas with similar market characteristics) within the city of Chicago may also require the same minimum capital requirements.

“Chicago, Illinois metropolitan area” is generally considered as the geographical area encompassing the counties of Cook, DuPage, Kane, Lake, McHenry and Will, except that part within Cook county defined in this Section as the Chicago, Illinois central business district. However, an entity may organize or locate a State bank within this geographical area by meeting the minimum organizational capital requirements for banks located outside of the Chicago, Illinois metropolitan area based upon the market characteristics of the proposed location.

“Commissioner” means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

SUBPART B: BANKS

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

Section 310.200 Minimum Organizational Capital Requirements for Banks

The minimum organizational capital requirements that must be met to exercise the powers conferred in the Illinois Banking Act are as follows:

- a) \$6,000,000 for a bank that is located in the Chicago, Illinois central business district;
- b) \$4,000,000 for a bank that is located in the Chicago, Illinois metropolitan area;
- c) \$3,000,000 for a bank that is located outside of the Chicago, Illinois central business district and metropolitan area; and
- d) \$3,500,000 for a banker's bank that is owned exclusively by other banks or bank holding companies and that has been exclusively organized to provide services to other banks, bank holding companies, and the officers, directors and employees of such institutions.

Section 310.210 When Greater Capital Requirements May Be Necessary

- a) Greater capital requirements may be required by the Commissioner if the condition and operations or the proposed scope of operations of the proposed or existing State bank require additional capital to achieve or maintain a safe and sound condition.
- b) If the Commissioner determines that the proposed or existing bank requires capital in addition to the minimum organizational capital requirements set forth in Section 310.200, the bank shall be informed by the Office of Banks and Real Estate and afforded the opportunity to amend the related application.
- c) In determining if additional capital in excess of the minimum organizational capital requirements is necessary for a proposed or existing bank, the Commissioner shall consider the size and scope of the bank's operations. The review of the proposed or existing bank's scope of operations may consist of an assessment of the percentage of investment to be made in fixed assets, the proposed or existing bank's projections for future growth, future earnings prospects, the amount of organizational expenses incurred by the proposed bank, access to readily available sources of additional capital, the capability of management, and any other factors deemed appropriate by the Commissioner.

Section 310.220 Exceptions to Minimum Organizational Capital Requirements for Banks

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

- a) In applications involving a merger resulting in a State bank pursuant to Section 22 or Section 30 of the Illinois Banking Act, a conversion resulting in a State bank pursuant to Section 26 or 30 of the Illinois Banking Act, or a change in location of a State bank pursuant to Section 13 of the Illinois Banking Act, a lesser amount of capital than specified in Section 310.200 may be approved if the Commissioner determines that such lesser amount of capital is sufficient to enable the bank to operate in a safe and sound manner.
- b) A bank organized to assume the assets and liabilities of an existing bank or insured savings association that has failed, or is in default or in danger of default, shall have a minimum tier 1 capital, as defined by the Federal Deposit Insurance Corporation Rules and Regulations, Part 325 – Capital Maintenance, of 5% of total assets.

SUBPART C: TRUST COMPANIES

Section 310.300 Minimum Organizational Capital Requirements for Trust Companies

The minimum organizational capital requirement that must be met by an applicant for a certificate of authority under the Corporate Fiduciary Act to become an Illinois trust company is \$3,000,000. The minimum organizational capital requirement prescribed in this subsection shall be in addition to and separate from the amount pledged or surety bond held pursuant to Section 6-13.5 of the Corporate Fiduciary Act.

Section 310.310 When Greater Capital Requirements May Be Necessary

- a) Greater capital requirements may be required by the Commissioner if the condition and operations or the proposed scope of operations of the proposed or existing trust company require additional capital to achieve or maintain a safe and sound condition.
- b) If the Commissioner determines that the proposed or existing trust company requires capital in addition to the minimum organization capital requirements set forth in Section 310.300, the trust company shall be informed by the Office of Banks and Real Estate and afforded the opportunity to amend the related application.

Section 310.320 Exceptions to Minimum Organizational Capital Requirements for Trust Companies

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

An Illinois trust company organized before January 1, 2003, when a lower capital requirement may have been in effect, may continue to operate under that lower capital requirement unless the Commissioner has increased the required capital for that trust company under Section 2-7 of the Corporate Fiduciary Act.

Section 310.330 Merger or Consolidation of Trust Companies

In any merger or consolidation resulting in a trust company made pursuant to Section 3-1 of the Corporate Fiduciary Act, the resulting trust company must meet the minimum organizational capital requirement in effect at the time of the merger or consolidation. In such cases, the current capital requirement must be met even if a lower capital requirement previously had applied to any or all of the merging or consolidating parties.

Section 310.340 Adequacy of Capital Investments of Trust Companies

The Office of Banks and Real Estate has adopted administrative rules and regulations under the Corporate Fiduciary Act addressing trust company investments at 38 Ill. Adm. Code 399.Subpart B. Section 399.120 states: "For purposes of determining the adequacy of capital, surplus and reserves, a trust company, when purchasing, selling and holding investments for its own accounts, shall be subject to the same limitations and conditions with respect to such investments as are permitted for State banks by the Banking Act. The Commissioner shall disallow any investments that are not so permitted from the calculation of adequate capital, surplus and reserves."

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Electronic Fund Transfers
- 2) Code Citation: 38 Ill. Adm. Code 315
- 3)

| <u>Section Number</u> | <u>Proposed Action</u> |
|-----------------------|------------------------|
| 315.110 | Amend |
| 315.210 | Repeal |
| 315.220 | Repeal |
| 315.230 | Repeal |
| 315.240 | Repeal |
| 315.250 | Repeal |
| 315.260 | Repeal |
| 315.270 | Repeal |
| 315.410 | Amend |
- 4) Statutory Authority: Implementing and authorized by Section 20 of the Electronic Fund Transfer Act.
- 5) A complete description of the subjects and issues involved: Public Act 92-811, effective August 21, 2002, amended the Electronic Fund Transfer Act to remove the requirement that disputes arising under written agreements for use of terminals and switches be subject to arbitration by the Commissioner of Banks and Real Estate. In addition, it removed the Commissioner's power and duty to conduct the arbitration. This proposed amendment deletes the Administrative Code provisions addressing the arbitration of disputes by the Commissioner under the Electronic Fund Transfer Act. The proposed amendment also provides that the provisions regarding requirements for surcharge signage now apply to point-of-sale purchase transactions at terminals to match the amendment to the Electronic Fund Transfer Act in Public Act 93-136.
- 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? No
- 9) Are there any other proposed amendments pending to this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments will not affect local government.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Jeff Riley
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
Telephone: (217) 782-3000 fax: (217) 558-4297

The Agency will consider all written comments it receives in writing within 45 days after the date of publication of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: The rulemaking applies to banks, savings and loan associations, savings banks, credit unions, and electronic fund transfer networks.
 - 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 2002

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 315
ELECTRONIC FUND TRANSFERS

SUBPART A: DEFINITIONS

Section
315.110 Definitions

SUBPART B: ARBITRATION OF DISPUTES

Section
315.210 Scope and Authority (Repealed)
315.220 Statement of Claim, Response and Reply (Repealed)
315.230 Motions (Repealed)
315.240 Appearances (Repealed)
315.250 Appointment of Hearing Officer (Repealed)
315.260 Service (Repealed)
315.270 Procedures (Repealed)

SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

Section
315.310 Fees and Charges

SUBPART D: TERMINALS

Section
315.410 Requirements for Surcharge Signage

AUTHORITY: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].

SOURCE: Adopted at 20 Ill. Reg. 10832, effective August 1, 1996; amended at 24 Ill. Reg. 4932, effective March 10, 2000; amended at 27 Ill. Reg. _____, effective _____.

AGENCY NOTE: 38 Ill. Adm. Code 310, Electronic Fund Transfers, was repealed and this Part

OFFICE OF BANKS AND REAL ESTATE

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38 Ill. Adm. Code 315, Electronic Fund Transfers, was adopted at 20 Ill. Reg. 10832, effective August 1, 1996.

SUBPART A: DEFINITIONS

Section 315.110 Definitions

The words and phrases used in this Part and not defined in this Section shall have the meanings ascribed to them in the Electronic Fund Transfer Act [205 ILCS 616].

"Act" means the Electronic Fund Transfer Act [205 ILCS 616].

"Commissioner" means the Illinois Commissioner of the Office of Banks and Real Estate.

~~"Hearing officer" means the Commissioner or an attorney licensed in the State of Illinois who has been appointed by the Commissioner to conduct a hearing.~~

~~"Party" includes the Claimant and Respondent to an administrative proceeding.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: ARBITRATION OF DISPUTES

Section 315.210 Scope and Authority (Repealed)

~~Pursuant to Section 45 of the Act, these rules establish the procedure for arbitration of disputes by the Commissioner. It is expected that prior to invoking the procedures established in Section 315.220, the parties shall make an effort to settle their disputes.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 315.220 Statement of Claim, Response and Reply (Repealed)

a) ~~A person desiring arbitration, hereafter called "Claimant", shall file with the Commissioner a Statement of Claim which shall:~~

- ~~1) identify the parties to the dispute;~~
- ~~2) set forth a brief statement of facts giving rise to the Statement of Claim;~~
- ~~3) state the legal basis for the claim;~~

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- ~~4) state the relief which Claimant requests or to which it deems itself entitled;~~
 - ~~5) be signed by the Claimant or by the Claimant's attorney and contain the address and telephone number of the individual signing the Statement of Claim. There shall be attached to the Statement of Claim as an exhibit a copy of any agreement between the Claimant and the person against whom relief is sought, hereafter referred to as "Respondent" and also a copy of any other document upon which Claimant relies. Claimant shall at the time of filing also serve a copy of the Statement of Claim together with attached exhibits upon the Respondent; and~~
 - ~~6) state whether the Claimant desires a hearing.~~
- ~~b) Claimant, by filing a Statement of Claim, shall be deemed to have waived any rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.~~
 - ~~c) Within 20 days after service of the Statement of Claim upon the Respondent, or within such additional time as the Commissioner may grant for good cause shown, the Respondent may file a Response which shall be delivered to the Commissioner and a copy served upon the Claimant. All requests for extension shall be in writing. In determining whether to grant an extension the Commissioner shall consider such factors as: availability of party's counsel; unavailability of personnel necessary to prepare the Response. The Response shall state whether the Respondent desires a hearing. Respondent, by filing a Response, shall be deemed to have waived any rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision. Any Respondent who wishes to seek court action shall file a Responsive Statement to that effect with the Commissioner and the Claimant within 20 days after service of the Statement of Claim upon the Respondent. Within 30 days after filing the Responsive Statement, the Respondent shall file or cause to be filed original pleadings seeking court action and shall file a certified copy of such pleadings with the Commissioner. Any Respondent who fails to file a Responsive Statement or who thereafter fails to file the pleading instituting such court action shall be deemed to have waived his or her rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.~~

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- ~~d) Claimant may file a Reply within 20 days after receipt of the Response. Such Reply shall be delivered to the Commissioner and a copy served upon the Respondent.~~
- ~~e) If upon reviewing the Statement of Claim, Response and Reply thereto, if any, the Commissioner finds that neither party has requested a hearing, he shall:
 - ~~1) make an administrative decision based on the parties' Statement of Claim, Response and Reply thereto, if any; or~~
 - ~~2) make a determination that a hearing be held. The Commissioner shall make a determination that a hearing be held if the facts are in dispute or it is apparent additional information is necessary.~~~~
- ~~f) If the Commissioner determines that a hearing should be held, he shall, within 14 days after expiration of the 20 day period within which Claimant may file a Reply, notify the parties in writing as to the date, time and place of the hearing.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 315.230 Motions (Repealed)

- ~~a) Motions preliminary to the hearing shall be in writing and served upon all parties and the hearing officer no later than 10 days prior to the hearing. Responses to such motions shall be in writing and served in similar manner no later than 5 days prior to the hearing.~~
- ~~b) The hearing officer shall rule upon a preliminary motion with a written ruling. Oral arguments will be heard on a preliminary motion unless the hearing officer determines that such oral arguments will delay the hearing date. The filing of a preliminary motion or response thereto shall not stay any hearing scheduled upon a Statement of Claim.~~
- ~~c) All other motions shall be in writing unless made during the hearing and shall be served in accordance with Section 315.260.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 315.240 Appearances (Repealed)

OFFICE OF BANKS AND REAL ESTATE

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- a) ~~A party may appear on such party's own behalf or may be represented by an attorney.~~
- b) ~~An attorney who represents a party shall file an appearance with the hearing officer which shall state the party so represented, and the name, address and telephone number of the attorney.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 315.250 Appointment of Hearing Officer (Repealed)

~~The Commissioner shall send notice of the appointment of a hearing officer to all parties together with the name and address of the hearing officer appointed.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 315.260 Service (Repealed)

~~The original of all pleadings, including but not limited to all Statements of Claim, Responses, Responsive Statements, Replies, Motions and Responses to Motions, shall be served upon the Commissioner at 500 East Monroe Street, Springfield, IL 62701-1532. A copy shall be served upon the hearing officer, if any. Pleadings shall be served upon all persons required to receive them by hand delivery or certified mail. Service upon the attorney of record for a party shall be deemed service upon that party.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 315.270 Procedures (Repealed)

~~Other procedural matters in the conduct of an arbitration of a dispute shall, to the extent not inconsistent with this Part 315, be governed by the following Sections of 38 Ill. Adm. Code 392 (Hearings Before the Commissioner of Banks and Trust Companies):~~

- a) ~~Form of Pleadings, by Section 392.90;~~
- b) ~~Consolidation of Hearing Proceedings, by Section 392.120;~~
- e) ~~Authority of Hearing Officer, by Section 392.130;~~
- d) ~~Prehearing Conferences, by Section 392.140;~~

OFFICE OF BANKS AND REAL ESTATE

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- e) ~~Subpoenas, by Section 392.150;~~
- f) ~~Discovery, by Section 392.160;~~
- g) ~~Evidence Depositions, by Section 392.170;~~
- h) ~~Conduct of a Hearing, by Section 392.180 except that in subsections (c), (e) and (g) of such Section, the word "Claimant" shall be substituted for "Commissioner";~~
- i) ~~Evidence, by Section 392.190;~~
- j) ~~Record of Hearing Proceedings, by Section 392.200;~~
- k) ~~Briefs, by Section 392.210;~~
- l) ~~Hearing Officer's Recommendation, by Section 392.220;~~
- m) ~~Commissioner's Determination, by Section 392.230; and~~
- n) ~~Construction of Rules, by Section 392.240.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

SUBPART D: TERMINALS

Section 315.410 Requirements for Surcharge Signage

No person operating a terminal in this State shall impose any surcharge on a consumer for the usage of that terminal unless that surcharge is clearly disclosed to the consumer by signage and display screen disclosures that comply with the following requirements:

- a) The sign must be on or at the terminal and be clearly visible to a consumer while operating the terminal.
- b) The sign must be no smaller than 4" x 4". It must bear the heading "FEE NOTICE" in at least 18 point type centered at the top of the notice. The actual text of the disclosure must be in at least 14 point type.
- c) The sign must clearly state the following:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Name of the terminal operator.
 - 2) Explanation that transactions will receive a surcharge that will be deducted from the consumer's account in addition to any fees imposed by the access device issuer.
 - 3) Amount or calculation of the surcharge fee.
 - 4) The surcharge is assessed by the terminal operator and not the access device issuer.
- d) The display screen must, for a reasonable duration, clearly state the amount or calculation of the surcharge fee. In addition, the display screen must clearly give the consumer the unconditional right to cancel the transaction without incurring the surcharge fee.
- e) This Section does ~~not~~ apply to a point-of-sale purchase transaction at a terminal. |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Rules Governing the Request for Reconsideration of Examination Findings
- 2) Code Citation: 38 Ill. Adm. Code 385
- 3)

| <u>Section Numbers</u> : | <u>Proposed Action</u> : |
|--------------------------|--------------------------|
| 385.10 | New |
| 385.20 | New |
| 385.30 | New |
| 385.40 | New |
| 385.50 | New |
| 385.60 | New |
| 385.70 | New |
- 4) Statutory Authority: Implementing Section 48(2) of the Illinois Banking Act [205 ILCS 5/48(2)]; Section 0.05 of the Pawnbroker Administration Act [205 ILCS 510/0.05]; Section 25 of the Electronic Fund Transfer Act [205 ILCS 616/25]; Section 5-2 of the Corporate Fiduciary Act [205 ILCS 620/5-2]; Section 17 of the Foreign Banking Office Act [205 ILCS 645/17]; and Section 8 of the Foreign Bank Representative Office Act [205 ILCS 650/8]. Authorized by Section 48(6)(a) of the Illinois Banking Act [205 ILCS 5/48(6)(a)]; Section 0.05 of the Pawnbroker Administration Act [205 ILCS 510/0.05]; Section 20 of the Electronic Fund Transfer Act [205 ILCS 616/20]; Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)]; Section 18 of the Foreign Bank Office Act [205 ILCS 645/18]; and Section 8 of the Foreign Bank Representative Office Act [205 ILCS 650/8].
- 5) A complete description of the subjects and issues involved: The purpose of this proposed rule is to establish a method for banks, foreign banking offices, data processing service providers, pawnbrokers, and corporate fiduciaries (regulated financial institutions) to appeal the ratings assigned by the Office of Banks and Real Estate at examinations. The proposed rule sets forth an informal procedure whereby a regulated financial institution, through its board of directors, local management, or senior management, as the case may be, may request in writing a reconsideration of a material supervisory determination that they believe to be incorrect or based upon erroneous information. The proposed rule provides for an initial reconsideration review by a Division Director in the Bureau of Banks and Trust Companies. Following this initial review, if the regulated financial entity still disagrees, the proposed rule provides for a final review before the Assistant Commissioner, Bureau of Banks and Trust Companies. The proposed rule provides that during this final review period, the Assistant Commissioner may appoint a review panel consisting of Division Directors, examiners, and attorneys from the Bureau of Banks and

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Trust Companies and outside experts in the issue at hand. The review panel will make a recommendation to the Assistant Commissioner, Bureau of Banks and Trust Companies. The Assistant Commissioner may then accept, reject, or modify the panel's recommendation.

- 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 rules contain incorporations by reference? No
- 9) Are there any other proposed amendments pending to this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule will not affect local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Jeff Riley
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
Telephone: (217) 785-2900 fax: (217) 557-0330

The Agency will consider all written comments it receives in writing within 45 days after the date of publication of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses affected: The proposed rule applies to pawnbrokers, state chartered banks, data processing service providers, corporate fiduciaries, foreign banking corporations, and foreign bank representative offices regulated by the Office of Banks and Real Estate.
 - 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 proposed rule was summarized: January 2002

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 385
RULES GOVERNING THE REQUEST FOR
RECONSIDERATION OF EXAMINATION FINDINGS

| | |
|---------|-------------------------------------|
| Section | |
| 385.10 | Applicability |
| 385.20 | Definitions |
| 385.30 | Request for Reconsideration |
| 385.40 | Form of Request for Reconsideration |
| 385.50 | Initial Reconsideration Review |
| 385.60 | Final Review |
| 385.70 | Effect of Filing a Request |

AUTHORITY: Implementing and authorized by Section 48(2) and (6)(a) of the Illinois Banking Act [205 ILCS 5/48(2) and 6(a)]; Section 0.05 of the Pawnbroker Regulation Act [205 ILCS 510/0.05]; Sections 20 and 25 of the Electronic Fund Transfer Act [205 ILCS 616/20 and 25]; Sections 5-1 and 5-2 of the Corporate Fiduciary Act [205 ILCS 620/5-1 and 5-2]; Sections 17 and 18 of the Foreign Banking Office Act [205 ILCS 645/17 and 18]; and Section 8 of the Foreign Bank Representative Office Act [205 ILCS 650/8].

SOURCE: Adopted at 27 Ill. Reg. _____, effective _____.

Section 385.10 Applicability

This Part shall apply to requests by regulated financial institutions for reconsideration of Material Supervisory Determinations. The reconsideration process provides the management of these regulated financial institutions with an informal procedure for review of Material Supervisory Determinations that they believe to be incorrect or based upon erroneous information. Enforcement actions and the appointment of a receiver are not subject to reconsideration under this Part.

Section 385.20 Definitions

“Assistant Commissioner” means the Assistant Commissioner of Banks and Real Estate, Bureau of Banks and Trust Companies.

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"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act [20 ILCS 3205], or the Illinois Banking Act [205 ILCS 5].

"Chief Counsel" means the individual appointed by the Commissioner to serve as the Chief Counsel to the Office of Banks and Real Estate, Bureau of Banks and Trust Companies, or his or her delegated representative.

"Division Director" means the individual appointed by the Commissioner to directly manage and supervise the examination and regulation of specific regulated financial institutions. Division Directors include, but are not limited to, the Administrator of Pawnbroker Regulation; the Director of Commercial Bank Supervision-Springfield; the Director of Commercial Bank Supervision-Chicago; the Director of International Bank Supervision; and the Director of Specialized Activities Supervision.

"Material Supervisory Determinations" include, but are not limited to, material determinations related to UFIRS Ratings assigned to a State bank, ROCA/ROC Ratings assigned to a Foreign Banking Office or Foreign Banking Representative Office, UITRS Ratings assigned to a corporate fiduciary, and URSIT Ratings assigned to Information Technology; the adequacy of loan reserve provisions; loan classifications; and findings resulting from an examination of a pawnshop.

"ROCA/ROC Rating" means the rating assigned to a Foreign Banking Office and a Foreign Bank Representative Office, respectively, by the Commissioner based upon a composite evaluation of the following performance components: Risk Management; Operational Controls; Compliance; and Asset Quality. The rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

"Regulated Financial Institution" means a pawnshop, bank, corporate fiduciary, foreign banking office, foreign bank representative office, or a subsidiary, affiliate, parent company, or contractual service provider of the bank, corporate fiduciary, foreign banking office, or foreign bank representative office, subject to examination by the Commissioner.

"UFIRS Rating" means the rating assigned to a State bank by the Commissioner based upon a composite evaluation of the following six individual performance components of the Uniform Financial Institutions Rating System: Capital; Asset Quality; Management; Earnings; Liquidity; and Sensitivity to Market Risk. The

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UFIRS Rating and the rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

“UITRS Rating” means the rating assigned to a corporate fiduciary by the Commissioner based upon a composite evaluation of the following performance components of the Uniform Interagency Trust Rating System: Management; Operations, Internal Controls and Auditing; Earnings; Compliance; and Asset Management. The rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

“URSIT Rating” means the rating assigned to a regulated financial institution’s information systems by the Commissioner based upon a risk evaluation of the following components of the Uniform Rating System for Information Technology: Audit; Management; Development and Acquisition; and Support and Delivery. The rating assigned to each individual performance component will be assigned a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

Section 385.30 Request for Reconsideration

- a) Every effort should be made to resolve differences regarding Material Supervisory Determinations prior to the conclusion of an examination. A regulated financial institution should raise any concerns or disagreements with the Examiner in Charge during the course of the examination.
- b) If efforts to resolve the differences through discussions with the Examiner in Charge are unsuccessful, a regulated financial institution may submit a request for reconsideration of a Material Supervisory Determination (“request for reconsideration”). This request for reconsideration shall be initiated no later than 15 calendar days from the receipt of a Final Report of Examination, unless the time is extended at the discretion of the Commissioner. The board of directors of a bank, corporate fiduciary, or incorporated business entity, the local management of a foreign banking organization, or senior management in the case of an unincorporated business entity shall approve any request for reconsideration. Any request for reconsideration shall be in writing and shall be made to the Office of Banks and Real Estate to the attention of the appropriate Division Director.

Section 385.40 Form of Request for Reconsideration

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A written request for reconsideration shall:

- a) clearly state the Material Supervisory Determination submitted for reconsideration;
- b) provide all documents or other evidence and information that the regulated financial institution believes will support the request for reconsideration; and
- c) clearly state the relief requested.

Section 385.50 Initial Reconsideration Review

- a) The appropriate Division Director shall consider the written request for reconsideration and all documents, evidence, and information submitted by the regulated financial institution.
- b) The appropriate Division Director shall also consider documents, evidence, and information submitted or prepared by the Division examination staff, including but not limited to the Final Report of Examination and any work papers associated with the Final Report of Examination.
- c) The appropriate Division Director shall prepare and deliver to the regulated financial institution a written disposition of initial review within 30 calendar days from receipt by the Office of Banks and Real Estate of a request for reconsideration. The written disposition of initial review may sustain, modify, or overturn any Material Supervisory Determination.
- d) The Division Director may schedule an informal conference with representatives of the regulated financial institution at any time before the conclusion of the initial review.
- e) Failure on the part of the regulated financial institution to attend and participate in any informal conference called by the Division Director shall terminate the reconsideration review process and shall constitute the regulated financial institution waiving any additional review of any Material Supervisory Determination.
- f) If the Division Director conducted the examination that resulted in the Material Supervisory Determination that the regulated financial institution is appealing, the initial review provided under this Section shall be waived. The written

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disposition of initial review shall direct the regulated financial institution to proceed to a final review as provided in Section 385.60 of this Part.

Section 385.60 Final Review

- a) If the regulated financial institution disagrees with the Division Director's written disposition of initial review or if the initial review is waived pursuant to Section 385.50(f), it may seek a final review before the Assistant Commissioner.
- b) Any request by a regulated financial institution for final review of a Material Supervisory Determination shall be initiated no later than 15 calendar days from the receipt of the written disposition of initial review, unless the time is extended at the discretion of the Commissioner. The regulated financial institution's board of directors, local management, or senior management, as applicable, shall approve any request for final review of a Material Supervisory Determination. Any request for final review of a Material Supervisory Determination shall be in writing and shall be made to the Assistant Commissioner.
- c) The Assistant Commissioner may select a final review panel consisting of Division Directors and the Chief Counsel or their designated representatives. In addition, the Assistant Commissioner may appoint others, including but not limited to examiners, attorneys, or outside experts, to sit on the final review panel. The Assistant Commissioner may also choose to sit on the final review panel. Neither the Division Director responsible for the written disposition of initial review nor his designated representative shall be selected as a member of the final review panel. In addition, the Assistant Commissioner may not select as a member of the final review panel a Division Director who conducted the examination that is the basis for the Material Supervisory Determination being appealed. If the Assistant Commissioner appoints a final review panel, the Assistant Commissioner shall notify the regulated financial institution of the appointment and of the time frame within which the final review panel will make its recommendation and the Assistant Commissioner will act on it.
- d) The Assistant Commissioner, or the final review panel if one is appointed, shall review all documents, evidence, and information considered in connection with the written disposition of initial review. Additional evidence, documents, or information not previously submitted may be reviewed at the discretion of the Assistant Commissioner or final review panel, if one is appointed. At any time during the final review period, the Assistant Commissioner may schedule an informal conference with representatives of the regulated financial institution.

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- e) If the Assistant Commissioner appoints a final review panel, within 30 calendar days from the receipt by the Assistant Commissioner of a request for final review, that panel shall make a written recommendation to the Assistant Commissioner to sustain, modify, or overturn any Material Supervisory Determination.
- f) Within 15 calendar days from the receipt of the written recommendation of the final review panel, the Assistant Commissioner shall provide written notification to the regulated financial institution of his or her final decision related to the request for reconsideration. The Assistant Commissioner may accept, reject, or modify the recommendation received from the final review panel.
- g) If the Assistant Commissioner does not appoint a final review panel, within 30 calendar days after his or her receipt of a request for final review, he or she shall provide written notification to the regulated financial institution of his or her final decision to sustain, modify, or overturn the Material Supervisory Determination at issue.

Section 385.70 Effect of Filing a Request

A Material Supervisory Determination shall remain in effect while under review for reconsideration and until such time as it is either sustained, modified, or overturned. Any request for reconsideration shall not prevent the Commissioner from taking any supervisory or enforcement action he or she deems appropriate or necessary under any statutory provision.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Pledging Requirements for Illinois Trust Companies
- 2) Code Citation: 38 Ill. Adm. Code 398
- 3)

| | |
|-----------------------|------------------------|
| <u>Section Number</u> | <u>Proposed Action</u> |
| 398.10 | New |
- 4) Statutory Authority: Implementing Section 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/6-13.5]. Authorized by Section 5-1 of the Corporate Fiduciary Act.
- 5) A complete description of the subjects and issues involved: The purpose of this proposed rule is to establish standards for the securities or surety bond that the Commissioner may require an Illinois trust company to pledge for costs associated with a receivership.

The proposed rule provides that a surety bond may be issued only by a company authorized to do business in Illinois that has a rating in one of the top three rating categories, as determined by a national rating service. In addition, the trust company may not obtain a surety bond from a company that the trust company is affiliated with or has a financial interest in.

The proposed rule requires pledged securities to be held at a Federal Reserve Bank or at depository institutions approved by the Commissioner. A trust company is prohibited from purchasing securities from a company that it is affiliated with or has a financial interest in. In addition, the securities shall qualify as authorized investments for public agencies under the Public Funds Investment Act and shall be held in addition to any securities required as part of the trust company's capital. It requires a trust company pledging securities to enter into a single deposit agreement with the depository institution holding the securities and the Commissioner.

- 6) Will these proposed rules replace emergency amendments 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 to this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule will not affect local government.

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- 11) Time, place and manner in which interested persons may comment on this proposed rule: Interested parties should submit written comments or views concerning the proposed rule to the attention of:

Jeff Riley
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
Telephone: (217) 785-2900 fax: (217) 557-0330

The Agency will consider all written comments it receives in writing within 45 days after the date of publication of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: The proposed rule applies to trust companies regulated by the Office of Banks and Real Estate.
 - 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 rule was summarized: January 2002

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 398
CORPORATE FIDUCIARY RECEIVERSHIP ACCOUNT

Section

398.10 Pledging Requirements for Illinois Trust Companies

AUTHORITY: Implementing and authorized by Sections 5-10 and 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/5-10 and 6-13.5].

SOURCE: Adopted at 27 Ill. Reg. _____, effective _____.

Section 398.10 Pledging Requirements for Illinois Trust Companies

- a) Pursuant to Section 6-13.5 of the Corporate Fiduciary Act [205 ILCS 620/6-13.5] (the Act), each Illinois trust company holding a certificate of authority under Article II of the Act shall pledge to the Commissioner either a surety bond running to the Commissioner or securities in the amount of \$1,000,000. Such surety bond or pledged securities must be reducible to cash by the Commissioner without regard to any priorities, preferences or adverse claims in order to cover costs associated with a receivership of the Illinois trust company. The surety bond or pledged securities shall be utilized only to cover costs associated with a receivership of the pledging Illinois trust company.
- b) If the trust company chooses to pledge a surety bond, the surety bond shall be issued by a bonding company authorized to do business in the State of Illinois that has a rating in one of the top three rating categories as determined by a national rating service. The surety bond must clearly show that it runs to the benefit of the Commissioner. The surety bond must also state that if the trust company is placed in receivership and the Commissioner acts as receiver or appoints a receiver, the Commissioner may reduce the bond to cash in order to pay for any costs associated with the receivership. The trust company may not obtain a surety bond from any entity in which the trust company has a financial interest or of which the trust company is an affiliate. Any fees associated with obtaining and maintaining a surety bond shall be the responsibility of the trust company.
- c) If the trust company chooses to pledge securities, the securities shall be held at a Federal Reserve Bank or at a depository institution that is a state or national bank,

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a state or federal savings bank, or a state or federal savings and loan association approved by the Commissioner. The trust company shall not be an affiliate of, or have a financial interest in, the depository institution. The securities pledged pursuant to this subsection shall be securities that qualify as authorized investments for public agencies under Section 2 of the Public Funds Investment Act [30 ILCS 235/2]. Securities pledged pursuant to this subsection shall be in addition to any securities required as part of the trust company's capital. Any fees associated with holding securities pursuant to this subsection shall be the responsibility of the trust company. A trust company choosing to pledge securities shall enter into a single deposit agreement with the Commissioner and the Federal Reserve Bank or depository institution that is holding the securities. Such deposit agreement shall contain provisions requiring the depository institution and the trust company to meet the requirements set forth in subsections (c)(1)-(3):

- 1) The depository institution shall segregate on its books and records all accounts of the trust company as assets that the trust company pledges as a part of the assets to be kept by the trust company in Illinois pursuant to the required pledge amount. These accounts shall be held by the depository institution in trust in the name of the Commissioner;
 - 2) The depository institution shall provide the Commissioner with reports, receipts, confirmation or other documentation that the Commissioner may request of the depository institution to determine the trust company's compliance with requirements of the Act and any rules issued pursuant thereto; and
 - 3) The trust company shall pledge the securities required under Section 6-13.5 of the Act exclusively to the Commissioner.
- d) Each trust company shall be in compliance with the provisions of this Section by January 1, 2004, or, for new trust companies, upon being issued a certificate of authority under Article II of the Act, and continuously thereafter.
- e) For purposes of this Section, "affiliate" means:
- 1) any company that controls the trust company and any other company that is controlled by the company that controls the trust company;
 - 2) a subsidiary of the trust company; or

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- 3) any company:
 - A) controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the trust company or any company that controls the trust company; or
 - B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the trust company or any company that controls the trust company.
- f) For purposes of this Section, a company or shareholder has control over another company if:
 - 1) such company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has power to vote 25% or more of any class of voting securities of the other company;
 - 2) such company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or
 - 3) the Commissioner determines, after notice and opportunity for hearing, that such company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Numbers: Proposed Action:
 2800.410 Amendment
 2800.660 New Section
- 4) Statutory Authority: Implementing and authorized by Section 12, 12-1, 12-2, and 12-3 of the State Finance Act (30 ILCS 105/12-1, 12-2 and 12-3) and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed change to Section 2800.410 would alter the method used to calculate daily and annual reimbursements for employees who obtain approval to be reimbursed for housing (i.e., apartment, etc.) in a location other than their resident or headquarters city. If approved by the Governor's Travel Control Board, employees may claim expenses, in lieu of lodging costs, for nights spent in the housing on official state business.

As allowed in Section 3000.140 ("Headquarters" definition), the proposed new Section 2800.660 provides for a policy that permits Agency Heads to designate headquarters for staff whose job duties make it difficult to determine a single location where official duties require the largest part of working time.

- 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

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| 2800.Appendix A | Amendment | 28 Ill. Reg. 10148, 7/11/03 |

- 10) Statement of Statewide Policy Objectives: These proposed amendments 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:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
217/782-9669

- 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 amendment was not included on either of the 2 most recent agendas because the issues were not discussed until after the agenda deadline and the final proposed language was not approved until the August 1, 2003 meeting of the Governor's Travel Control Board.
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25]

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

- Section
2800.100 Definitions
2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

- Section
2800.200 Travel Control System
2800.210 Travel Coordinator
2800.220 Travel Authority
2800.230 Government Charge Cards
2800.235 Expenses at Headquarters or Residence
2800.240 Preparation and Submission of Travel Vouchers
2800.250 Approval and Submission of Travel Vouchers
2800.260 Items Directly Billed
2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

- Section
2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

- Section
2800.400 Conference Lodging
2800.410 Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
2800.500 Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section
2800.600 Lack of Receipts
2800.650 Headquarter Designation for Agency Heads
2800.660 Headquarter Designation for All Other Employees

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

2800.APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective May 9, 2000; amended at 26 Ill. Reg. 14979, effective October 8, 2002; emergency amendment

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

at 27 Ill. Reg. 10476, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: LODGING

Section 2800.410 Employee Owned or Controlled Housing

State employees on travel status may stay in employee owned or controlled (rented, leased, etc.) property including motor homes and shall be reimbursed, upon request, for the cost of lodging ~~equal to not to exceed 75% of~~ the applicable lodging rate per day. Lodging reimbursement shall not exceed the mortgage, installment or rental payment made by the employee and shall not exceed 120 nights in a fiscal year. ~~The monthly mortgage, installment or rental payment may not exceed \$960.00 in the city of Chicago, \$700.00 in suburban Cook County, Lake, McHenry, Kane, Will and Dupage County, and \$550.00 in the 96 downstate counties. The total reimbursement for the fiscal year shall not exceed the mortgage, installment or rental total of that fiscal year.~~ Exceptions to the reimbursement amounts ~~monthly mortgage, installment or rental payment allowed~~ may be granted by the Board upon written request from the Agency Head. Once the maximum reimbursement ~~that~~ amount is reached, further lodging reimbursement shall not be given for travel to the city or work site containing the employee owned or controlled housing. Each agency shall monitor expenses to ensure compliance with this Part, and shall report to the Board when the maximum reimbursement is reached. Agencies shall report quarterly to the Board fiscal year to date expenses of employees receiving reimbursement under this provision. Prior to receiving reimbursement, a statement giving the address of the property, mortgage, installment or rental payment and distance from the work site must be filed with and approved by the Board. This option is not available if other costs such as mileage would make this a more expensive alternative.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART F: MISCELLANEOUS RULES

Section 2800.660 Headquarters Designation for All Other Employees

Headquarters for all employees, other than Agency Heads, shall be designated in accordance with 80 Ill. Adm. Code 3000.140 of the rules of the Travel Regulation Council. If, due to the scope and nature of the employee's position, a single location where official duties require the largest part of working time cannot be reasonably determined, the Agency Head may designate a headquarters location that is in the best interest of the agency and of the State.

(Source: Added at 27 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service
- 2) Code Citation: 83 Ill. Adm. Code 280
- 3) Section Number: 280.136 Proposed Action: New Section
- 4) Statutory Authority: Implementing Section 8-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-206 and 10-101].
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 93-0289 became effective on July 22, 2003. This added subsection (k) to Section 8-206 of the Public Utilities Act. Subsection (k) prohibits gas and electric utilities from disconnecting service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year. This proposed amendment updates Part 280 to take into account the prohibition on disconnecting service to the subject utility customers between December 1 and March 31. The added language repeats the prohibition found in Section 8-206(k) of the Public Utilities Act.
- 6) Will these proposed amendments replace emergency amendments currently in effect?
Yes
- 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 neither create nor expand any State mandate on units of local government, school districts, or community college districts.

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- 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 03-0534, 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 electric or gas public utilities 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: None
- C) Types of professional skills necessary for compliance: Managerial
- 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 Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 15156.

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- 1) Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations
- 2) Code Citation: 32 Ill. Adm. Code 350
- 3)

| <u>Section Number:</u> | <u>Proposed Action:</u> |
|------------------------|-------------------------|
| 350.20 | Amendment |
| 350.25 | Amendment |
| 350.30 | Amendment |
| 350.40 | Amendment |
| 350.50 | Amendment |
| 350.60 | New Section |
| 350.1000 | Amendment |
| 350.1010 | Amendment |
| 350.1020 | Amendment |
| 350.1030 | Amendment |
| 350.1040 | Amendment |
| 350.1050 | Amendment |
| 350.1060 | Amendment |
| 350.1070 | Amendment |
| 350.1080 | Amendment |
| 350.1090 | Amendment |
| 350.2010 | Amendment |
| 350.2020 | Amendment |
| 350.2030 | Amendment |
| 350.2040 | Amendment |
| 350.3020 | Amendment |
| 350.3030 | Amendment |
| 350.3040 | Amendment |
| 350.3045 | Amendment |
| 350.3048 | Amendment |
| 350.3050 | Amendment |
| 350.3090 | Amendment |
| 350.4000 | Amendment |
| 350.4010 | Amendment |
| 350.4020 | Amendment |
| 350.4030 | Amendment |
| APPENDIX C | Amendment |

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- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this amendment to update several definitions; add S-tube testing; clarify procedures to reflect changes in Part 405; and make other language modifications.
- 6) Will this rulemaking replace an 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Laura Stolpman
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities or not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: The Agency is adding a new Section 350.60 to this Part setting out the form and location of records that need to be maintained for compliance with this Part.
- 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:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 350

RADIATION SAFETY REQUIREMENTS FOR
INDUSTRIAL RADIOGRAPHIC OPERATIONS

SUBPART A: GENERAL PROVISIONS

| Section | Purpose |
|---------------|--|
| 350.10 | Purpose |
| 350.20 | Scope |
| 350.25 | Incorporations by Reference |
| 350.30 | Definitions |
| 350.40 | Exemptions |
| 350.50 | Receipt, Transfer and Disposal of Sources of Radiation |
| <u>350.60</u> | <u>Form and Location of Records</u> |

SUBPART B: EQUIPMENT CONTROL

| Section | Purpose |
|----------|--|
| 350.1000 | Requirements for Radiography Equipment Using Radiographic Exposure Devices |
| 350.1005 | Requirements for Radiography Equipment Using Radiation Machines |
| 350.1010 | Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers |
| 350.1020 | Locking of Sources of Radiation |
| 350.1030 | Permanent Storage Precautions |
| 350.1040 | Radiation Survey Instruments |
| 350.1050 | Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources |
| 350.1060 | Quarterly Inventory |
| 350.1070 | Utilization Logs |
| 350.1080 | Inspection and Maintenance |
| 350.1090 | Permanent Radiographic Installations |

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR
RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

Section

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- 350.2010 Training and Testing
- 350.2020 Operating and Emergency Procedures
- 350.2030 Personnel Monitoring Control
- 350.2040 Supervision of Radiographer Trainees

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section

- 350.3010 Access Control and Security
- 350.3020 Posting
- 350.3030 Radiation Surveys and Survey Records
- 350.3040 Records Required at Temporary Job Sites
- 350.3045 Operating Requirements
- 350.3048 Notification of Incidents
- 350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems
- 350.3060 Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)
- 350.3070 Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)
- 350.3080 Special Requirements for Mobile or Portable Radiation Machines (Repealed)
- 350.3090 Special Requirements for Underwater and Lay-Barge Radiography
- 350.4000 Prohibitions
- 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations
- 350.4020 Radiation Safety Officer
- 350.4030 Reciprocity

- 350.APPENDIX A Subjects to be Covered During the Instruction of Radiographers (Repealed)
- 350.APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment
- 350.APPENDIX C Retention Requirements for Records

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg.

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7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. 10943, effective May 2, 1994; amended at 19 Ill. Reg. 8250, effective June 12, 1995; amended at 19 Ill. Reg. 16591, effective November 27, 1995; emergency amendment at 22 Ill. Reg. 21101, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2900, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.20 Scope

This Part shall apply to all licensees or registrants who use sources of radiation for industrial radiography. Except when the requirements of this Part are clearly applicable only to sealed radioactive sources, or to radiation machines, the requirements of this Part apply to both sealed radioactive sources and radiation machines used for performing industrial radiography procedures. Section 350.3050 of this Part contains special requirements for enclosed radiography and cabinet x-ray systems. Section 350.3090 of this Part contains special requirements for underwater and lay-barge radiography. Nothing in this Part shall apply to the use of sources of radiation in the healing arts. Each licensee and registrant is responsible for ensuring that persons performing activities under a license or certificate of registration comply with 32 Ill. Adm. Code: Chapter II, Subchapters b and d, license conditions, if any, and orders of the Agency-Department.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.25 Incorporations by Reference

- a) All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency-Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.
- b) In addition, copies of ANSI standards may be obtained directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 and from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.30 Definitions

As used in this Part, the following definitions apply:

"ALARA" means as low as is reasonably achievable as defined in 32 Ill. Adm. Code 310.20.

"Annual refresher safety training" means a review conducted or provided by the licensee or registrant for its employees on radiation safety aspects of industrial radiography.

"Associated equipment" means equipment used in conjunction with a radiographic exposure device to make radiographic ~~exposures~~ exposure where ~~the such~~ equipment drives, guides, or comes into contact with the source (i.e., guide tube, control tube, crank, removable source stop, "J" tube).

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 32 Ill. Adm. Code 340.310(a).

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad and bus terminals and in similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Collimator" means a radiation shield of lead or other heavy metal which is placed on the end of a guide tube or directly onto a radiographic exposure device to restrict the size and shape of the radiation beam when the sealed source is moved into position to make a radiographic exposure.

"Control cable" or "Drive cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

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"Control drive mechanism" (see "Crank-out device").

"Control tube" (see "Guide tube").

"Crank-out device" or "Control drive mechanism" means the cable (control or drive cable), guide tube (protective sheath or control tube) and crank handcrank used to move the sealed source from the shielded to the unshielded position to make an industrial radiographic exposure.

"Drive cable" (see "Control cable").

"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded-room radiography.

"Exposure head" or "Source stop" means a device that locates the gamma radiography sealed source in the selected working position.

"GED" means general equivalency diploma.

"Guide tube" or "Projection sheath" or "Control tube" means a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

"Hands-on experience" means experience in all of those areas considered to be directly involved in the radiography process, and includes taking radiographs, calibration of survey instruments, operational and performance testing of survey instruments and devices, film development, posting of radiation areas, transportation of radiography equipment, posting of records and radiation area surveillance, etc., as applicable. Excessive time spent in only one or two of these areas, such as film development or radiation area surveillance, should not be counted toward the 2 years of experience required for a radiation safety officer in Section 350.4020(b)(3) of this Part or the experience for a radiographer as required by 32 Ill. Adm. Code 405.80.

"Industrial radiography" or "radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive material or radiation machines.

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"Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.

"Lixiscope" means a portable light-intensified imaging device using a sealed source.

"Lock-out survey" means a radiation survey performed to determine that a sealed source is in its shielded position. The lock-out survey is performed before moving the radiographic exposure device or source changer to a new location. The lock-out survey is also performed when securing the radiographic exposure device or source changer against unauthorized removal.

"Permanent radiographic installation" means an installation or structure designed or intended for radiography and in which radiography is regularly performed.

"Permanent use or storage location" means a location listed on a radioactive material license or a certificate of registration where sources of radiation are used or stored.

"Personal supervision" means the provision of guidance and instruction to a radiographer trainee by a radiographer who is:

physically present at the site;

in visual contact with the radiographer trainee while the trainee is using sources of radiation; and

in ~~such~~ proximity that immediate assistance can be given if required.

"Pigtail" (see "Source assembly").

"Pill" (see "Sealed source").

"Projection sheath" (see "Guide tube").

"Radiation safety officer" means an individual who is both designated as a radiation safety officer in accordance with Section 350.4020 of this Part and who meets the requirements of Section 350.4020 of this Part and 32 Ill. Adm. Code 310.20.

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"Radiographer" means any individual who performs or personally supervises industrial radiographic operations. Radiographers shall meet the requirements of Section 350.2010(a) of this Part and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Agency-Department.

"Radiographer trainee" means any individual who uses sources of radiation and related handling tool or radiation survey instruments under the personal supervision of a radiographer. Radiographer trainees shall meet the requirements of Section 350.2010(b) of this Part and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Agency-Department.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved or otherwise changed from a shielded to an unshielded position for purposes of making a radiographic exposure (i.e., camera).

"Radiography" (see "Industrial radiography").

"S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.

"Sealed source" or "Pill" (i.e., pill) means any capsule or matrix as defined in 32 Ill. Adm. Code 310.20.

"Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is the proper location for storage of the sealed source.

"Shielded-room radiography" means industrial radiography conducted in a room so shielded that doses to individual members of the public at every location on the exterior meet the limitations as specified in 32 Ill. Adm. Code 340.310(a) (i.e., bay, bunker, cell).

"Source assembly" or "Pigtail" means a component to which the sealed source is affixed or in which the sealed source is contained. The source assembly includes the sealed source (i.e., pigtail).

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"Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.

"Storage container" means the structure in which sealed sources are secured and stored at a permanent storage location as described in Section 350.4010(c)(5) of this Part.

"Source stop" (see "Exposure head").

"Temporary job site" means any location that is not specifically listed on a radioactive material license or certificate of registration where industrial radiography is performed for 180 days or less during any consecutive 12 months.

"Transport container" means a package that is designed and constructed to provide radiation safety and security when sealed sources are transported and meets all applicable regulations of the U.S. Department of Transportation.

"Underwater radiography" means industrial radiography performed when the radiographic exposure device and related equipment are beneath the surface of water.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.40 Exemptions

- a) The following are exempt from the requirements of this Part:
- 1) Cabinet x-ray systems designed to exclude individuals, except that the such-systems must satisfy the provisions of Section 350.3050(c) of this Part, which apply specifically to cabinet x-ray systems; and
 - 2) Lixiscopes Lixiscope-used in industrial applications.
- b) Devices exempted by subsection (a) of this Section above are subject to the requirements of 32 Ill. Adm. Code 320 and 330 and other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 350.50 Receipt, Transfer and Disposal of Sources of Radiation

Each licensee or registrant shall maintain records showing the receipt, transfer and disposal of sources of radiation. These records shall include the date of receipt, transfer or disposal, the name of the individual making the record, the radionuclide, the number of gigabecquerels or curies and the make, model and serial number of each source of radiation and device, as appropriate. Records shall be maintained for ~~Agency Department~~ inspection until the radioactive material license or certificate of registration is terminated.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.60 Form and Location of Records

- a) Each record required by this Part shall be legible throughout the specific retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information, stamps, initials and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.
- b) Each licensee or registrant shall maintain copies of records required by this Part and other applicable Parts of 32 Ill. Adm. Code at the locations specified in Section 350.4010(c)(7) of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

SUBPART B: EQUIPMENT CONTROL

Section 350.1000 Requirements for Radiography Equipment Using Radiographic Exposure Devices

- a) Equipment used in industrial radiographic operations involving the use of radiographic exposure devices shall meet the following minimum criteria:
- 1) Each radiographic exposure device, source assembly, or sealed source and all associated equipment:

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- A) Manufactured on or before July 1, 1994, and used after January 10, 1996, shall meet the requirements specified in American National Standards Institute (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. However, equipment used in industrial radiographic operations need not comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980, if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism; and/or-
- B) Manufactured after July 1, 1994, and used after January 10, 1996, shall meet the requirements specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus", published 1991, exclusive of subsequent amendments or editions.
- 2) Each radiographic exposure device shall have attached to it one or more durable, legible, clearly visible labels bearing the:
- A) Chemical symbol and mass number of the radionuclide in the device;
- B) Activity of the sealed source and the date on which this activity was last measured;
- C) Model and serial number of the sealed source;
- D) Manufacturer of the sealed source; and
- E) Licensee's name, address and telephone number.
- 3) Each radiographic exposure device intended for use as a Type B transport container shall meet the applicable requirements of 32 Ill. Adm. Code 341.
- 4) Radiographic exposure devices and associated equipment that allow the source to be moved out of the device for routine operation shall meet the

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following additional requirements:

- A) The coupling between the source assembly and the control cable shall be designed in ~~such~~ a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be such that it cannot be unintentionally disconnected under normal conditions.
- B) The device shall automatically secure the source assembly when it is cranked back into the shielded position within the device. This securing system shall only be released by means of a deliberate operation of the exposure device.
- C) The outlet fittings, lock box and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers, which shall be installed during storage and transportation, to protect the source assembly from water, mud, sand or other foreign matter.
- D) Each sealed source or source assembly shall have attached to it, or engraved in it, a durable, legible, visible label with the words: "DANGER-RADIOACTIVE-". The label shall not interfere with the safe operation of the exposure device or associated equipment.
- E) The guide tube, if manufactured on or before July 1, 1994, and used after January 10, 1996, shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. Guide tubes manufactured after July 1, 1994, and used after January 10, 1996, shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus", published 1991, exclusive of subsequent amendments or editions.

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- F) Use of a guide tube shall be necessary to move the source out of the device.
- G) An exposure head, endcap or similar device designed to prevent the source assembly from extending beyond the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.
- H) The guide tube exposure head connection, if these parts were manufactured on or before July 1, 1994, and used after January 10, 1996, shall be able to withstand the tensile test for control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions If these parts were manufactured after July 1, 1994, and used after January 10, 1996, the guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus", published 1991, exclusive of subsequent amendments or editions.
- I) Source changers shall provide a system for assuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.
- b) Modification of any radiographic exposure device and associated equipment is prohibited unless the ~~Agency-Department~~, the U.S. Nuclear Regulatory Commission or an Agreement State has determined that the design of any replacement component, including source holder, source assembly, control or guide tube would not compromise the design safety features of the system.
- ~~e) All radiographic exposure devices and associated equipment manufactured after July 1, 1994, and acquired by licensees shall comply with the requirements of this Section.~~
- ~~d) All radiographic exposure devices and associated equipment in use after January 10, 1996, shall comply with the requirements of this Section.~~

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- ce) Each radiographic exposure device, source changer and storage container shall be provided with a lock or lockable outer container designed to prevent unauthorized or accidental removal or exposure of a serial source.
- df) Each radiographic exposure device and each transport container shall bear a permanent, durable, legible, clearly visible marking or label that label(s) which has, as a minimum, the standard radiation caution symbol, depicted in 32 Ill. Adm. Code 340.Illustration A, and the following wording:

CAUTION (OR DANGER)
RADIOACTIVE MATERIAL ~~—DO NOT HANDLE~~
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY)

In addition, transport containers shall meet the applicable requirements of 32 Ill. Adm. Code 341.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1010 Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers

- a) Radiographic exposure devices ~~and source changers~~ manufactured prior to July 1, 1994, shall not be used for industrial radiography unless they meet the following minimum criteria:
- 1) Radiographic exposure devices and source changers measuring less than 10 centimeters (4 inches) from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 12.9 microC/kg (50 mR) per hour at 15 centimeters (6 inches) from any exterior surface of the device.
 - 2) Radiographic exposure devices ~~and source changers~~ measuring a minimum of 10 centimeters (4 inches) from the sealed source storage position to any exterior surface of the device, ~~and all storage containers for sealed sources or outer containers for radiographic exposure devices,~~ shall not have radiation levels in excess of 2 mSv (equivalent to 200 mrem, 200 mR, or 51.6 microC/kg (200 mR) per hour at any exterior surface, and 0.1 mSv (equivalent to 10 mrem, 10 mR, or 2.58 microC/kg (10 mR) per hour at 1 meter (39.4 inches) from any exterior surface.

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- 3) The radiation levels specified in subsections (a)(1) and (2) of this Section above shall be determined with the sealed source in the shielded position (i.e., "off").
- b) Radiographic exposure devices, source changers and transport containers manufactured on or after July 1, 1994, and used after January 10, 1996, shall not have a maximum exposure rate in excess of 2 mSv (200 mrem) per hour at any exterior surface and 0.1 mSv (10 mrem) per hour at 1 meter from any exterior surface with the sealed source in the shielded position. meet the limits on radiation levels specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1020 Locking of Sources of Radiation

- a) Each radiographic exposure device, source changer and storage container shall be kept locked at all times except when under the direct surveillance of a radiographer or radiographer trainee, or as authorized pursuant to Section 350.3010 of this Part.
- b) Each radiographic exposure device and source changer shall be locked and the key removed from any keyed lock prior to being moved or transported and also prior to being stored at a given location.
- c) Each sealed source shall be secured in its shielded position by locking the radiographic exposure device or source changer each time the sealed source is returned to its shielded position.
- d) Radiation machines shall be locked and the key removed at all times except when under the direct surveillance of a radiographer or a radiographer trainee or as may be otherwise authorized pursuant to Section 350.3010 of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1030 ~~Permanent~~ Storage Precautions

Locked radiographic exposure devices, source changers, storage containers, transport containers

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that contain sealed sources and radiation machines shall be secured to prevent tampering or removal by unauthorized personnel. The licensee shall store radioactive material in a manner that will minimize danger from explosion or fire.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1040 Radiation Survey Instruments

- a) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this Part and 32 Ill. Adm. Code 340.510(a). Instrumentation required by this Section shall have a range ~~such that~~ 0.02 mSv (0.516 microC/kg, 2 mrem or (2 mR) per hour through 0.01 Sv (258 microC/kg, or (1 R) per hour can be measured.
- b) Each radiation survey instrument shall be calibrated:
 - 1) At energies appropriate for use;
 - 2) At intervals not to exceed 6 months and after each instrument servicing other than battery replacement;
 - 3) To a degree of Such that accuracy that can be demonstrated within plus or minus 20 percent ~~can be demonstrated~~;
 - 4) At two or more widely separated points, other than zero, on each scale, or one point of each scale for digital devices. For instruments without multiple scales, calibration shall be performed at six points equally spaced across the range of 0.02 mSv (0.516 microC/kg, 2 mrem or (2 mR) per hour to 0.01 Sv (258 microC/kg, (1 rem or 1 R) per hour; and
 - 5) By a person licensed by the ~~Agency-Department~~, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such service.
- c) Records of calibrations shall be maintained for 5 years after the calibration date for inspection by the ~~Agency-Department~~.
- d) Immediately prior to use, a radiation survey instrument shall be checked to ensure that it is operating properly by bringing it near a source of radiation and observing a response. Instruments that fail to respond shall not be used.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1050 Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources

- a) The licensee shall permit only persons specifically authorized by the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to:
 - 1) Replace any sealed source fastened to or contained in a radiographic device;
 - 2) Test a sealed source for leakage or contamination; or
 - 3) Repair, tag, open or modify any sealed source.
- b) An applicant that desires to conduct its own tests for leakage or contamination shall establish procedures to be followed when testing sealed sources for leakage or contamination and shall submit a description of such procedures to the Agency Department for approval. The description shall include the:
 - 1) Instrumentation to be used;
 - 2) Method of performing the tests-test; and
 - 3) Pertinent experience of the individuals individual(s) who will perform the tests-test.
- c) Each sealed source shall be tested for leakage or contamination in accordance with 32 Ill. Adm. Code 340.410. In the absence of a certificate from a transferor indicating that a test has been made within the 6-month period prior to the transfer, the sealed source shall not be put into use until tested and the test results confirm that the sealed source is not leaking or contaminated.
- d) An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure approved pursuant to subsection (b) of this Section-above. Records of tests for leakage or contamination shall be kept in accordance with 32 Ill. Adm. Code 340.1135.

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- e) If in accordance with 32 Ill. Adm. Code 340.410 a sealed source is determined to be leaking or contaminated, the licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with 32 Ill. Adm. Code 340. Within 5 days after obtaining results of a test showing a sealed source to be leaking or contaminated, the licensee shall file a report with the Agency Department in accordance with 32 Ill. Adm. Code 340.1260.
- f) A sealed source that is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least 2.54 centimeters (1 inch) square bearing the prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions:

DANGER
RADIOACTIVE MATERIAL
DO NOT HANDLE
NOTIFY CIVIL AUTHORITIES IF FOUND

- g) Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration shall be tested for DU contamination at intervals not to exceed 12 months. The analysis shall be capable of detecting the presence of 185 Bq (0.005 µCi) of radioactive material on the test sample, and shall be performed by a person specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission or another Agreement State to perform the analysis. Should the testing reveal the presence of DU contamination, the exposure device shall be removed from use until an evaluation of the wear of the S-tube has been made. Should the evaluation reveal that the S-tube is worn through, the device shall not be used again. DU shielded devices do not have to be tested for DU contamination while not in use and in storage. Before using or transferring the device, however, the device shall be tested for DU contamination, if the interval of storage exceeds 12 months. A record of the DU leak test shall be made and kept in units of Becquerel (Bq) or microCurie (µCi) and maintained for inspection by the Agency for 5 years after the records are made or until the source in storage is removed, whichever time interval is longer. Licensees shall be in compliance with the DU leak testing requirement of this subsection beginning (6 months after the effective date of this amendment).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 350.1060 Quarterly Inventory

Each licensee or registrant shall conduct a physical inventory at intervals not to exceed 3 months to account for all sources of radiation it has received or possesses. The inventory shall cover all sources of radiation not exempted by Section 350.40 of this Part, including, but not limited to, sealed sources, radiation machines and radiographic exposure devices containing depleted uranium. The records of the inventories shall be maintained for 5 years from the date of the inventory for inspection by the Agency Department and shall include the manufacturer, model, serial number, radionuclide and number of gigaBequerels gigabeequerels or Curies curies or mass for DU in each device, if applicable, location of each source of radiation, date of the inventory and the name of the individual performing the inventory.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1070 Utilization Logs

Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the Agency Department for 5 years from the date of the recorded event, showing for each source of radiation the following information:

- a) A unique identifying number or code (e.g., serial number) for each radiation machine, each radiographic exposure device and each sealed source;
- b) The name of the radiographer using the source of radiation;
- c) The locations where used and dates each source of radiation is removed from storage and returned to storage; and
- d) For radiation machines used in permanent radiographic installations, the dates date(s) each radiation machine is energized.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1080 Inspection and Maintenance

- a) Each licensee or registrant shall ensure that visual and operability checks for obvious defects in survey instruments, radiation machines, radiographic exposure devices, transport and storage containers, associated equipment, source changers, source guide tubes and crank-out devices are performed at the beginning of each day of use, or work shift, to ensure that:-

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- 1) The equipment is in good working condition;
 - 2) The sources are adequately shielded; and
 - 3) Required labeling is present.
- b) Each licensee or registrant shall conduct a program of at least quarterly inspection and maintenance of radiation machines, radiographic exposure devices, transport containers and source changers to assure proper functioning of components listed in ~~Section 350~~.Appendix B of this Part. All appropriate parts shall be maintained in accordance with manufacturer's specifications. Records of inspection and maintenance shall be maintained for inspection by the ~~Agency Department~~ for 5 years.
- c) If any inspection conducted pursuant to subsection (a) or (b) of this Section above reveals damage to components listed in ~~Section 350~~.Appendix B of this Part, the device shall be labeled as defective and shall be removed from service until repairs have been made.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.1090 Permanent Radiographic Installations

Permanent radiographic installations using ~~a~~ radiographic exposure ~~devices device(s)~~ having high radiation area entrance controls of the type described in 32 Ill. Adm. Code 340.610(a)(2), 340.610(a)(3) and 340.610(b) shall also meet the following requirements:

- a) Each entrance that is used for personnel access to the high radiation area shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation. The audible signal shall be activated when an attempt is made to enter the installation while the source is exposed.
- b) The entrance control device or alarm system shall be tested for proper operation prior to beginning operations on each day of use. The radiography system shall not be used if any entrance control device or alarm system is operating improperly. If an entrance control device or alarm system is operating improperly, it shall be labeled as defective immediately and repaired. Before the radiography system is returned to service, the radiation safety officer shall retest

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the entrance control device or alarm system and approve the repair.

- c) Records of tests performed pursuant to subsection (b) ~~of this Section above~~ shall be maintained for inspection by the ~~Agency Department~~ for 5 years.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR
RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

Section 350.2010 Training and Testing

- a) The licensee or registrant shall not permit any individual to act as a radiographer, as defined in this Part, until such individual:
- 1) Has been certified by the ~~Agency Department~~ pursuant to 32 Ill. Adm. Code 405.90(a) ~~or (e)~~ for the class of radiography (i.e., radioactive materials, radiation machines, or both) that the licensee or registrant is authorized to perform and ~~the such~~ certification has neither expired nor been suspended or revoked by the ~~Agency Department~~;
 - 2) Has received copies of this Part, 32 Ill. Adm. Code 340 and 400, a copy of the license or certificate of registration issued to the licensee or registrant and copies of and instructions in the licensee's or registrant's operating and emergency procedures;
 - 3) Has been instructed in the use of the licensee's or registrant's sources of radiation, radiographic exposure devices, related handling tools and radiation survey instruments; and
 - 4) Has demonstrated, to the satisfaction of the licensee or registrant, an understanding of the instructions provided pursuant to subsections (a)(2) and (3) ~~of this Section above~~ as evidenced by having successfully completed a written test and a field examination.
- b) The licensee or registrant shall not permit any individual to act as a radiographer trainee, as defined in this Part, until such individual:
- 1) Has been certified by the ~~Agency Department~~ pursuant to 32 Ill. Adm. Code 405.90(b) for the class of radiography (i.e., radioactive materials,

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radiation machines, or both) that the licensee or registrant is authorized to perform and ~~the such~~-certification has neither expired nor been suspended or revoked by the ~~Agency-Department~~; and

- 2) Has met the requirements of subsections (a)(2) through (a)(4) of this Section above.
- c) Records of the ~~above~~-training specified in this Section, including copies of written tests and dates of oral tests and field examinations, shall be maintained for inspection by the ~~Agency Department~~ for 3 years following termination of employment or until the radioactive material license or certificate of registration is terminated.
- d) Except as provided in subsection (f) of this Section, each ~~Each~~-licensee or registrant shall conduct an internal audit program to ensure that the ~~Agency's Department's~~ radioactive material license conditions and the licensee's or registrant's operating and emergency procedures are followed by each radiographer and radiographer trainee. The licensee or registrant shall audit the job performance of each radiographer and radiographer trainee. The internal audit program shall:
 - 1) Include observation by the licensee or registrant of the job performance of each radiographer and radiographer trainee during an actual industrial radiographic operation at intervals not to exceed 12 months.
 - 2) Provide that, if a radiographer or a radiographer trainee has not participated in an industrial radiographic operation for more than 6 months since the last audit, the individual's job performance shall be observed and recorded by the licensee or registrant when the individual next participates in an industrial radiographic operation.
- e) Records of these audits shall be maintained for inspection by the ~~Agency Department~~ for 5 years from the date of the audit.
- f) In those operations where a single individual serves as both radiographer and radiation safety officer, and performs each radiography operation, an internal audit program is not required.
- g) The licensee or registrant shall provide annual refresher safety training for each radiographer and radiographer trainee at intervals not to exceed 12 months. The

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review shall include, as a minimum, the results of internal audits, new procedures or equipment, new or revised regulations, and accidents or errors that have been observed and shall also provide opportunities for employees to ask safety questions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.2020 Operating and Emergency Procedures

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

- a) Handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in 32 Ill. Adm. Code 340;
- b) Methods and occasions for conducting radiation surveys;
- c) Methods for controlling access to radiographic areas;
- d) Methods and occasions for locking and securing sources of radiation;
- e) Personnel monitoring and the use of individual monitoring devices, including steps that shall be taken immediately by radiographic personnel in the event that an ionization chamber (i.e., pocket dosimeter) is found to be off-scale;
- f) Transportation to field locations, including packing of sources of radiation in the vehicles, placarding of vehicles and control of sources of radiation during transportation;
- g) Methods or procedures for minimizing exposure of individuals in the event of an accident, including procedures to follow in the event of a disconnect accident, a transportation accident and loss of a sealed source;
- h) The procedure for notifying proper personnel in the event of an accident or loss of a sealed source;
- i) Maintenance of records (see ~~Section 350~~ Appendix C of this Part); and
- j) The inspection and maintenance of radiographic exposure devices, source

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changers, storage containers, transport containers, source guide tubes, crank-out devices and radiation machines.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.2030 Personnel Monitoring Control

- a) The licensee or registrant shall not permit any individual to act as a radiographer or as a radiographer trainee unless, at all times during radiographic operations, each ~~such~~ individual wears a direct reading pocket ionization chamber (i.e., pocket dosimeter) and an individual monitoring device provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d) Each ~~such~~ device shall be assigned to and worn by only one individual.
- b) Pocket ionization chambers (i.e., pocket dosimeters) shall meet the criteria in ANSI N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma Radiation" published 1972, exclusive of subsequent amendments or editions.
- c) The use of pocket ionization chambers (i.e., pocket dosimeters) is subject to the following requirements:
 - 1) Pocket ionization chambers shall be recharged at least daily or at least at the start of each work shift;
 - 2) Pocket ionization chambers shall be read and exposures recorded at least at the beginning and end of each worker's shift involving the use of a source of radiation;
 - 3) Pocket ionization chambers shall be checked for correct response to radiation at periods not to exceed 1 year. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure. Records of pocket ionization chamber (i.e., pocket dosimeter) calibrations shall be maintained for inspection by the ~~Agency Department~~ for 5 years; and
 - 4) If an individual's pocket ionization chamber is discharged beyond its range (i.e., goes "off-scale"), industrial radiographic operations by that individual shall cease immediately and the individual's monitoring device shall be sent immediately for processing. The individual shall not use sources of radiation until the individual's radiation dose has been

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determined.

- d) Reports received from the individual monitoring device processor and records of daily pocket ionization chamber (i.e., pocket dosimeter) readings shall be kept for inspection by the Agency Department until the radioactive material license or certificate of registration is terminated or until the Agency Department authorizes their disposition, in writing, following a determination by the Agency Department that the records contain inaccurate personnel monitoring information.
- e) In addition to other requirements of this Section, each individual performing radiography with sealed sources at a location other than a permanent radiography installation shall wear an alarm ratemeter. Each alarm ratemeter shall:
 - 1) Be checked prior to use at the start of each shift to ensure that the alarm functions properly (sounds);
 - 2) Be set to give an alarm signal at a preset dose rate of 5mSv (500 mrem) per hour or less;
 - 3) Require special means to change the preset alarm function; and
 - 4) Be calibrated, at periods not to exceed 1 year, for correct response to radiation. Ratemeters shall alarm within plus or minus 20 percent of the true radiation dose rate. Records of alarm ratemeter calibrations shall be maintained for inspection by the Agency Department for 5 years.
- f) The alarm ratemeter shall be used in addition to, and not as a substitute for, the portable survey instrument required by Section 350.3030 of this Part. The alarm ratemeter is intended to provide additional assurance that the radiation exposure levels are within regulatory limits.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.2040 Supervision of Radiographer Trainees

Except when under the personal supervision of a radiographer, a radiographer trainee shall not use radiographic exposure devices, sealed sources, or related source handling tools, or conduct radiation surveys required by Sections 350.3030(b) and 350.3030(c) of this Part to determine that the sealed source has returned to the shielded position after an exposure. The personal supervision shall include, at a minimum:

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- a) The radiographer's physical presence at the site where the sources of radiation are being used;
- b) The availability of the radiographer to give immediate assistance if required; and
- c) The radiographer's direct observation of the radiographer trainee's performance of the operations referred to in this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section 350.3020 Posting

Notwithstanding any provisions in 32 Ill. Adm. Code 340. 930(a), areas in which radiography is being performed shall be conspicuously posted as follows:

- a) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION (OR DANGER)
HIGH RADIATION AREA

- b) Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the wording required in subsection (a) of this Section above, or the words:

CAUTION (OR DANGER)
RADIATION AREA

- c) Whenever practicable, ropes or barriers shall be used in addition to appropriate signs to designate radiation areas and to help prevent unauthorized entry.
- d) Notwithstanding the requirements of 32 Ill. Adm. Code 340.920(a), each radiation area may be posted in accordance with 32 Ill. Adm. Code 340.920(b) (i.e., both signs may be posted at the same location at the boundary of the radiation area).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 350.3030 Radiation Surveys and Survey Records

- a) No industrial radiographic operation shall be conducted unless at least one calibrated and operable radiation survey instrument, as described in Section 350.1040 [of this Part](#), is available and used at each site where radiographic exposures are made.
- b) A survey with a radiation survey instrument shall be made after each use of a radiographic exposure device to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall also include the source guide tube and any attached collimator.
- c) A lock-out survey, in which all accessible surfaces of the radiographic exposure device or source changer are surveyed with a radiation survey instrument, shall be made to determine that each sealed source is in its shielded position prior to securing the radiographic exposure device or source changer as specified in Section 350.1020 [of this Part](#).
- d) A physical radiation survey shall be made after each radiographic exposure using a radiation machine to determine that the machine is "off".
- e) Radiation surveys shall be performed in areas where industrial radiography operations are to be performed and shall meet the following requirements:
 - 1) Before industrial radiographic operations begin, all radiation areas and high radiation areas (as determined by calculated exposure rates) in which radiographic operations are to be performed shall be posted in accordance with Section 350.3020 [of this Part](#). An area survey shall be performed during the first radiographic exposure (i.e., with the sealed source in the exposed position) to confirm that the requirements specified in Section 350.3020 [of this Part](#) have been met and that doses to individual members of the public do not exceed the limits specified in 32 Ill. Adm. Code 340.310(a).
 - 2) The survey required in subsection [\(e\)\(1\) of this Section above](#) shall be repeated each time the exposure device is relocated or the exposed position of the sealed source is changed.

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- 3) The requirements specified in subsection ~~(e)(2) of this Section above~~ do not apply to repetitive industrial radiographic operations when the conditions of exposure, including, but not limited to, the radiographic exposure device, duration of exposure, source strength, pipe size and pipe thickness, remain constant.
- f) If a vehicle is to be used for storage of radioactive material, a vehicle survey shall be performed after securing radioactive material in the vehicle and before commencement of transport to ensure that doses to individual members of the public do not exceed the limits specified in 32 Ill. Adm. Code 340.310(a) at the exterior surface of the vehicle.
- g) Surveys shall be performed on storage containers to ensure that doses to individual members of the public do not exceed the limits specified in 32 Ill. Adm. Code 340.310(a). These surveys shall be performed initially with the maximum amount of radioactive material present in the storage location and thereafter at the time of the quarterly inventory and whenever storage conditions change.
- h) A survey meeting the requirements of subsection (b) ~~of this Section above~~ shall be performed on the radiographic exposure device and the source changer after every sealed source exchange.
- i) Records shall be kept of the surveys required by subsections (c) through (h) ~~of this Section above~~. ~~The Such~~ records shall be maintained for inspection by the ~~Agency Department~~ for 5 years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the radioactive material license or certificate of registration is terminated or until the ~~Agency Department~~ authorizes their disposition, in writing, following a determination by the ~~Agency Department~~ that the records contain inaccurate information that could result in an inaccurate determination of an individual's exposure.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.3040 Records Required at Temporary Job Sites

Each licensee or registrant using a source of radiation at a temporary job site shall maintain and have available at the temporary job site, for inspection by the ~~Agency Department~~, the following records:

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- a) The radioactive material license, certificate of registration or equivalent document;
- b) Operating and emergency procedures;
- c) Relevant regulations of the ~~Agency-Department~~;
- d) Survey records required pursuant to Section 350.3030 ~~of this Part~~ for the period of operation at the site;
- e) Daily pocket ionization chamber (i.e., pocket dosimeter) records for the period of operation at the site;
- f) If using radioactive material, daily alarm ratemeter records for the period of operation at the site; and
- g) Both the latest instrument calibration records and sealed source leakage or contamination test records for specified devices in use at the site. Acceptable records include tags or labels that are affixed to the device or survey meter and decay charts showing leakage or contamination test results for sources that have been manufactured within the last 6 months.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.3045 Operating Requirements

- a) When radiography is performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the radiographic exposure device. At least one of the radiographic personnel shall be a radiographer. The other radiographic personnel may be either a radiographer or radiographer trainee.
- b) Collimators shall be used in industrial radiographic systems that use crank-out devices except when physically impossible.
- c) Other than a radiographer, or a radiographer trainee who is under the personal supervision of a radiographer, no person shall manipulate controls or operate equipment used in industrial radiographic operations.

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- d) At each job site, the following shall be supplied by the licensee or registrant:
- 1) The appropriate barrier ropes and signs;
 - 2) At least one operable, calibrated survey instrument;
 - 3) A current whole body individual monitoring device for each worker; and
 - 4) An operable, calibrated pocket ionization chamber (i.e., pocket dosimeter) with a range of zero to 2 mSv (51.6 microC/kg, 200 mrem or ~~(200 mR)~~ for each worker.
- e) Each worker who performs industrial radiography with a sealed source at a location other than a permanent radiography installation shall have on his or her person an operable, calibrated alarm ratemeter.
- f) Each radiographer or radiographer trainee at a job site shall have on his or her person a valid industrial radiographer certification card issued by the Agency ~~Department~~ pursuant to the provisions of 32 Ill. Adm. Code 405.
- g) Industrial radiographic operations shall not be performed if any of the items in subsections (d), (e) and (f) of this Section are unavailable at the job site or are inoperable.
- h) The licensee shall not transport radioactive material unless the material is packaged, and the package is labeled, marked and accompanied with appropriate shipping papers in accordance with 32 Ill. Adm. Code 341.
- i) The licensee shall lock and physically secure the transport package containing radioactive material in the transporting vehicle to prevent accidental loss, tampering or unauthorized removal of the radioactive material from the vehicle.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.3048 Notification of Incidents

- a) The licensee or registrant shall notify the Agency ~~Department~~ of stolen, lost or missing sources of radiation, overexposures, excessive radiation levels and leakage or contamination of sealed sources in accordance with 32 Ill. Adm. Code 340.1210 through 340.1230 and 340.1260. In addition, each licensee or registrant

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shall submit a written report within 30 days to the ~~Agency Department~~ whenever one of the following events occurs:

- ~~1a)~~ A sealed source cannot be returned to the shielded position and properly secured;
 - ~~2b)~~ A sealed source becomes disconnected from a drive cable;
 - ~~3e)~~ Failure of any component necessary for safe operation of a device to properly perform its intended function; or
 - ~~4d)~~ An indicator on a radiation machine fails to show that radiation is being produced or an exposure switch fails to terminate production of radiation when turned to the "off" position.
- b) The licensee or registrant shall include the following information in each report submitted pursuant to subsection (a) of this Section that involves failure of safety components of radiography equipment:
- 1) Description of the equipment problem;
 - 2) Cause of each incident, if known;
 - 3) Name of the manufacturer and model of equipment involved in the incident;
 - 4) Place, date and time of the incident;
 - 5) Actions taken to establish normal operations;
 - 6) Corrective actions taken or planned to prevent recurrence; and
 - 7) Names and qualifications of personnel involved in the incident.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems

- a) Except as exempted by subsection (c) ~~of this Section~~below, the following

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additional requirements apply to enclosed radiography systems, including systems used in shielded-room radiography. Enclosed radiography systems (including cabinet systems) that are designed to allow admittance of individuals shall be designed and constructed so that:

- 1) All requirements of this Part and of 32 Ill. Adm. Code 340.310(a) and 340.320 are complied with;
 - 2) Each door fastening mechanism will allow the door to be opened from the inside at all times;
 - 3) Visible and audible alarms are installed and are activated immediately prior to each initiation of an exposure; and
 - 4) A reliable interlock or other mechanism is installed at each means of access to the enclosure which will preclude access to an area of radiation hazard either by preventing entry or by automatically reducing the hazard.
- b) Each system for enclosed radiography specified in subsection (a) ~~of this Section above~~ shall be evaluated initially by the licensee or registrant and at intervals not to exceed 1 year to assure compliance with the requirements of this Part and 32 Ill. Adm. Code 340.310(a) and 340.320. Records of these evaluations shall be maintained for inspection by the ~~Agency Department~~ for a period of 5 years after the evaluation.
- c) Cabinet x-ray systems designed to exclude individuals are exempt from the requirements of this Part except that:
- 1) The registrant shall comply with the requirements of 32 Ill. Adm. Code 320 and 340;
 - 2) The registrant shall not permit any individual to operate a cabinet x-ray system until ~~the such~~ individual has been instructed in the operating and emergency procedures for the unit and has demonstrated, to the satisfaction of the registrant, competence in its use;
 - 3) Each cabinet x-ray system shall be manufactured and assembled in conformance with the regulations in 21 CFR 1020.40, published April 1, ~~2002-1991~~, exclusive of subsequent amendments or editions;:-

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- 4) The registrant shall maintain for review by the [Agency Department](#) information regarding the operating parameters and workload of each cabinet system; and
- 5) Tests for proper operation of interlocks installed in accordance with 21 CFR 1020.40 shall be conducted and recorded in accordance with Section 350.1090 [of this Part](#).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.3090 Special Requirements for Underwater and Lay-Barge Radiography

- a) Underwater radiography or lay-barge radiography shall not be performed unless specifically authorized in a radioactive material license issued by the [Agency Department](#), the U.S. Nuclear Regulatory Commission or an Agreement State in accordance with Section 350.4010 [of this Part](#) or equivalent.
- b) In addition to the other requirements of this Part, the following rules apply to the performance of lay-barge radiography:
 - 1) Cobalt-60 sources with activities in excess of 740 GBq (20 Ci) (nominal) and iridium-192 sources with activities in excess of 3.70 TBq (100 Ci) (nominal) shall not be used in the performance of lay-barge industrial radiography.
 - 2) Collimators shall be used in the performance of lay-barge radiography.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.4000 Prohibitions

Retrieval of disconnected sealed sources of radioactive material or sealed sources that cannot be returned by normal means to a shielded position or properly secured shall not be performed unless specifically authorized by a radioactive material license issued by the [Agency Department](#), the U.S. Nuclear Regulatory Commission or an Agreement State.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations

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- a) Radioactive material used in industrial radiographic operations shall be licensed in accordance with 32 Ill. Adm. Code 330.
- b) Radiation machines used in industrial radiographic operations shall be registered in accordance with 32 Ill. Adm. Code 320.

AGENCY NOTE: If a licensee does not use radiation machines and uses only radioactive material, then the licensed activities do not need to be registered in accordance with the requirements of 32 Ill. Adm. Code 320.

- c) In addition to the licensing requirements in 32 Ill. Adm. Code 330, an application for a license shall include the following information:
 - 1) A schedule or description of the program for training radiographic personnel that specifies:
 - A) Initial training;
 - B) Periodic training;
 - C) On-the-job training; and
 - D) Methods to be used by the licensee or registrant to determine the knowledge, understanding and ability of radiographic personnel to comply with ~~Agency Department~~ rules, licensing or registration requirements, and the operating and emergency procedures of the applicant;
 - 2) Written operating and emergency procedures, including all items listed in Section 350.2020 ~~of this Part~~;
 - 3) A description of the internal inspection system or other management control to ensure that radiographic personnel comply with license conditions, regulations and orders of the ~~Agency Department~~ and the applicant's operating and emergency procedures;
 - 4) A description of the organization of the industrial radiographic program, including delegation of authority and responsibility for operation of the radiation safety program;

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- 5) A list of proposed permanent radiographic installations and descriptions of proposed permanent storage and use locations. Radioactive material shall not be stored at a permanent storage location or used at a permanent use location unless ~~the such~~ storage or use location is specifically authorized by the license. A storage or use location is permanent if radioactive material is stored or used at the location for more than 180 days during any consecutive 12 months;
- 6) A description of the program for inspection and maintenance of radiographic exposure devices, transport containers and storage containers (including applicable items in Sections 350.1080 and ~~350~~.Appendix B of this Part);
- 7) ~~The locations, i.e., addresses, where all records required by this Part and other applicable Parts of 32 Ill. Adm. Code will be maintained;~~
- 87) For applicants seeking authorization to perform underwater radiography, a description of:
 - A) Radiation safety procedures and radiographer responsibilities unique to the performance of underwater radiography;
 - B) Radiographic equipment and radiation safety equipment unique to underwater radiography; and
 - C) Methods for watertight encapsulation of equipment; and
- 98) For applicants seeking authorization to perform lay-barge radiography, a description of:
 - A) Transport procedures for radioactive material to be used in industrial radiographic operations;
 - B) Storage facilities for radioactive material; and
 - C) Methods for restricting access to radiation areas.
- d) ~~Each licensee or registrant shall maintain a copy of its license or registration, documents incorporated by reference, amendments to each of these items and the~~

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application for each of these items until 3 years after being superseded by new documents approved by the Agency, or until the Agency terminates the license or registration.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.4020 Radiation Safety Officer

- a) Each licensee or registrant performing industrial radiography shall designate a Radiation Safety Officer (RSO).

AGENCY NOTE: The ~~Agency Department~~ will list the name of the RSO on each radioactive material license.

- b) The RSO's qualifications shall include, but not be limited to:
- 1) Possession of a high school diploma or a certificate of high school equivalency based on the GED test;
 - 2) Completion of the training and testing requirements of Section 350.2010(a)(2), (3) and (4) of this Part;
 - 3) 2 years of documented experience related to radiation protection, including knowledge of industrial radiographic operations; and
 - 4) For licensees only, the RSO shall also maintain certification as an industrial radiographer as specified in Section 350.2010(a)(1) of this Part.
- c) The specific duties of the RSO shall include, but need not be limited to, the following:
- 1) Establish and oversee operating, emergency and ALARA procedures, and review them at least annually to ensure that the procedures are current and conform with 32 Ill. Adm. Code: Chapter II, Subchapters b and d;
 - 2) Oversee the radiation protection training program for radiographic personnel;
 - 3) Ensure that required radiation surveys and leak tests are performed and documented in accordance with 32 Ill. Adm. Code: Chapter II,

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Subchapters b and d;

- 4) Ensure that corrective measures are taken when levels of radiation exceed established limits;
 - 5) Ensure that individual monitoring devices are calibrated and used properly by industrial radiographic personnel, that records are kept of the monitoring results and that timely notifications are made as required by this Part and 32 Ill. Adm. Code 400;
 - 6) Ensure that required interlock switches and warning signals are functioning and that radiation signs, ropes and barriers are properly posted and positioned;
 - 7) Investigate and report to the ~~Agency Department~~ each known or suspected case of excessive radiation exposure to an individual or radiation level detected in excess of limits established by 32 Ill. Adm. Code: Chapter II, Subchapters b and d and each theft or loss of ~~sources~~ ~~source(s)~~ of radiation, determine the cause and take steps to prevent recurrence;
 - 8) Assume control and have the authority to institute corrective actions in emergency situations or unsafe conditions;
 - 9) Maintain records as required by 32 Ill. Adm. Code: Chapter II, Subchapters b and d (see ~~Section 350~~.Appendix C ~~of this Part~~);
 - 10) Ensure proper storage, labeling, transport and use of exposure devices and sources of radiation;
 - 11) Ensure that quarterly inventory and inspection and maintenance programs are performed in accordance with Sections 350.1060 and 350.1080 ~~of this Part~~; and
 - 12) Ensure that personnel comply with 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the conditions of the license and the operating and emergency procedures of the licensee or registrant.
- d) The licensee or registrant shall ensure that the duties in subsection (c) ~~of this Section above~~ are executed.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 350.4030 Reciprocity

The ~~Agency Department~~ shall grant reciprocal recognition of radioactive material licenses in accordance with 32 Ill. Adm. Code 330.900. |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 350.APPENDIX C Retention Requirements for Records

| <u>Specific Section</u> | <u>Name of Record</u> | <u>Record Retention Period</u> |
|-------------------------|--|--|
| 350.50 | Receipt, Transfer and Disposal | Until the radioactive material license or certificate of registration is terminated |
| 350.1040(c) | Survey Instrument Calibration | 5 years |
| 350.1050(c) | Leakage or Contamination Tests | 5 years |
| 350.1060 | Quarterly Inventory | 5 years |
| 350.1070 | Utilization Logs | 5 years |
| 350.1080 | Quarterly Inspection and Maintenance | 5 years |
| 350.1090 | High Radiation Area Control Devices or Alarm Systems | 5 years |
| 350.2010(c) | Training and Testing Records | Until the radioactive material license or certificate of registration is terminated. 3 years after termination of employment |
| 350.2010(d) | Internal Audit Program | 5 years |
| 350.2030(c) | Pocket Ionization Chamber (i.e., Pocket Dosimeter) Calibrations | 5 years |
| 350.2030(d) | Personnel Monitoring Records Pocket Ionization Chamber (i.e., Pocket Dosimeter) Readings | Until the radioactive material license or certificate of registration is terminated |
| 350.2030(e)(4) | Alarm Ratemeter Calibrations | 5 years |

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| | | |
|-----------------|---|--|
| 350.3030 | Radiation Surveys | 5 years or until the radioactive material license or certificate of registration is terminated if a survey was used to determine an individual's exposure |
| 350.3040 | Records at Temporary Job Sites | During temporary job site operations |
| 350.3050 | Initial and Annual Evaluations of Enclosed Radiography Systems | 5 years |
| <u>350.4010</u> | <u>License, Documents Incorporated by Reference and Amendments to Each of These Items</u> | <u>Until the radioactive material license is terminated by the Agency or until 3 years after being superseded by new documents approved by the Agency.</u> |

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies
- 2) Code Citation: 32 Ill. Adm. Code 351
- 3)

| <u>Section Number:</u> | <u>Proposed Action:</u> |
|------------------------|-------------------------|
| 351.25 | Amendment |
| 351.30 | Amendment |
| 351.40 | Amendment |
| 351.1010 | Amendment |
| 351.1040 | Amendment |
| 351.1050 | Amendment |
| 351.1060 | Amendment |
| 351.1070 | Amendment |
| 351.1080 | Amendment |
| 351.1090 | Amendment |
| 351.1100 | Amendment |
| 351.2010 | Amendment |
| 351.2020 | Amendment |
| 351.2030 | Amendment |
| 351.3022 | New Section |
| 351.3025 | New Section |
| 351.3027 | New Section |
| 351.3030 | Amendment |
| 351.4010 | Amendment |
| 351.4020 | Amendment |
| 351.4030 | Amendment |
| 351.5010 | Amendment |
| APPENDIX B | Amendment |
- 4) Statutory Authority: Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this amendment to add energy compensated sources to the well logging rule.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 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: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Laura Stolpman
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency does not believe these amendments will have any direct impact on small businesses, not for profit corporation or small municipalities as defined in Section 100/1-80 of the IAPA.
- 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:

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 351

RADIATION SAFETY REQUIREMENTS FOR WIRELINE
SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

Section

| | |
|---------------------------------|--|
| 351.10 | Purpose |
| 351.20 | Scope |
| 351.25 | Incorporations by Reference |
| 351.30 | Definitions |
| 351.40 | Prohibition |
| 351.1010 | Limits on Levels of Radiation |
| 351.1020 | Storage Precautions |
| 351.1030 | Transport Precautions |
| 351.1040 | Radiation Survey Instruments |
| 351.1050 | Testing for Leakage or Contamination of Sealed Sources |
| 351.1060 | Quarterly Inventory |
| 351.1070 | Utilization Records |
| 351.1080 | Design and Performance Criteria for Sealed Sources Used in Downhole Operations |
| 351.1090 | Labeling |
| 351.1100 | Inspection and Maintenance |
| 351.2010 | Training Requirements |
| 351.2020 | Operating and Emergency Procedures |
| 351.2030 | Personnel Monitoring |
| 351.3010 | Security |
| 351.3020 | Handling Tools |
| <u>351.3022</u> | <u>Tritium Neutron Generator Target Source</u> |
| <u>351.3025</u> | <u>Energy Compensating Source (ECS)</u> |
| <u>351.3027</u> | <u>Well-logging in a Well without a Surface Casing</u> |
| 351.3030 | Subsurface Tracer Studies |
| 351.3040 | Particle Accelerators |
| 351.4010 | Radiation Surveys |
| 351.4020 | Documents and Records Required at Field Stations |
| 351.4030 | Documents and Records Required at Temporary Jobsites |
| 351.5010 | Notification of Incidents, Abandonment and Lost Sources |
| 351.APPENDIX A | Subjects To Be Included In Training Courses For Logging |

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351.APPENDIX B Supervisors
Example of Plaque for Identifying Wells Containing Sealed
Sources Containing Radioactive Material Abandoned Downhole

AUTHORITY: Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].

SOURCE: Adopted at 10 Ill. Reg. 17507, effective September 25, 1986; amended at 11 Ill. Reg. 5215, effective March 13, 1987; amended at 13 Ill. Reg. 13605, effective August 11, 1989; amended at 14 Ill. Reg. 13633, effective August 13, 1990; amended at 18 Ill. Reg. 3344, effective February 22, 1994; emergency amendment at 22 Ill. Reg. 21108, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2907, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 27 Ill. Reg. _____, effective _____.

Section 351.25 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency~~Department of Nuclear Safety~~, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.30 Definitions

As used in this Part, the following definitions apply:

"Agency" means the Illinois Emergency Management Agency.

"Energy compensation source (ECS)" means a small sealed source, with an activity not exceeding 3.7 MBq (100 microcuries), used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use.

"Field station" means a facility where radiation sources may be stored or used and from which equipment is dispatched to temporary jobsites.

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"Irretrievable well-logging source" means any sealed source containing radioactive material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

"Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

"Logging supervisor" means the individual who provides personal supervision of the utilization of sources of radiation at the well site.

"Logging tool" means a device used subsurface to perform well-logging.

"Mineral logging" means any logging performed for the purpose of mineral exploration other than oil or gas.

"Personal supervision" means guidance and instruction by the supervisor who is physically present at the jobsite and watching the performance of the operation in such proximity that visual contact can be maintained and immediate assistance given as required.

"Radioactive marker" means radioactive material placed subsurface or on a structure intended for subsurface use for the purpose of depth determination or direction orientation.

"Source holder" means a housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of the source in well-logging operations.

"Subsurface tracer study" means the release of a substance tagged with radioactive material for the purpose of tracing the movement or position of the tagged substance in the well-bore or adjacent formation.

"Temporary jobsite" means a location to which radioactive materials have been dispatched to perform wireline service operations or subsurface tracer studies.

"Tritium neutron generator target source" means a tritium (hydrogen-3) source used within a neutron generator tube to produce neutrons for use in well-logging applications.

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"Well-bore" means a drilled hole in which wireline service operations and subsurface tracer studies are performed.

"Well-logging" means the lowering and raising of measuring devices or tools which may contain sources of radiation into well-bores or cavities for the purpose of obtaining information about the well and/or adjacent formations.

"Wireline" means a cable containing one or more electrical conductors which is used to lower and raise logging tools in the well-bore.

"Wireline service operation" means any evaluation or mechanical service which is performed in the well-bore using devices on a wireline.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.40 Prohibition

No licensee or registrant shall perform wireline service operations with ~~a~~-sealed ~~source~~~~s~~ unless, prior to commencement of the operation, the licensee has a written agreement with the well operator, well owner, drilling contractor or land owner that:

- a) In the event a sealed source is lodged downhole, efforts at recovery will be made that are commensurate with the circumstances of the specific case, e.g., quantity and half-life of the ~~radionuclide~~~~isotope~~, depth of the source and presence of potable water aquifers; and
- b) In the event a decision is made to abandon the sealed source downhole, the requirements of Section 351.5010(~~de~~) of this Part shall be met within 30 days after a decision by the licensee to abandon the source has been approved by the ~~Agency~~~~Department of Nuclear Safety~~ (~~Department~~).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1010 Limits on Levels of Radiation

Sources of radiation shall be used, stored and transported in ~~such~~-a manner that the transportation requirements of 32 Ill. Adm. Code 341 and the dose limitation requirements of 32 Ill. Adm. Code 340 are met.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1040 Radiation Survey Instruments

- a) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each field station to make physical radiation surveys as required by this Part and by 32 Ill. Adm. Code 340.510(a). Instrumentation shall be capable of measuring 0.001 mSv (0.1 mrem) per hour through at least 0.5 mSv (50 mrem) per hour. This range is considered equivalent to 25.8 nC/kg (100 microR) per hour through at least 5.16 microC/kg (20 mR) per hour for the gamma radiation sources typically used in well-logging.
- b) Each radiation survey instrument shall be calibrated:
- 1) At intervals not to exceed 6 months and after each instrument servicing (e.g., electronic repair);
 - 2) At energies and radiation levels equivalent to those to be encountered during use; and
 - 3) So that accuracy within plus or minus 20 percent of the true radiation level can be demonstrated on each scale.
- c) Calibration records shall be maintained for a period of 2 years for inspection by the Agency Department.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1050 Testing for Leakage or Contamination of Sealed Sources

- a) Testing for leakage or contamination of sealed sources shall be performed in accordance with 32 Ill. Adm. Code 340.410. Test samples shall be taken from the surfaces of sources or source holders or from the surfaces of devices in which sources are mounted and on which one might expect contamination to accumulate.
- b) Each energy compensation source that is not exempt from testing for leakage or contamination in accordance with 32 Ill. Adm. Code 340.410(b) shall be tested at intervals not to exceed 3 years. In the absence of a certificate from a transferor that a test has been made within the 3 years before the transfer, the energy

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compensation source shall not be used until tested in accordance with 32 Ill. Adm. Code 340.410.

- c) If a sealed source is found to be leaking in accordance with 32 Ill. Adm. Code 340.410, the licensee shall check the equipment associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or disposed of by persons specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such services.
- d) The licensee shall maintain records of testing for leakage or contamination of sealed sources in accordance with 32 Ill. Adm. Code 340.1135.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1060 Quarterly Inventory

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation. If all sources are not accounted for during the inventory, the licensee or registrant shall notify the AgencyDepartment in accordance with the requirements of 32 Ill. Adm. Code 340.1210. Records of inventories shall be maintained for 2 years from the date of inventory for inspection by the AgencyDepartment and shall include the quantities and kinds of sources of radiation, the location where sources of radiation are assigned, the date of the inventory and the name of the individual conducting the inventory.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1070 Utilization Records

Each licensee or registrant shall maintain current records, which shall be kept available for inspection by the AgencyDepartment for 2 years from the date of the recorded event, showing the following information for each source of radiation:

- a) Make, model number and a serial number or a description of each source of radiation used;
- b) The identity of the well-logging supervisor or field unit to whom assigned;
- c) Locations where used and dates of use; and

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- d) In the case of tracer materials and radioactive markers, the utilization record shall indicate the radionuclide and activity used in a particular well.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1080 Design and Performance Criteria for Sealed Sources Used in Downhole Operations

- a) A licensee may not use a sealed source in well-logging unless:
- 1) The sealed source is doubly encapsulated;
 - 2) The sealed source contains radioactive material whose chemical and physical forms are insoluble and non-dispersible; and
 - 3) A prototype of the sealed source has been tested and meets the performance standards for oil well-logging sources contained in either the United States of America Standards Institute (USASI) Standard No. N5.10-1968, "Classification of Sealed Radioactive Sources", or the revision of N5.10-1968, which is American National Standards Institute (ANSI) Standard No. N542-1977 (1978 edition), "Sealed Radioactive Sources, Classification", which was reaffirmed and redesignated ANSI N43.6-1977(R 1989), exclusive of subsequent amendments or editions, or the sealed source prototype has been tested and found to maintain its integrity after each of the following tests:-
 - A) Temperature. The test source was held at minus 40 degrees Celsius for 20 minutes, 600 degrees Celsius for 1 hour and then subjected to a thermal shock test with a temperature drop from 600 degrees Celsius to 20 degrees Celsius within 15 seconds.
 - B) Impact test. A 5 kg steel hammer, 2.5 cm in diameter, was dropped from a height of 1 m onto the test source.
 - C) Vibration test. The test source was subjected to a vibration from 25 Hz to 500 Hz at an amplitude of 5 times the acceleration of gravity for 30 minutes.
 - D) Puncture test. A 1 gram hammer and pin, 0.3 cm pin diameter, was dropped from a height of 1 m onto the test source.

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- E) Pressure test. The test source was subjected to an external pressure of 16.95 MPascals (24,600 pounds per square inch absolute).
- b) The requirements of subsection (a) of this Section~~above~~ do not apply to sealed sources that contain licensed material in gaseous form or to energy compensation sources (ECS). ECSs shall be registered with the Agency, the U.S. Nuclear Regulatory Commission or another Agreement State pursuant to the equivalent of 32 Ill. Adm. Code 330.280(m)(2), e.g., 10 CFR 32.210.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1090 Labeling

- a) Sources, Source Holders or Logging Tools
- 1) Each source, source holder or logging tool containing radioactive material shall bear a durable, legible and clearly visible marking or label which has, as a minimum, the standard radiation caution symbol (as described in 32 Ill. Adm. Code 340.910), without the conventional color requirement and the following wording:
- DANGER*
RADIOACTIVE
- *AGENCY NOTE: or CAUTION.
- 2) This labeling shall be on every component transported as a separate piece of equipment.
- b) Transport Containers. Each transport container shall have permanently attached to it a durable, legible and clearly visible label which has, as a minimum, the standard radiation caution symbol (as described in 32 Ill. Adm. Code 340.910) and the following wording:

DANGER*
RADIOACTIVE
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY)

*AGENCY NOTE: or CAUTION.

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- c) Uranium sinker bars. A well-logging licensee may use a uranium sinker bar in well-logging applications only if it is legibly impressed with the following wording:

CAUTION
RADIOACTIVE-DEPLETED URANIUM
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY) IF FOUND

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.1100 Inspection and Maintenance

- a) Each licensee or registrant shall conduct, at intervals not to exceed 6 months, a program of inspection and maintenance of source holders, logging tools, source handling tools, storage containers, transport containers and injection tools to assure proper labeling and physical condition. Records of inspection and maintenance shall be maintained for a period of 2 years for inspection by the Agency Department.
- b) If any inspection conducted pursuant to subsection (a) of this Section above reveals damage to labeling or components that which could result in release of radioactive material into the environment, or loss of control of radioactive material, or that which could otherwise create a risk of increase in radiation exposure, the device shall be removed from service until repairs have been made.
- c) The repair, opening or modification of any sealed source shall be performed only by persons specifically authorized to do so by the Agency Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.2010 Training Requirements

- a) No licensee or registrant shall permit any individual to act as a logging supervisor as defined in this Part until thesueh individual has:
- 1) Received 40 hours of instruction in the subjects outlined in Section 351-Appendix A of this Part and has demonstrated to the satisfaction of the licensee or registrant an understanding thereof by successful

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completion of a written examination administered by the licensee or registrant;

- 2) Read and received instruction in the regulations contained in this Part and the applicable Sections of 32 Ill. Adm. Code 310, 340 and 400 or the equivalent state or federal regulations, conditions of appropriate license or certificate of registration, and the licensee's or registrant's operating and emergency procedures and demonstrated to the satisfaction of the licensee or registrant an understanding thereof; and
 - 3) Demonstrated to the satisfaction of the licensee or registrant competence to use sources of radiation, related handling tools and radiation survey instruments which will be used on the job.
- b) No licensee or registrant shall permit any individual to assist in the handling of sources of radiation until ~~thesueh~~ individual has:
- 1) Read or received instruction in the licensee's or registrant's operating and emergency procedures and demonstrated to the satisfaction of the licensee or registrant an understanding thereof; and
 - 2) Demonstrated to the satisfaction of the licensee or registrant competence to use, under the personal supervision of the logging supervisor, the sources of radiation, related handling tools and radiation survey instruments which will be used on the job.
- c) The licensee or registrant shall maintain employee training records for inspection by the ~~Agency Department~~ for 2 years following termination of employment.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.2020 Operating and Emergency Procedures

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

- a) Handling and use of sources of radiation to be employed so that no individual is likely to be exposed to radiation doses in excess of the standards established in 32 Ill. Adm. Code 340;

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- b) Methods and occasions for conducting radiation surveys, including surveys for detecting contamination as required by Section 351.4010(a) through (e) of this Part;
- c) Methods and occasions for locking and securing sources of radiation;
- d) Personnel monitoring and the use of personnel monitoring equipment;
- e) Transportation to temporary jobsites and field stations, including the packaging and placing of sources of radiation in vehicles, placarding of vehicles and securing sources of radiation during transportation to prevent accidental loss, tampering or unauthorized removal;
- f) Minimizing exposure of individuals in the event of an accident and from inhalation and ingestion of radioactive tracer materials;
- g) Procedure for notifying proper personnel in the event of an accident;
- h) Maintenance of records;
- i) Inspection and maintenance of sealed sources, source holders, logging tools, source handling tools, storage containers, transport containers and injection tools;
- j) Procedure to be followed in the event a sealed source is lodged downhole or likely to be leaking; and
- k) Procedures to be used for picking up, receiving and opening packages containing radioactive material in accordance with 32 Ill. Adm. Code 340.960;-
- l) Use of sealed sources in wells without surface casing for protecting fresh water aquifers, if appropriate;
- m) Use of remote handling tools for handling sealed sources and radioactive tracer material, except low activity calibration sources; and
- n) Decontamination of the environment, equipment and personnel if radioactive tracer material is used.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 351.2030 Personnel Monitoring

- a) No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each ~~such~~ individual wears an individual monitoring device provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d). Each ~~such~~ device shall be assigned to and worn by only one individual.
- b) Records of individual monitoring results shall be retained in accordance with 32 Ill. Adm. Code 340.1160.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.3022 Tritium Neutron Generator Target Source

- a) Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq (30 Ci) for well-logging in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this Part, except Sections 351.40, 351.1080 and 351.5010.
- b) Either use of a tritium neutron generator target source containing quantities exceeding 1,110 MBq (30 Ci) or use of a tritium neutron generator target source containing quantities not exceeding 1,110 MBq (30 Ci) in a well without a surface casing to protect fresh water aquifers is subject to the requirements of this Part, except Section 351.1080 of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 351.3025 Energy Compensating Source (ECS)

- a) The licensee may use an ECS that is contained within a logging tool, or other tool components, only if the ECS contains quantities of radioactive material not exceeding 3.7 MBq (100 microCi).
- b) For well-logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of Sections 351.1050, 351.1060 and 351.1070 of this Part.

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- c) For well-logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is subject to the requirements of Sections 351.40, 351.1050, 351.1060, 351.1070, 351.3030(b)(2) and 351.5010 of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 351.3027 Well-logging in a Well without a Surface Casing

The licensee may use a sealed source in a well without a surface casing for protecting fresh water aquifers only if the licensee follows a procedure for reducing the probability of the sealed source becoming lodged in the well. The procedure shall be approved by the Agency pursuant to Section 351.2020(l) of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 351.3030 Subsurface Tracer Studies

- a) All personnel handling radioactive tracer material shall be required to use protective gloves, protective clothing and equipment which prevents the spread of contamination. Precautions shall be taken by the licensee or registrant to prevent ingestion or inhalation of radioactive material.
- b) No licensee or registrant shall cause the injection of radioactive material into potable aquifers without specific license authorization issued by the ~~Agency~~Department pursuant to 32 Ill. Adm. Code 330.250. ~~The~~Sueh authorization will be issued only if:
- 1) The applicant's proposed procedures will prevent tracer concentrations at the most exposed drinking water source or public water supply inlet from exceeding the Illinois Environmental Protection Agency's drinking water quality standards in 35 Ill. Adm. Code 604; and
 - 2) The applicant's proposed procedures will be performed:
 - A) On an underground injection well for which a U.S. Environmental Protection Agency underground injection control program permit has been issued pursuant to 40 CFR 124 or 40 CFR 144 revised as of July 1, 1990, or pursuant to 35 Ill. Adm. Code 705 or 62 Ill. Adm. Code 240; or

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- B) On a well for which the Illinois Environmental Protection Agency has otherwise approved a subsurface radioactive tracer study pursuant to 35 Ill. Adm. Code 704; or
- C) On a well for which the Illinois Department of Natural Resources ~~Mines and Minerals~~ has otherwise approved a subsurface radioactive tracer study pursuant to 62 Ill. Adm. Code 240.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.4010 Radiation Surveys

- a) Radiation surveys and/or calculations shall be made and recorded for each area where radioactive materials are stored.
- b) Radiation surveys and/or calculations shall be made and recorded for the radiation levels in occupied positions and on the exterior of each vehicle used to transport radioactive material. ~~The Such~~ surveys and/or calculations shall include each source of radiation or combination of sources to be transported in the vehicle.
- c) After removal of the sealed source from the logging tool and before departing the jobsite, the logging tool detector shall be energized, or a radiation survey meter used, to assure that the logging tool is free of contamination.
- d) If the licensee has reason to believe that, as a result of any operation involving a sealed source, the encapsulation of the sealed source could be damaged by the operation, the licensee shall conduct a radiation survey, including a contamination survey, during and after the operation.
- e)d) Radiation surveys shall be made and recorded at the jobsite or wellhead for each tracer operation, except those using hydrogen-3, carbon-14 and sulfur-35. These surveys shall include measurements of radiation levels before and after the operation.
- f)e) Records required pursuant to subsections (a) through ~~(e)~~ of this Section above shall include the dates, the identification of ~~individuals~~ individual(s) making the survey, the identification of survey ~~instruments~~ instrument(s) used and an exact description of the location of the survey. Records of these surveys shall be maintained for inspection by the ~~Agency~~ Department for 5 years after completion of the survey.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.4020 Documents and Records Required at Field Stations

Each licensee or registrant shall maintain, for inspection by the AgencyDepartment, the following documents and records for the specific devices and sources used at the field station:

- a) Appropriate license, certificate of registration or equivalent document issued by the Nuclear Regulatory Commission, an Agreement State or Licensing State;
- b) Operating and emergency procedures required by Section 351.2020 of this Part;
- c) 32 Ill. Adm. Code: Chapter II, Subchapters b and d;
- d) Records of the latest survey instrument calibrations pursuant to Section 351.1040 of this Part;
- e) The dates of the latest tests for leakage or contamination performed on the sealed sources and the results of the tests;
- f) Quarterly inventories required pursuant to Section 351.1060 of this Part;
- g) Utilization records required pursuant to Section 351.1070 of this Part;
- h) Records of inspection and maintenance required pursuant to Section 351.1100 of this Part; and
- i) Survey records required pursuant to Section 351.4010 of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.4030 Documents and Records Required at Temporary Jobsites

Each licensee or registrant conducting operations at a temporary jobsite shall have the following documents and records available at that site for inspection by the AgencyDepartment:

- a) Operating and emergency procedures required by Section 351.2020 of this Part;
- b) Survey records required pursuant to Section 351.4010 of this Part for the period of

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operation at the site;

- c) Evidence of current calibration for the radiation survey instruments in use at the site;
- d) The licensee's radioactive material license, including all appropriate amendments;
- e) When operating in the State under reciprocity as provided for in 32 Ill. Adm. Code 330.900, a copy of the appropriate license, certificate of registration or equivalent ~~documents~~document(s); and
- f) The dates of the latest tests for leakage or contamination performed on the sealed sources and the results of the tests.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 351.5010 Notification of Incidents, Abandonment and Lost Sources

- a) Notification shall be made to the ~~Agency~~Department whenever an incident has occurred as described in 32 Ill. Adm. Code 340.1220 or 340.1230. Notification shall also be made to the ~~Agency~~Department whenever a source is leaking or contaminated in accordance with 32 Ill. Adm. Code 340.1260 or stolen, missing or lost, other than in downhole logging operations, in accordance with 32 Ill. Adm. Code 340.1210.
- ~~b)~~ Whenever a sealed source is separated from the logging tool and is lost downhole, the licensee shall notify the Agency immediately by telephone prior to beginning source recovery operations.
- ~~cb)~~ Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee or registrant shall:
 - 1) Monitor at the surface for the presence of radioactive contamination with a radiation survey instrument or logging tool during logging tool recovery operations; and
 - 2) Notify the ~~Agency~~Department immediately by telephone if radioactive contamination is detected at the surface or if the source is likely to have been ruptured~~appears to be damaged~~.

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- ~~de)~~ When ~~it becomes apparent that~~ efforts to recover the radioactive source are not will not be successful, the licensee or registrant shall:
- 1) Advise the well-operator of the regulations of the Illinois Emergency Management Agency~~Department of Nuclear Safety~~ regarding abandonment and the method of abandonment, which shall include:
 - A) The immobilization and sealing in place of the radioactive source with a cement plug;
 - B) The means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations, such as setting of a whipstock or other deflection device; and
 - C) The mounting of a permanent identification plaque, at the surface of the well, containing the appropriate information required by subsection ~~(ge)~~ of this Section below;
 - 2) Notify the Agency~~Department~~ immediately by telephone, and by mail within 10 calendar days, giving the circumstances of the loss and requesting approval of the adopted abandonment procedures; and
 - 3) File a written report with the Agency~~Department~~ within 30 days after of the abandonment, setting forth the following information:
 - A) Date of occurrence and a brief description of attempts to recover the source;
 - B) A description of the radioactive source involved, including radionuclide, quantity, and chemical and physical form;
 - C) Surface location and identification of well;
 - D) Results of efforts to immobilize and seal the source in place;
 - E) Depth of the radioactive source;
 - F) Depth of the top of the cement plug;
 - G) Depth of the well; and

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H) Information contained on the permanent identification plaque.

~~ed)~~ The ~~Agency~~Department will provide written approval of the request by the licensee pursuant to subsection ~~(de)~~(2) of this Section~~above~~ if the ~~Agency~~Department determines that accepted industry methods for recovery have been unsuccessful and the proposed abandonment procedures satisfy the requirements of subsection ~~(de)~~(1) of this Section~~above~~.

~~f)~~ If the licensee believed there was an immediate threat to public health and safety and the licensee implemented abandonment procedures before receiving Agency approval to implement abandonment procedures, the licensee shall notify the Agency immediately by telephone, and by mail within 10 calendar days, giving the circumstances and reasons why an immediate threat to public health and safety was determined to exist and who made the determination.

~~ge)~~ Whenever a sealed source containing radioactive material is abandoned downhole, the licensee shall provide a permanent plaque for posting the well or well-bore. This plaque shall:

AGENCY NOTE: An example of a suggested plaque is shown in ~~Section 351.~~Appendix B of this Part.

- 1) Be constructed of long-lasting material, such as stainless steel or monel; and
- 2) Contain the following information engraved on its face:
 - A) The word "CAUTION";
 - B) The radiation symbol without the conventional color requirement;
 - C) The date of abandonment;
 - D) The name of the well operator or well owner;
 - E) The well name and well identification ~~numbers~~number(s) or other designation;
 - F) The sealed ~~source~~source(s) by radionuclide and quantity of

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activity;

- G) The source depth and the depth to the top of the plug; and
- H) An appropriate warning, depending on the specific circumstances of each abandonment.

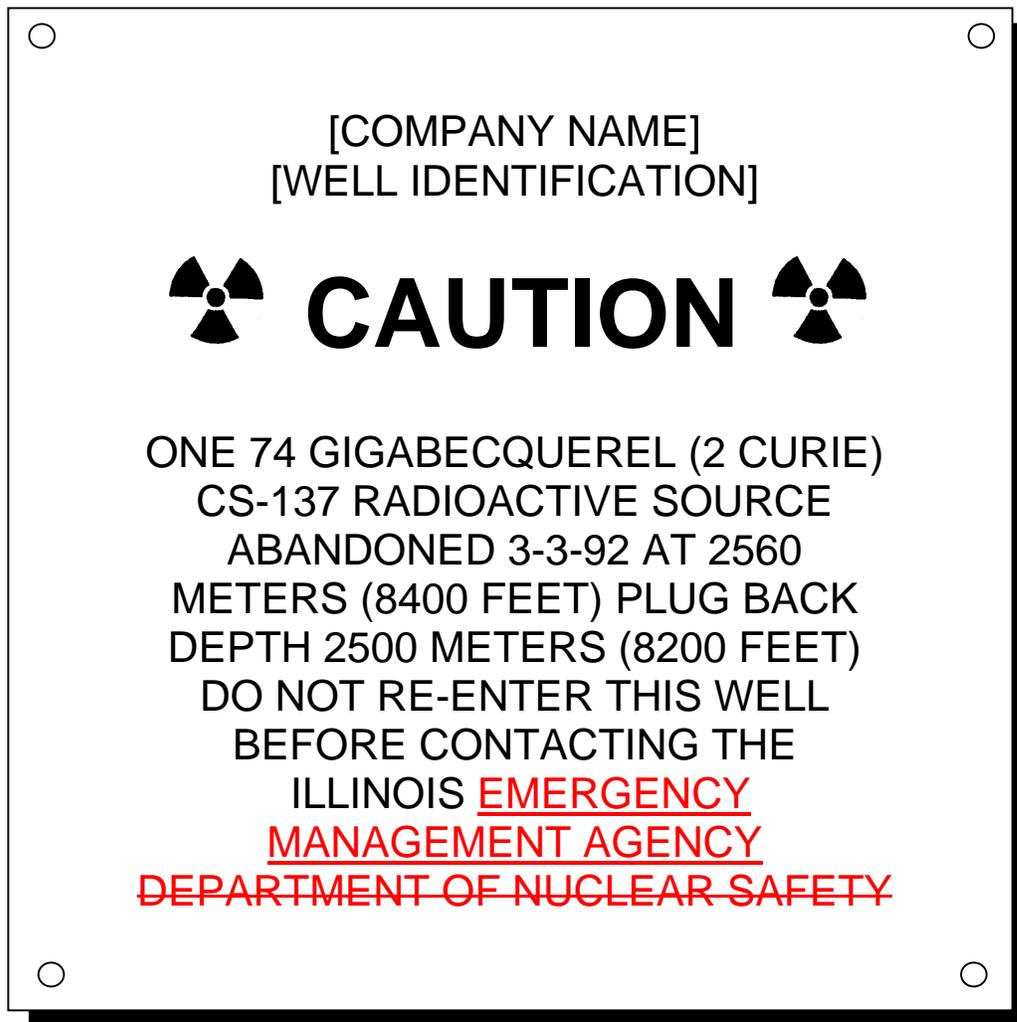
AGENCY NOTE: Appropriate warnings may include: "Do not drill below plug back depth"; "Do not enlarge casing"; or "Do not re-enter the hole" followed by the words, "before contacting the Illinois Emergency Management Agency Department of Nuclear Safety".

- h)F The licensee or registrant shall notify the AgencyDepartment immediately by telephone, and by mail within 10 calendar days, if the licensee knows or has reason to believe that radioactive material has been lost in or to an underground potable water source. TheSuch notice shall designate the well location and shall describe the magnitude and extent of loss of radioactive material, assess the health and environmental consequences of thesueh loss and explain efforts planned or being taken to mitigate these consequences.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 351.APPENDIX B Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole

The size of the plaque should be convenient for use on active or inactive wells, e.g., an 18-centimeter (7-inch) square and 3 mm (1/8 inch) thick. Letter size of the word "CAUTION" should be approximately twice the letter size of the rest of the information, e.g., 12-millimeter (1/2-inch) and 6-millimeter (1/4-inch) letter size, respectively. Quantities and distances may be expressed either in SI units or in special and English units or in dual units as above.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Number: 120.15 Proposed Action: Amendment
- 4) Statutory Authority: Boiler and Pressure Vessel Safety Act [430 ILCS 75/2]
- 5) A Complete Description of the Subjects and Issues Involved: The fee for Certificates of Inspection will be raised from \$35 to \$70.
- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes
- 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? No
- 10) Statement of Statewide Policy Objectives: None
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

David Douin, Director
Division of Boiler and Pressure Vessel Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
(217) 785-1008
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality and not for profit corporation with a boiler pressure vessel.

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- 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 new amendment was not anticipated at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION

CHAPTER I: STATE FIRE MARSHAL

PART 120

BOILER AND PRESSURE VESSEL SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

- 120.4 Foreward (Repealed)
- 120.7 Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
- 120.10 Definitions
- 120.11 Incorporation of National Standards
- 120.15 Fees
- 120.20 Administration
- 120.30 Inspectors, Examinations, Certificate of Competency and Commission
- 120.41 Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION,
MAINTENANCE, AND USE

Section

- 120.100 New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
- 120.105 Boiler Exemptions
- 120.200 New Installations of Pressure Vessels
- 120.205 Pressure Vessel Exemptions
- 120.300 Existing Installations of Power Boilers
- 120.400 Existing Installations of Miniature Boilers (Repealed)
- 120.500 Operation of Boilers and Pressure Vessels
- 120.600 Existing Installation of Pressure Vessels
- 120.700 General Requirements for all Boilers and Pressure Vessels (Repealed)
- 120.800 Nuclear Power Plant Components (Repealed)
- 120.900 Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

- 120.1000 Repairs and Alterations to Boilers and Pressure Vessels by Welding

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 120.1010 Authorization to Repair Boilers and Pressure Vessels
- 120.1020 Issuance and Renewal of the Certificate
- 120.1030 Changes to Certificates of Authorization
- 120.1040 Quality Control Requirements
- 120.1041 Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

Section

- 120.1100 Procedure for the Issuance of a State Special Permit

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section

- 120.1200 Authorization for Repair of Safety & Safety Relief Valves
- 120.1210 Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
- 120.1220 Issuance and Renewal of the Certificate
- 120.1240 Changes to Certificates of Authorization
- 120.1250 Repairs to Safety and Safety Relief Valves
- 120.1260 Quality Control System
- 120.1270 Nameplates
- 120.1275 Field Repair
- 120.1280 Performance Testing of Repaired Valves
- 120.1285 Training of Valve Repair Personnel
- 120.1290 ASME "V", "UV" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section

- 120.1300 Introduction
- 120.1301 Authority and Responsibility
- 120.1305 Organization
- 120.1310 Inservice Inspection Program
- 120.1320 Drawings, Design Calculations, and Specification Control
- 120.1325 Material Control
- 120.1330 Examination and Inspection Program
- 120.1335 Correction of Nonconformities
- 120.1340 Welding
- 120.1345 Nondestructive Examination

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- 120.1350 Calibration of Measurement and Test Equipment
- 120.1355 Records
- 120.1360 Inspectors

- 120.APPENDIX A Operational and Maintenance Log
 - 120.EXHIBIT A Hot Water Heating Boilers
 - 120.EXHIBIT B Steam Heating Boilers
- 120.APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill. Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18555, effective December 7, 2000; amended at 25 Ill. Reg. 11914, effective January 1, 2002; amended at 27 Ill. Reg. 518, effective January 01, 2003; emergency amendment at 27 Ill. Reg. 14855, effective September 2, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section 120.15 Fees

As authorized by the Boiler and Pressure Vessel Safety Act, the Board hereby establishes the following fees to be collected for services rendered:

| | |
|-------------------------------------|--------------------|
| Examinations..... | \$30 |
| Commissions | |
| New Issuance | \$25 |
| Renewal..... | \$15 |
| All Certificates of Inspection..... | \$70 35 |

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Inspections conducted by the Division

High Pressure and High Temperature Water Boilers

| | |
|--------------------------------|------|
| Boilers without a manhole..... | \$30 |
| Boilers with a manhole..... | \$60 |

Low Pressure Steam and Water Boilers

| | |
|--------------------------------|------|
| Boilers without a manhole..... | \$30 |
| Boilers with a manhole..... | \$60 |
| Hot water supply boilers..... | \$30 |

No more than \$120 shall be charged for one boiler in any one year.

Pressure Vessels

Fees are based on the product of the overall length times the width or diameter of the vessel expressed in square feet.

| | |
|-------------------------------|------|
| 50 sq. ft. or less | \$25 |
| 51 sq. ft. to 150 sq. ft..... | \$50 |
| over 150 sq. ft..... | \$75 |

No more than \$120 shall be charged for any one pressure vessel in any one year.

Annual Statements (Owner-Users)..... \$35 per vessel

Miscellaneous

| | |
|---|-------|
| Witness a hydrostatic test..... | \$100 |
| Joint reviews, audits, shop inspections | |
| ½ day | \$300 |
| Full day..... | \$500 |

Plus expenses, including travel and lodging.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.435 Proposed Action:
Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A complete description of the subjects and issues: Section 250.435 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. Individuals will be required to meet minimum time frames after the conviction date or completion of their sentence before applying for a waiver. Waivers will not be granted to individuals with certain convictions, unless the Director approves the waiver in writing. 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 is also being added whereby the Director may grant a waiver to an individual who does not meet these thresholds.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) 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
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate under the State Mandate Act [30 ILCS 805].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 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:

Peggy Snyder
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 Peggy Snyder 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: Hospitals
 - 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 b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

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

SUBPART B: ADMINISTRATION AND PLANNING

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

SUBPART C: THE MEDICAL STAFF

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

SUBPART D: PERSONNEL SERVICE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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

SUBPART E: LABORATORY

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

SUBPART F: RADIOLOGICAL SERVICES

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

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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

SUBPART I: NURSING SERVICE AND ADMINISTRATION

| | |
|----------|--|
| Section | |
| 250.910 | Nursing Services |
| 250.920 | Organizational Plan |
| 250.930 | Role in hospital planning |
| 250.940 | Job descriptions |
| 250.950 | Nursing committees |
| 250.960 | Specialized nursing services |
| 250.970 | Nursing Care Plans |
| 250.980 | Nursing Records and Reports |
| 250.990 | Unusual Incidents |
| 250.1000 | Meetings |
| 250.1010 | Education Programs |
| 250.1020 | Licensure |
| 250.1030 | Policies and Procedures |
| 250.1035 | Domestic Violence Standards |
| 250.1040 | Patient Care Units |
| 250.1050 | Equipment for Bedside Care |
| 250.1060 | Drug Services on Patient Unit |
| 250.1070 | Care of Patients |
| 250.1075 | Use of Restraints and Seclusion |
| 250.1080 | Admission Procedures Affecting Care |
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AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

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SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: PERSONNEL SERVICE

Section 250.435 Health Care Worker Background Check

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- a) The hospital shall not *knowingly hire any individual in a position with duties involving direct care for patients* 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 Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417 and 474));
 - 3) ~~Kidnaping~~ ~~Kidnapping~~ or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
 - 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
 - 5) 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 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
 - 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, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill.

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Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));

- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) ~~Criminal sexual~~ Sexual assault or criminal sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse ~~and/or~~ gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal abuse or neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));

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- 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] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88 and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 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));
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat.

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1991, ch. 23, par. 2354));

- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
 - 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 Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56½, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The hospital shall not *knowingly employ or retain any individual in a position with duties involving direct care for patients* 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 hospital shall not hire, employ, or retain any individual in a position with duties involving direct care of patients if the hospital 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 hospital 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 hospital who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a hospital to an applicant, which is contingent upon the receipt of a

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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 hospital shall establish a policy defining which employees provide direct care. In making this determination the hospital 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 patients, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's responsibilities include physical contact with patients, for example to provide therapy or to draw blood.
- f) *Beginning January 1, 1996, when the hospital makes a conditional offer of employment to an applicant who is not exempt under subsection (ws) of this Section, for a position with duties that involve direct care for patients, 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 hospital 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 hospital 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

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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 hospital 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 hospital, 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 hospital may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check.*

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(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 hospital 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 hospital 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 hospital 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 Illinois-State Police); and*
 - 2) *A certified check, money order or hospital 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 ~~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:*

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- 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;*
 - 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 patients, 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)

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- 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.
- 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]);
 - 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 Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3]);
 - 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]);

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- 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 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1]);
 - 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) ~~p~~ *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*

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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)g)~~ A hospital 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)f)~~ A hospital may retain the individual in a direct care position if the individual presents clear and convincing evidence to the hospital 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)s)~~ 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; or*

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- 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 patients. (Section 20 of the Health Care Worker Background Check Act)*
- ~~x)†~~ *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)*
- ~~y)†~~ *The hospital 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 hospital shall include the individual's Social Security number on the criminal history record check results.*
- ~~z)†~~ *The hospital shall retain on file for a period of 5 years records of criminal records requests for all employees. The hospital 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)*
- ~~aa)†~~ *The hospital 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. _____, effective _____)

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- 1) Heading of the Part: Income Tax
 - 2) Code Citation: 86 Ill. Adm. Code 100
 - 3) Section Numbers: 100.5050 Proposed Action:
New Section
 - 4) Statutory Authority: 35 ILCS 5/1006
 - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the "frivolous return" penalty in IITA Section 1006 by describing legal positions that have been determined to be frivolous by federal courts.
 - 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
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>IL Register Citation</u> |
|------------------------|------------------------|-----------------------------|
| 100.3500 | New Section | 27 Ill. Reg. 60, 01/03/03 |
| 100.2410 | New Section | 27 Ill. Reg.13754, 08/15/03 |
- 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
 Phone: (217) 782-7055

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The frivolous return penalty applies only to individual income tax filers, not to businesses, municipalities or not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: No new procedures are imposed or required.
 - C) Types of professional skills necessary for compliance: No new skills are required.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 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

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- 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
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 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

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| | |
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| 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)) |
| 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)) |
| 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

| | |
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| Section | |
| 100.2580 | Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T)) |
| 100.2590 | Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers |

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

| | |
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| 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

| | |
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| Section | |
| 100.3000 | Terms Used in Article 3 (IITA Section 301) |
| 100.3010 | Business and Nonbusiness Income (IITA Section 301) |
| 100.3020 | Resident (IITA Section 301) |

SUBPART J: COMPENSATION

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| Section | |
| 100.3100 | Compensation (IITA Section 302) |
| 100.3110 | State (IITA Section 302) |
| 100.3120 | Allocation of Compensation Paid to Nonresidents (IITA Section 302) |

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

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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))

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)
- 100.5040 Innocent Spouses

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100.5050 Frivolous Returns

SUBPART O: COMPOSITE RETURNS

Section

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| 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

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| 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

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| 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) |

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- 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

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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

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100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

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| 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 |

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective

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November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5050 Frivolous Returns

- a) *In addition to any other penalty provided by the IITA, there is imposed a penalty of \$500 upon any individual who files a purported return that does not contain information from which the substantial correctness of the stated tax liability can be determined or contains information indicating that the stated tax liability is substantially incorrect and such conduct is due to a desire to delay or impede the administration of the IITA or is due to a position that is frivolous. (IITA Section 1006)*
- b) *The penalty imposed by IITA Section 1006 applies only to individual return filers. It does not apply to an individual acting as a return preparer for another*

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taxpayer or to an individual filing or signing a return of any taxpayer other than that individual.

- c) The penalty imposed by IITA Section 1006 applies to *purported returns*. Accordingly, the penalty may be imposed even though the filing is not a processable return within the meaning of UPIA Section 3-2(d), is not filed on the form prescribed by the Department under IITA Section 1401(a), or is insufficient to avoid imposition of the penalty for failure to file a return under IITA Section 1001.
- d) A purported return *does not contain information from which the substantial correctness of the stated tax liability can be determined* if it does not contain or is not verified by a signed, written declaration that it is made under penalties of perjury, as required by IITA Section 504, and such purported return *is due to a desire to delay or impede the administration of the IITA* and is therefore subject to penalty if:
- 1) the declaration on the form prescribed by the Department is altered or qualified in any way, or the filing is not made on the form prescribed by the Department and its verification is not identical to the verification contained in the form prescribed by the Department; or
 - 2) it indicates on its face in any manner that the filer has intentionally failed to sign the verification. For example, a statement on or attached to a form, saying that the filer has not signed the verification because signing the verification would violate his or her rights under the United States Constitution or the Constitution of the State of Illinois against self-incrimination, against unreasonable searches and seizures or to due process, or because signing the verification would constitute perjury or would violate religious principles of the filer, would cause the filing to be frivolous and subject to penalty.
- e) A purported return *contains information indicating that the stated tax liability is incorrect due to a frivolous position* if it contains an assertion that no federal or Illinois income tax liability is due because of one or more of the following positions, or because of a position substantially similar to any of the following:
- 1) an income tax is prohibited or not allowed by the United States Constitution or the Illinois Constitution;

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- 2) individuals in general are not subject to income taxation by the United States or this State;
- 3) no provision of the Internal Revenue Code or of the IITA requires filing of a return or payment of tax by individuals having net income;
- 4) filing of income tax returns or payment of income taxes is voluntary;
- 5) income taxes are or may be imposed only on certain business activities or the exercise of a privilege (other than the privilege of earning or receiving income in or as a resident of Illinois), and the filer has not engaged in any such business or privileged activity;
- 6) wages, salary and other forms of compensation for personal services are not income or otherwise are not subject to income tax;
- 7) only government employees, nonresident aliens, citizens or residents of the District of Columbia or other federal areas, or persons other than residents or citizens of the United States are or may be made subject to an income tax imposed by the United States or this State;
- 8) income tax may be imposed only by contractual arrangement or under a contractual or other consensual relationship between the filer and either the United States or this State;
- 9) regulations necessary to implement the Internal Revenue Code or the IITA in general, or to implement the provisions in those statutes requiring filing of returns or payment of taxes, have not been promulgated;
- 10) the filer has not received a specific notice of his or her obligation to maintain records, file returns or pay taxes;
- 11) the filer has not received income from any source of income expressly identified in the Internal Revenue Code or the IITA as being from United States sources or subject to income tax;
- 12) the filer has no income because the federal reserve notes, checks or other medium in which the filer is paid do not constitute "money", "currency" or any other taxable medium;

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- 13) the filer has no liability or no obligation to file a return because no liability has been properly assessed;
 - 14) payments received in federal reserve notes or obligations of the federal government are exempt from State income taxation;
 - 15) a pure trust, contractual trust or statutory trust has no return filing or tax payment obligations; or
 - 16) any position that the United States Supreme Court or a federal circuit court of appeals has held to be frivolous for purposes of imposing a frivolous return penalty under IRC Section 6702.
- f) The penalty imposed under IITA Section 1006 shall be paid upon notice and demand and shall be assessed, collected and paid in the same manner as the Illinois income tax.

(Source: Added at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.162 Proposed Action:
Amendment
- 4) Statutory Authority: 35 ILCS 200/2-45 (as amended by Public Act 93-0188, effective July 11, 2003)
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-0188 enacts a change in the qualifications for township and multi-township assessors who have been in office for a total of 12 years or more.

In subsection (a), redundant language is deleted and language is added (1) clarifying internal cross-references and (2) listing new qualifications for township and multi-township assessors who have been in office for a total of 12 years or more.

In subsection (b), language is added clarifying filing requirements and timing issues with respect to pre-election and pre-appointment completion of education qualifications by township and multi-township assessors in the definition of the term "current" and a new definition is provided for the phrase "participation as a candidate".

In subsection (c), obsolete language is deleted regarding implementation for prior elections and language is added clarifying the year for which equalized assessed valuation is used by the Department in its certification of qualifications.

In subsection (d), redundant language is deleted, obsolete language is deleted for prior elections, and language is added (1) describing the standard for determining receipt of a timely filed petition for revision of township and multi-township assessor qualifications, (2) detailing the required elements of a written assessment agreement between a township or multi-township board of trustees, the Chief County Assessment Officer, and the County Board, and (3) clarifying the year for which equalized assessed valuation is used by an assessment district as evidence in a petition for revision of township and multi-township assessor qualifications.

Subsection (e) is deleted as being redundant at this point in time

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 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:

Karen Alice Kloppe
Associate Counsel – Property Taxes
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 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 new requirements
- 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 Amendment begins on the next page.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 110
PROPERTY TAX CODE

| Section | |
|--------------------|--|
| 110.101 | Railroads |
| 110.105 | Non-carrier Real Estate of Railroads |
| 110.110 | Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices |
| 110.112 | Procedures for Assessment of Section 515 Low-income Housing Projects |
| 110.113 | Fraternal Organization Assessment Freeze |
| 110.115 | Non-Homestead Exemption Proceedings |
| 110.120 | Oil Right Lessees and Producers |
| 110.125 | Reports to be Filed with the Department |
| 110.130 | Hearings and Records of Chief County Assessment Officers |
| 110.135 | Review of Assessments – Counties of 3,000,000 or More |
| 110.140 | Board of Review Procedures and Records – Counties of Less than 3,000,000 |
| 110.141 | Farmland Factor Review Procedures (Repealed) |
| 110.145 | Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue |
| 110.150 | Records Reproduction |
| 110.155 | Course and Examination Requirements for Board of Review Members |
| 110.160 | Multi-township Assessment Districts |
| 110.162 | Township and Multi-township Assessor Qualifications |
| 110.165 | Farmland Assessment Review Procedures |
| 110.170 | Assessors' Bonus |
| 110.175 | Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants |
| 110.180 | Supervisor of Assessments Examination |
| 110.190 | Property Tax Extension Limitation |
| 110.192 | Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code |
| 110.ILLUSTRATION A | State of Illinois Board of Review Course and Exam Requirements |

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

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SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; amended at 27 Ill. Reg. _____, effective _____.

Section 110.162 Township and Multi-township Assessor Qualifications

- a) Pre-election and Pre-appointment Qualifications as Set Forth in Section 2-45 of the Property Tax Code [35 ILCS 200/2-45]. ~~As Amended by Public Act 89-441, Effective June 1, 1996~~

No person may file or have filed on his or her behalf nominating papers, or be a candidate in any caucus or primary or general election, for the office of township or multi-township assessor unless that person meets the appropriate qualifications specified in subsection (a)(1), (a)(2), or (a)(3) ~~below~~ and has filed a copy of the certificate of those qualifications with the township clerk, board of election commissioners or other appropriate election authority. No person may be appointed to fill a vacancy in the office of township or multi-township assessor

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unless that person meets the appropriate qualifications specified in subsections (a)(1) and (a)(2) and has filed a copy of the certificate of those qualifications with the appropriate appointing authority. Pursuant to Section 2-45(e) of the Property Tax Code [35 ILCS 200/2-45(e)], if any person files nominating papers for the office of township or multi-township assessor without also filing a copy of the certificate of qualifications, the township clerk, board of election commissioners or other appropriate election authority shall not certify the name of that person as a candidate to the proper election officials. The certificate of qualifications shall be a document or documents from the Department under subsection (a)(2)(A) or the a designating association listed under ~~in~~ subsection ~~(a)(2)(A) or~~ (a)(2)(B) that confirms the person has received the designation and is ~~currently~~ in compliance with current continuing education requirements.

- 1) Beginning December 1, 1996, in a township or multi-township assessment district not subject to subsection (a)(2) or (a)(3) ~~below~~, the person at a minimum shall have passed an introductory course in assessment practices approved by the Department or shall have one of the qualifications listed in subsection (a)(2)(A) or (a)(2)(B) ~~below~~. Any such person who has successfully completed, prior to January 1, 1997, the Basic Course (currently designated "B-100") conducted by the Illinois Property Assessment Institute shall be considered to have passed an introductory course in assessment practices approved by the Department as required by this subsection (a)(1).
- 2) Beginning December 1, 1996, in a township or multi-township assessment district with \$25,000,000 or more of non-farm equalized assessed value or \$1,000,000 or more of commercial and industrial equalized assessed value, the person shall have at least one of the following qualifications:
 - A) A Certified Illinois Assessing Officer (CIAO) certificate from the Illinois Property Assessment Institute conferred:
 - i) in the year of the election, ~~or~~ appointment, or participation as a candidate;
 - ii) in the year before the year of the election, ~~or~~ appointment, or participation as a candidate;
 - iii) prior to the year before the year of the election, ~~or~~ appointment, or participation as a candidate, plus current

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additional 30 class hours approved by the Department as required in Section 4-10 of the Property Tax Code [35 ILCS 200/4-10]; ~~or~~

iv) prior to the year before the year of the election, ~~or~~ appointment, or participation as a candidate, plus a minimum of 300 additional hours of successfully completed courses approved by the Department (150 hours of which must have been courses with written examinations), plus successful completion of 15 class hours of additional training in courses approved by the Department within the four years preceding the election, ~~or~~ appointment, or participation as a candidate; or

v) prior to the year before the year of election, appointment, or participation as a candidate, plus a minimum of 360 additional hours of successfully completed courses approved by the Department (180 hours of which must have been courses with written examinations), provided the person has served as a township or multi-township assessor for a total of 12 years or more;

- B) One of the following designations along with current continuing education requirements as prescribed by the designating association:
- i) designation by the International Association of Assessing Officers as a Residential Evaluation Specialist (RES) or Certified Assessment Evaluator (CAE);
 - ii) designation by the Appraisal Institute or its predecessor organizations as a Residential Member (RM), Member of the Appraisal Institute (MAI), Senior Real Estate Analyst (SREA), Senior Residential Analyst (SRA) or Senior Real Property Appraiser (SRPA);
 - iii) designation by the National Association of Independent Fee Appraisers as a Member (IFA), Senior Member (IFAS) or Appraiser-Counselor (IFAC);

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- iv) designation by the American Society of Appraisers as a Member (ASA); or
 - v) a professional designation approved by the Department from any other appraisal or assessing association that is substantially similar to those organizations described in subsection (a)(2)(B)(i)-(iv) ~~above~~ in terms of required number of hours, course content, examination requirements, demonstration appraisal requirements and continuing education guidelines.
- 3) Beginning December 1, 2000, in a township or multi-township assessment district with more than \$10,000,000 and less than \$25,000,000 of non-farm equalized assessed value and less than \$1,000,000 in commercial and industrial equalized assessed value, a person who has previously been elected as assessor or multi-township assessor in such township or multi-township assessment district shall have one of the qualifications listed in subsection (a)(2)(A) or (a)(2)(B) ~~above~~.
- b) For purposes of this Section, these terms are defined as follows:
- 1) "non-farm equalized assessed value" means the total equalized assessed value in the township or multi-township assessment district as reported to the Department under Section 18-255 of the Property Tax Code [35 ILCS 200/18-255] after removal of homestead exemptions and after removal of the equalized assessed value reported to the Department as farm or minerals under Section 18-255;
 - 2) "current" means for the year of the election, appointment, or participation as a candidate, or the year prior to the year of the election, appointment, or participation as a candidate, as is appropriate in a particular factual situation;
 - 3) "year" means calendar year;
 - 4) "participation as a candidate" means the filing of nominating papers by a person or having nominating papers filed on his or her behalf or being a candidate in any caucus or primary or general election for the office of township or multi-township assessor. A person who is a candidate in any caucus must file a copy of his or her certificate of qualifications with the

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township clerk prior to the date of the caucus. If a person has been a candidate in any caucus and did not file a copy of his or her certificate of qualifications with the township clerk prior to the date of the caucus and also at the time of filing nomination papers, then the township clerk shall not certify the name of that person as a candidate to the proper election officials. (See 35 ILCS 200/2-45(e).)

- c) Certification of Pre-election and Pre-appointment Requirements by the Department
- 1) ~~By Between June 1 and June 15, 1996, and thereafter by~~ February 1 of each year before the year of election of township or multi-township assessors, the Department shall certify to each township or multi-township clerk and each county clerk the pre-election requirements for the office of township or multi-township assessor in each township or multi-township assessment district using the equalized assessed valuation for the most recent year for which all counties have completed filing of reports to the Department under Section 18-255 of the Property Tax Code [35 ILCS 200/18-255].
 - 2) Within 30 days after the required statutory notice of either the formation of a new multi-township assessment district under Section 2-15 of the Property Tax Code [35 ILCS 200/2-15] or the disconnection of a township from a multi-township assessment district under Section 2-35 of the Property Tax Code [35 ILCS 200/2-35], the Department shall certify to the county clerk and the clerks of either the newly formed multi-township assessment district or of the disconnected township and the remaining multi-township assessment district the requirements for the office of township or multi-township assessor in each resulting township or multi-township assessment district using the equalized assessed valuation for the most recent year for which all counties have completed filing of reports to the Department under Section 18-255 of the Property Tax Code [35 ILCS 200/18-255].
- d) Revision of Township and Multi-township Assessor Qualifications by the Department
- 1) A township board of trustees in a township assessment district or multi-township board of trustees in a multi-township assessment district, upon approval by the board, may petition the Department in writing to revise

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the qualifications for the office of township or multi-township assessor within the board's jurisdiction pursuant to Section 2-52 of the Property Tax Code [35 ILCS 200/2-52, ~~added by Public Act 89-441~~].

- 2) When a certification is made by the Department in accordance with subsection (c)(1) ~~above~~, the township or multi-township board of trustees requesting a revision of qualifications shall file the petition with the Department ~~between the date the Department certifies the requirements and July 15, 1996, for 1997 elections and~~ between the date the Department certifies the requirements and April 1 of the year before the year of an election ~~for elections after 1997~~. The Department shall not consider a petition received ~~after July 15, 1996, for 1997 elections, or~~ after April 1 of the year before the year of an election, receipt of which shall be evidenced by the postmark on a metered or posted petition, the date-stamp of receipt on a hand-delivered petition, and the transmission date confirming receipt of a facsimile ~~for elections after 1997~~. The Department shall return any petition filed after ~~this deadline these deadlines~~ to the petitioning board. If a petition is received after a deadline or if a petition was not received by the Department, the burden of proof that the petition was timely filed with the Department shall be upon the petitioning board.
- 3) In requesting a revision of qualifications, when there is a voluntary formation of a multi-township assessment district under Section 2-15 of the Property Tax Code [35 ILCS 200/2-15] or a disconnection under Section 2-35 of the Property Tax Code [35 ILCS 200/2-35], the township or multi-township board of trustees of either the newly formed multi-township assessment district or of the disconnected township and the remaining multi-township assessment district shall file the petition within 30 days after the Department's certification in subsection (c)(2) ~~above~~. The Department shall not consider a petition received more than 30 days after the certification under subsection (c)(2) ~~above~~, receipt of which shall be evidenced by the postmark on a metered or posted petition, the date-stamp of receipt on a hand-delivered petition, and the transmission date confirming receipt of a facsimile. ~~The Department and~~ shall return any petition filed after this deadline to the petitioning board. If a petition is received after a deadline or if a petition was not received by the Department, the burden of proof that the petition was timely filed with the Department shall be upon the petitioning board.
- 4) All supporting documentation and arguments shall be submitted with the

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petition, and the Department may request additional information from the petitioning board. The petition shall include each of the following:

- A) The name and county of the township or multi-township assessment district.
- B) The mailing address of the township or multi-township board of trustees.
- C) The name and mailing address of the township or multi-township clerk.
- D) The date the township or multi-township board of trustees approved the petition to request that the Department revise the qualifications for the office of township or multi-township assessor.
- E) The non-farm equalized assessed value in the township or multi-township assessment district that was used as the basis for certifying the pre-election and pre-appointment requirements for the office of township or multi-township assessor under Section 2-45 of the Property Tax Code [35 ILCS 200/2-45].
- F) The commercial and industrial equalized assessed value in the township or multi-township assessment district that was used as the basis for certifying the pre-election and pre-appointment requirements for the office of township or multi-township assessor under Section 2-45 of the Property Tax Code [35 ILCS 200/2-45].
- G) A statement that the township or multi-township board of trustees requests the qualifications for the office of township or multi-township assessor be revised from those required in subsection (a)(2) or (a)(3) ~~above~~ to those required in subsection (a)(1) ~~above~~.
- H) A detailed statement in support of the request for revision of assessor qualifications. The statement shall include information on the quantity and complexity of assessments within the township or multi-township assessment district. The statement may include, but is not limited to:

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- i) evidence that values in the assessment district are different from the values used as the basis for certifying the pre-election and pre-appointment requirements for township or multi-township assessor;
 - ii) descriptions of the number, characteristics, and valuations of classes, groups or individual properties in the assessment district;
 - iii) descriptions of the activities of the assessor in the assessment process in the assessment district; and
 - iv) any other information that the petitioning board considers relevant to a determination that the quantity and complexity of assessments within the assessment district support reducing the standards for qualification for the office of township or multi-township assessor.
- I) If the petition states that the Chief County Assessment Officer will assess certain commercial or industrial property within the assessment district ~~during the term of office for which the petition is made~~, the petition shall include a signed and dated copy of a written agreement between the township or multi-township board of trustees, the Chief County Assessment Officer, and the County Board for the Chief County Assessment Officer to assess that property for at least the period of time covering the term associated with the immediately following election for the township or multi-township assessor (e.g., for a petition filed in 2004, the assessment agreement must indicate that property within the township or multi-township assessment district will be assessed by the Chief County Assessment Officer for at least the period of time from January 1, 2006 until December 31, 2009). The petition shall also indicate the ~~most recent~~ equalized assessed value of each that property to be assessed under that agreement and of all other property in the township or multi-township assessment district by class of property for the same year as that used for certification of pre-election and pre-appointment qualifications by the Department. ~~With respect to petitions for the 1997 election only, in lieu of a written agreement between the township or multi-township board of trustees, the Chief County Assessment Officer, and the County~~

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~~Board, the petition may include an affidavit from the Chief County Assessment Officer identifying the commercial and industrial property the Chief County Assessment Officer intends to assess during the term of office for which the petition is made.~~

- 5) In determining a petition for revision of assessor qualifications, the Department shall consider evidence concerning the quantity and complexity of assessments within the township or multi-township assessment district. The Department shall not determine a petition in favor of the petitioning board on the basis that all or a significant portion of the township or multi-township assessor's duties have been undertaken by the Chief County Assessment Officer or another entity. Evidence to be considered may include, but is not limited to:
 - A) Evidence that values for the assessment district are different from the values used by the Department as the basis for certifying the pre-election and pre-appointment requirements for the office of township or multi-township assessor; and
 - B) Evidence that an assessment district would have been in a category with reduced assessor qualifications if the equalized assessed values of three or fewer properties to be assessed by the Chief County Assessment Officer for the same year as that used for certification of pre-election and pre-appointment qualifications by the Department are deducted from the equalized assessed value upon which the qualifications are based.
 - 6) The Department shall notify the township or multi-township board of trustees whether the revision in assessor qualifications is allowed within 30 days after receipt of the petition or receipt of any requested additional information, whichever is later. If the Department revises assessor qualifications, the Department also shall notify the township or multi-township clerk and the county clerk within the same 30-day period.
 - 7) When the Department has allowed a request for a revision of assessor qualifications, the revision shall remain in effect until the next certification under Section 2-50 of the Property Tax Code [35 ILCS 200/2-50].
- e) ~~This Section shall be effective on and after June 1, 1996.~~

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Number: Proposed Action:
390.2000 Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) A complete description of the subjects and issues involved: Section 18b-105(e) of the Illinois Vehicle Code [625 ILCS 5/18b-105(e)] requires the Department's regulations to be identical in substance to the Federal Motor Carrier Safety Regulations (FMCSR), unless waived by 49 CFR 350.341. Therefore, by this Notice, and in compliance with Illinois law, the Department is proposing to amend Part 390 for consistency with a federal rulemaking recently adopted by the Federal Motor Carrier Safety Administration. Specifically, at Section 390.2000(a), the Department is incorporating by reference the federal rulemaking adopted at 68 FR 22456, April 28, 2003. The federal rulemaking updated references to the hours of service requirements at 49 CFR 390.23 (Relief from regulations), which is incorporated by reference at Section 390.2000(a), to correspond to the new requirements of 49 CFR 395.

The Department's rulemaking will incorporate by reference changes made in the following Docket:

Docket FMCSA-97-2350 (68 FR 22456, April 28, 2003) Amends the Federal Motor Carrier Safety Regulations by revising the hours of service regulations to require motor carriers to provide drivers with better opportunities to obtain sleep.

- 6) Will this proposed rulemaking 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? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government in Illinois.

DEPARTMENT OF TRANSPORTATION

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate commercial motor vehicles in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking affects hours of service requirements including the completion of

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driver log books that chart the number of hours a commercial motor vehicle is operated.

- C) Types of professional skills necessary for compliance: No additional professional skills are necessary for compliance with this rulemaking.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 390
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

| | |
|----------|-----------------------|
| Section | |
| 390.1000 | Purpose |
| 390.1010 | General Applicability |
| 390.1020 | Definitions |
| 390.1030 | Rules of Construction |

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

| | |
|----------|----------------------------|
| Section | |
| 390.2000 | Incorporation by Reference |

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subpart B is hereby incorporated by reference as that subpart of the Federal Motor Carrier Safety Regulations (FMCSR) that was in effect on October 1, 2002, as amended at 67 FR 61818, October 2, 2002, ~~and~~ as amended at 67 FR

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63019, October 9, 2002, [and as amended at 68 FR 22456, April 28, 2003](#) subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 390, subpart B shall apply for the purposes of this Subpart:
- 1) 49 CFR 390.9 is deleted and not incorporated.
 - 2) 49 CFR 390.15 is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Motor Carrier Safety Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.
 - 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
 - 4) 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State, or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.
 - 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
 - 6) 49 CFR 390.29(b) is not incorporated and the following is substituted therefor:

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All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 8) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 9) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMCSR.
- 10) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 2002)

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate commercial motor vehicles in Illinois.

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- B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting requirements are necessary for compliance with this rulemaking.
 - C) Types of professional skills necessary for compliance: No additional professional skills are necessary for compliance with this rulemaking.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 393
PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section

393.1000 General
393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 23 Ill. Reg. 5124, effective March 31, 1999; amended at 24 Ill. Reg. 1974, effective January 19, 2000; amended at 25 Ill. Reg. 2117, effective January 17, 2001; amended at 26 Ill. Reg. 9005, effective June 5, 2002; amended at 27 Ill. Reg. 9247, effective June 2, 2003; amended at 27 Ill. Reg. _____, effective _____.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 2002, as amended at 67 FR 61818, October 2, 2002, and as amended at 67 FR 63966, October 16, 2002 subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.
 - 1) 49 CFR 393.93 shall not apply to those commercial motor vehicles

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engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).

- 2) *49 CFR 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).*
- 3) Authorized Illinois State Police shall place vehicles out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Numbers: 395.2000 Proposed Action: Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) A complete description of the subjects and issues involved: Section 18b-105(e) of the Illinois Vehicle Code [625 ILCS 5/18b-105(e)] requires the Department's regulations to be identical in substance to the Federal Motor Carrier Safety Regulations (FMCSR), unless waived by 49 CFR 350.341. Therefore, by this Notice, and in compliance with Illinois law, the Department is proposing to amend Part 395 for consistency with a federal rulemaking recently adopted by the Federal Motor Carrier Safety Administration. Specifically, at Section 395.2000(a), the Department is incorporating by reference the federal rulemaking adopted at 68 FR 22456, April 28, 2003.

The Department's rulemaking will incorporate by reference changes made in the following Docket:

Docket FMCSA-97-2350 (68 FR 22456, April 28, 2003) Amends the Federal Motor Carrier Safety Regulations by revising the hours of service regulations to require motor carriers to provide drivers with better opportunities to obtain sleep.

Additionally, at Sections 395.2000(c)(3)(C)(i) and (D)(ii), the Department is updating provisions to correspond to the new hours of service requirements adopted at 68 FR 22456, April 28, 2003.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government in Illinois.

DEPARTMENT OF TRANSPORTATION

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

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate commercial motor vehicles in Illinois.

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- B) Reporting, bookkeeping or other procedures required for compliance:
This rulemaking affects hours of service requirements including the completion of driver log books that chart the number of hours a commercial motor vehicle is operated.
- C) Types of professional skills necessary for compliance: No additional professional skills are necessary for compliance with this rulemaking.

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

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395
HOURS OF SERVICE OF DRIVERS

Section

| | |
|----------|--|
| 395.1000 | General |
| 395.2000 | Incorporation by Reference of 49 CFR 395 |

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 27 Ill. Reg. _____, effective _____.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 2002, as amended at 68 FR 22456, April 28, 2003 subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
 - 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.
 - 2) 49 CFR 395.1(e) as it applies to intrastate carriers is amended to establish

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that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])

- 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.
 - B) Out-of-Service Criteria
 - i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
 - iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.
 - C) Responsibilities of motor carriers
 - i) No motor carrier shall:

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Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395.5.

Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, eight consecutive hours and is in compliance with this Section. The appropriate consecutive hours ~~eight hour~~ off duty period may include sleeper berth time.

- ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, as amended at 68 FR 22456, April 28, 2003, eight consecutive hours and is in compliance with this Section.
- iii) A driver to whom a form has been tendered declaring the

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NOTICE OF PROPOSED AMENDMENT

driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.

- iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
- 4) Part 395 *shall not apply to agricultural movements* that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
- 5) Part 395 *shall not apply to all farm to market agricultural transportation* as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
- 6) Part 395 *shall not apply to any grain hauling operations* that are engaged in intrastate commerce *within a radius of 200 air miles of the normal work reporting location.* (Section 18b-105(c)(6) of the Law)
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.* (Section 18b-106.1 of the Law)

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code citation: 35 Ill. Adm. Code 307
- 3)

| <u>Section numbers:</u> | <u>Adopted action:</u> |
|-------------------------|------------------------|
| 307.3000 | Amend |
| 307.3001 | Amend |
| 307.3002 | Amend |
| 307.3003 | Amend |
| 307.3004 | Amend |
| 307.3005 | Amend |
| 307.3006 | Amend |
| 307.3007 | Amend |
| 307.3008 | Amend |
| 307.3009 | Amend |
| 307.3010 | Amend |
| 307.3011 | Amend |
| 307.3012 | Amend |
| 307.3013 | Add |
| 307.4000 | Amend |
| 307.4001 | Amend |
| 307.4002 | Amend |
| 307.4003 | Amend |
| 307.4004 | Amend |
| 307.4005 | Amend |
| 307.4006 | Amend |
| 307.4007 | Amend |
| 307.4008 | Amend |
| 307.4009 | Amend |
| 307.4010 | Amend |
| 307.4011 | Amend |
| 307.4012 | Amend |
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3 and 27.
- 5) Effective date of Amendments: September 10, 2003
- 6) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 7) Do these amendments contain incorporations by reference? Yes. The text of Part 307 includes a significant number of incorporations of federal regulations by reference. The current amendments update several existing incorporations and add a number of others for newer federal requirements.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted September 4, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 27 Ill. Reg. 9835, July 7, 2003
- 10) Has JCAR issued a Statement of Objections to these amendments? No. 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).
- 11) Differences between proposal and final version: A table that appears in the Board's opinion and order of September 4, 2003 in docket R03-13 summarizes the differences between the amendments proposed by the Board in that opinion and order dated June 19, 2003 in docket R03-13, and those adopted by the opinion and order dated September 4, 2003. Many of the differences are explained in greater detail in the Board's opinion and order of September 4, 2003 adopting the amendments. There were no substantive differences between the proposed and adopted versions of the amendments.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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 JCAR.

Since the Notices of Proposed Amendments appeared in the July 7, 2003 issue of the *Illinois Register*, the Board received a small number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of September 4, 2003 in docket R03-13, as indicated in item 11 above. See the September 4, 2003 opinion and order in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

docket R03-13 for additional details on the JCAR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other Amendments pending on this Part? No.
- 15) Summary and purpose of Amendments: 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, 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 September 4, 2003, adopting amendments in consolidated docket R03-13, which opinion and order is available from the address below.

The R03-13 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 July 1, 2002 through December 31, 2003. During this period, USEPA amended its regulations as follows:

| Federal Action | Summary |
|--|---|
| September 19, 2002 (67 Fed. Reg. 58990) | Amended standards for the Pulp, Paper, and Paperboard Point Source Category. |
| October 17, 2002 (67 Fed. Reg. 64216) | Amended standards for subcategories of the Iron and Steel Manufacturing Point Source Category. |
| October 23, 2002 (67 Fed. Reg. 65220) | Updated methods used for analysis of contaminants in wastewater and drinking water, including the methods of 40 C.F.R. 136. |
| October 29, 2002 (67 Fed. Reg. 65876) | Updated Method 1631 for analysis of mercury in water in 40 C.F.R. 136. |
| November 19, 2002 (67 Fed. Reg. 69952) | Amended guidelines for WET testing. |

Specifically, the segment of the amendments involved in Part 307 implements the September 19, 2002 amendments relating to the Pulp, Paper, and Paperboard Point Source Category and the October 17, 2002 amendments relating to the Iron and Steel Manufacturing Point Source Category. The Board is also making a series of non-substantive corrective and stylistic amendments to the segments of the text involved in this proceeding.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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).

Tables appear in the Board's opinion and order of June 19, 2003 in docket R03-13 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 June 19, 2003 opinion and order in docket R03-13.

- 16) Information and questions regarding these adopted amendments shall be directed to: Please reference consolidated Docket R03-13 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of September 4, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://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 C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

| | |
|----------|--|
| Section | |
| 307.101 | Preamble (Renumbered) |
| 307.102 | General Requirements (Renumbered) |
| 307.103 | Mercury (Renumbered) |
| 307.104 | Cyanide (STORET number 00720) (Renumbered) |
| 307.105 | Pretreatment Requirements (Repealed) |
| 307.1001 | Preamble |
| 307.1002 | Definitions |
| 307.1003 | Test Procedures for Measurement |
| 307.1005 | Toxic Pollutants |

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

| | |
|----------|-----------------------------------|
| Section | |
| 307.1101 | General and Specific Requirements |
| 307.1102 | Mercury |
| 307.1103 | Cyanide |

SUBPART F: DAIRY PRODUCTS PROCESSING

| | |
|----------|--|
| Section | |
| 307.1501 | Receiving Stations |
| 307.1502 | Fluid Products |
| 307.1503 | Cultured Products |
| 307.1504 | Butter |
| 307.1505 | Cottage Cheese and Cultured Cream Cheese |
| 307.1506 | Natural and Processed Cheese |
| 307.1507 | Fluid Mix for Ice Cream and other Frozen Desserts |
| 307.1508 | Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts |
| 307.1509 | Condensed Milk |
| 307.1510 | Dry Milk |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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 ADOPTED AMENDMENTS

- 307.1902 Crystalline Cane Sugar Refining
307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

- Section
307.2000 General Provisions
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: 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 ADOPTED 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
307.2524 Ammonium Chloride Production
307.2527 Borax Production

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| | |
|----------|---|
| 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 |
| 307.2707 | Manufacture of Bar Soaps |
| 307.2708 | Manufacture of Liquid Soaps |

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NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 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 Sulfonic 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 |
| 307.3003 | Ironmaking |
| 307.3004 | Steelmaking |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|-----------------|-------------------------|
| 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 |
| <u>307.3013</u> | <u>Other Operations</u> |

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 |
| 307.3125 | Primary Rare Earth Metals |
| 307.3126 | Secondary Tantalum |

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| | |
|----------|--------------------------------|
| 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 |

SUBPART BA: GLASS MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 |
| 307.3610 | Glass Tubing (Danner) Manufacturing |
| 307.3611 | Television Picture Tube Envelope Manufacturing |
| 307.3612 | Incandescent Lamp Envelope Manufacturing |
| 307.3613 | 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 |
| 307.3807 | Large-Sized General Molded, Extruded and Fabricated Rubber Plants |
| 307.3808 | Wet Digestion Reclaimed Rubber |

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- 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 Booth(s) or Without Laundry Facilities
- 307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booth(s) 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
- 307.4008 Non-Wood Chemical Pulp
- 307.4009 Secondary Fiber Deink

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| | |
|----------|---|
| 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 (~~Repealed~~)

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

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 307.4300 General Provisions
- 307.4301 Metal Finishing

SUBPART BL: CENTRALIZED WASTE TREATMENT

- Section
- 307.4700 General Provisions
- 307.4701 Metals Treatment and Recovery
- 307.4702 Oils Treatment and Recovery
- 307.4703 Organics Treatment and Recovery
- 307.4704 Multiple Wastestreams

SUBPART BN: PHARMACEUTICAL MANUFACTURING

- Section
- 307.4900 General Provisions
- 307.4901 Fermentation Products
- 307.4902 Extraction Products
- 307.4903 Chemical Synthesis Products
- 307.4904 Mixing/Compounding and Formulation
- 307.4905 Research (Repealed)

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

- Section
- 307.5200 General Provisions
- 307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos
- 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos
- 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
- 307.5204 Tanks Transporting Food Grade Cargos

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

- Section
- 307.5301 Asphalt Emulsion
- 307.5302 Asphalt Concrete
- 307.5303 Asphalt Roofing
- 307.5304 Linoleum and Printed Asphalt Felt

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SUBPART BS: WASTE COMBUSTORS

Section
307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section
307.5500 General Provisions
307.5501 RCRA Subtitle C Hazardous Waste Landfill
307.5502 RCRA Subtitle 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
307.6804 Carbon Black Lamp Process

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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

SUBPART CO: PORCELAIN ENAMELING

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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 |
| 307.8102 | Magnesium Forming |
| 307.8103 | Nickel-Cobalt Forming |

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| | |
|----------|---------------------------|
| 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].

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003.

SUBPART U: IRON AND STEEL MANUFACTURING

Section 307.3000 General Provisions

- a) Applicability.
 - 1) This Subpart **U** applies to the introduction of pollutants into a POTW resulting from production operations in the iron and steel category.

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- 2) The Board incorporates by reference 40 CFR 420.01(b) ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- b) General definitions. The Board incorporates by reference 40 CFR 420.02 ~~(2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) Compliance ~~date~~ ~~dates~~. The Board incorporates by reference 40 CFR 420.05 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- d) Calculation of pretreatment standards. The Board incorporates by reference 40 CFR 420.04 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- e) Non-process wastewater and storm water. The Board incorporates by reference 40 CFR 420.08, as added at 67 Fed. Reg. 64216 (October 17, 2002).
- f) Removal credits for phenols. The control authority may grant removal credits pursuant to Subpart C of 35 Ill. Adm. Code 310.300 ~~et seq.~~ for phenols limited in this Subpart U when used as an indicator or surrogate pollutant.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3001 Cokemaking

- a) Applicability. This Section applies to discharges resulting from byproduct and ~~other~~ ~~beehive~~ cokemaking operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.11 ~~(2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
- 1) The Board incorporates by reference 40 CFR 420.15 ~~(2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)(1986)~~. This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference

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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~~;~~:
- 1) The Board incorporates by reference 40 CFR 420.16 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)~~(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 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 January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.18, as added at 67 Fed. Reg. 64216 (October 17, 2002).

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3002 Sintering

- a) Applicability. This Section applies to discharges resulting from sintering operations conducted by the heating of iron bearing wastes (mill scale and dust from blast furnaces and steelmaking furnaces) together with fine iron ore, limestone and coke fines in an ignition furnace to produce an agglomerate for charging to the blast furnace.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.21, as added at 67 Fed. Reg. 64216 (October 17, 2002).~~None.~~
- c) Existing sources~~;~~:
- 1) The Board incorporates by reference 40 CFR 420.25 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)~~(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 shall~~ cause, threaten, or allow the

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

- d) New sources.:
- 1) The Board incorporates by reference 40 CFR 420.26 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)(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~~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 January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.28, as added at 67 Fed. Reg. 64216 (October 17, 2002).
- f) Point of compliance monitoring. The Board incorporates by reference 40 CFR 420.29(b), as added at 67 Fed. Reg. 64216 (October 17, 2002).

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3003 Ironmaking

- a) Applicability. This Section applies to discharges resulting from ironmaking operations in which iron ore is reduced to molten iron in a blast furnace.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.31 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)(1986). This incorporation includes no later amendments or editions.
- c) Existing sources.:
- 1) The Board incorporates by reference 40 CFR 420.35 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)(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~~shall~~ cause, threaten, or allow the

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

- d) New sources~~;~~
- 1) The Board incorporates by reference 40 CFR 420.36 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)~~(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~~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 January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3004 Steelmaking

- a) Applicability. This Section applies to discharges resulting from steelmaking operations conducted in basic oxygen, ~~open hearth~~ or electric arc furnaces.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.41 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)~~(1986)~~. This incorporation includes no later amendments or editions.
- c) Existing sources~~;~~
- 1) The Board incorporates by reference 40 CFR 420.45 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)~~(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~~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 420.46 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002)~~(1986)~~. This incorporation

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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~~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 January 7, 1981.

e) Compliance date. The Board incorporates by reference 40 CFR 420.48, as added at 67 Fed. Reg. 64216 (October 17, 2002).

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3005 Vacuum Degassing

- a) Applicability. This Section applies to discharges resulting from vacuum degassing operations conducted by applying a vacuum to molten steel.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 420.55 (2002)~~(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~~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 420.56 (2002)~~(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~~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

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construction of which commenced after January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3006 Continuous Casting

- a) Applicability. This Section applies to discharges resulting from the continuous casting of molten steel into intermediate or semi-finished steel products through ~~water-cooled~~~~water-cooled~~ molds.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 420.65 ~~(2002)~~~~(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~~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 420.66 ~~(2002)~~~~(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~~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 January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3007 Hot Forming

- a) Applicability. This Section applies to discharges resulting from hot forming operations conducted in primary, section, flat, and pipe and tube mills.

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- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.71 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 420.75 ~~(2002)(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~~shall~~ cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - These sources must ~~shall~~ comply with the standards for existing sources.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3008 Salt Bath Descaling

- a) Applicability. This Section applies to discharges resulting from oxidizing or reducing salt bath descaling operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.81 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 420.85 ~~(2002)(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~~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 420.86 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference

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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 January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3009 Acid Pickling

- a) **Applicability.** This Section applies to discharges resulting from sulfuric acid, hydrochloric acid, or combination acid pickling operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 420.91 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) **Existing sources:**
 - 1) The Board incorporates by reference 40 CFR 420.95 ~~(2002)(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~~ ~~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 420.96 ~~(2002)(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~~ ~~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 January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3010 Cold Forming

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- a) Applicability. This Section applies to discharges resulting from cold rolling and cold working pipe and tube operations in which unheated steel is passed through rolls or otherwise processed to reduce its thickness, to produce a smooth surface, or to develop controlled mechanical properties in the steel.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.101 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) Existing sources~~:~~
- 1) The Board incorporates by reference 40 CFR 420.105 ~~(2002)(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~~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 420.106 ~~(2002)(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~~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 January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3011 Alkaline Cleaning

- a) Applicability. This Section applies to discharges resulting from operations in which steel or steel products are immersed in alkaline cleaning baths to remove mineral or animal fats or oils from the steel, and those rinse operations ~~that~~which follow such immersion.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.111

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~~(2002)(1986)~~. This incorporation includes no later amendments or editions.

- c) Existing sources: These sources ~~must~~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 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.3012 Hot Coating

- a) Applicability. This Section applies to discharges resulting from operations in which steel is coated with zinc, terne metal, or other metals by the hot dip process, and those rinsing operations associated with that process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.121 ~~(2002)(1986)~~. This incorporation includes no later amendments or editions.
- c) Existing sources~~:~~
 - 1) The Board incorporates by reference 40 CFR 420.125 ~~(2002)(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~~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 420.126 ~~(2002)(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~~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 January 7, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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Section 307.3013 Other Operations

- a) Applicability. This Section applies to discharges resulting from production direct-reduced iron and from briquetting and forging operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.131, as added at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
- c) Existing sources.
- 1) The Board incorporates by reference 40 CFR 420.135, as added at 67 Fed. Reg. 64216 (October 17, 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 420.136, as added at 67 Fed. Reg. 64216 (October 17, 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 November 18, 2002.
- e) Compliance date. An existing source must comply with the requirements of this Section no later than October 17, 2005. A new source must comply with the requirements of this Section on the date it begins discharging.

BOARD NOTE: Subsections (d)(3) and (e) of this Section derive from the preamble discussion at 67 Fed. Reg. 64216 (October 17, 2002).

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(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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~~which 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 ~~(2002)(1998) and additional amendments to that Section found at 63 Fed. Reg. 42239 (August 7, 1998)~~. This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 430.02 (2002), as amended at 67 Fed. Reg. 58990 (September 19, 2002). This incorporation includes no later amendments or editions.
- de) Best management practices. The Board incorporates by reference 40 CFR 430.03 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4001 Dissolving Kraft

- a) Applicability. This Section applies to discharges resulting from the production of dissolving pulp at kraft mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.11 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.16 ~~(2002)(1998)~~. 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~~shall~~ cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

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- d) New sources~~;~~:
- 1) The Board incorporates by reference 40 CFR 430.17 ~~(2002)(1998)~~. 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~~~~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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4002 Bleached Papergrade Kraft and Soda

- a) Applicability. This Section applies to discharges resulting from any of the following: the production of market pulp at bleached kraft mills; the integrated production of paperboard, coarse paper, and tissue paper at bleached kraft mills; the integrated production of pulp and fine papers at bleached kraft mills; and the integrated production of pulp and paper at soda mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.21 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources~~;~~:
- 1) The Board incorporates by reference 40 CFR 430.26 ~~(2002)(1998) and additional amendments to that Section found at 63 Fed. Reg. 42239 (August 7, 1998)~~. 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~~~~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 430.27 ~~(2002)(1998) and~~

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~~additional amendments to that Section found at 63 Fed. Reg. 42239 (August 7, 1998).~~ 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~~ 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 January 6, 1981.
- e) Best management practices. The Board incorporates by reference 40 CFR 430.28 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.36 ~~(2002)(1998)~~. 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~~ 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 430.37 ~~(2002)(1998)~~. This

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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~~ 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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4004 Dissolving Sulfite

- a) Applicability. This Section applies to discharges resulting from the production of pulp at dissolving sulfite mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.41 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.46 ~~(2002)(1998)~~. 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~~ 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 430.47 ~~(2002)(1998)~~. 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~~ 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 January 6, 1981.

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(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.56 ~~(2002)(1998) and additional amendments to that Section found at 63 Fed. Reg. 42240 (August 7, 1998)~~. 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 ~~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 430.57 ~~(2002)(1998) and additional amendments to that Section found at 63 Fed. Reg. 42240 (August 7, 1998)~~. 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 ~~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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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Section 307.4006 Semi-Chemical

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at semi-chemical mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.61 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.66 ~~(2002)(1998)~~. 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~~ 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 430.67 ~~(2002)(1998)~~. 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~~ 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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4007 Mechanical Pulp

- a) Applicability. This Section applies to discharges resulting from any of the following: the production of pulp and paper at groundwood chemi-mechanical mills; the production of pulp and paper at groundwood mills through the application of the thermo-mechanical process; the integrated production of pulp and coarse paper, molded pulp products, and newsprint at groundwood mills; and the integrated production of pulp and fine paper at groundwood mills.

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- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.71 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources~~;~~:
- 1) The Board incorporates by reference 40 CFR 430.76 ~~(2002)(1998)~~. 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~~ ~~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 430.77 ~~(2002)(1998)~~. 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~~ ~~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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4008 Non-Wood Chemical Pulp

- a) Applicability. This Section applies to discharges resulting from the production of pulp and paper at non-wood chemical pulp mills. This sub-category includes, but is not limited to, mills producing non-wood pulps from chemical pulping processes such as kraft, sulfite, or soda.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.81 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources~~;~~:
- 1) The Board incorporates by reference 40 CFR 430.86 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.

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- 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:
 - 1) The Board incorporates by reference 40 CFR 430.87 ~~(2002)(1998)~~. 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~~ 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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4009 Secondary Fiber Deink

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at deink mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.91 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.96 ~~(2002)(1998)~~. 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~~ 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 430.97 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.

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- 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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.101 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.106 ~~(2002)(1998)~~. 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~~ 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 430.107 ~~(2002)(1998)~~. 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~~ 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

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construction of which commenced after January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

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 ~~(2002)(1998)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 430.116 ~~(2002)(1998)~~. 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 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 430.117 ~~(2002)(1998)~~. 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 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 January 6, 1981.

(Source: Amended at 27 Ill. Reg. 15095, effective September 10, 2003)

Section 307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp

- a) Applicability. This Section applies to discharges resulting from the production of tissue papers at non-integrated mills, filter and non-woven papers at non-

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integrated mills, and paperboard at non-integrated mills. The production of electrical grades of board and matrix board is not included in this Subpart BE.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.121 (2002)(1998). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must 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 27 Ill. Reg. 15095, effective September 10, 2003)

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code citation: 35 Ill. Adm. Code 310
- 3)

| | |
|-------------------------|------------------------|
| <u>Section numbers:</u> | <u>Adopted action:</u> |
| 310.101 | Amend |
| 310.102 | Amend |
| 310.103 | Amend |
| 310.104 | Amend |
| 310.105 | Amend |
| 310.107 | Amend |
| 310.110 | Amend |
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3 and 27.
- 5) Effective date of Amendments: September 10, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. The text of Part 310 includes a significant number of incorporations of federal regulations by reference. Section 310.107 is a centralized listing of all documents incorporated by reference for the purposes of Part 310. The current amendments update several existing incorporations to correspond with changes in the corresponding federal requirements.
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted September 4, 2003, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 27 Ill. Reg. 9875, July 7, 2003
- 10) Has JCAR issued a Statement of Objections to these rules? No. 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).
- 11) Differences between proposal and final version:

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A table that appears in the Board's opinion and order of September 4, 2003 in docket R03-13 summarizes the differences between the amendments proposed by the Board in that opinion and order dated June 19, 2003 in docket R03-13, and those adopted by the opinion and order dated September 4, 2003. Many of the differences are explained in greater detail in the Board's opinion and order of September 4, 2003 adopting the amendments. There were no substantive differences between the proposed and adopted versions of the amendments.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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 JCAR.

Since the Notices of Proposed Amendments appeared in the July 7, 2003 issue of the *Illinois Register*, the Board received a small number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in the opinion and order of September 4, 2003 in docket R03-13, as indicated in item 11 above. One table indicates a JCAR suggestion not incorporated into the text, with a brief explanation. See the September 4, 2003 opinion and order in docket R03-13 for additional details on the JCAR suggestions and the Board actions with regard to each.

- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments:

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 in the larger rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of September 4, 2003, adopting amendments in docket R03-13, which opinion and order is available from the address below.

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Specifically, the segment of the amendments involved in Part 310 incorporates the October 23, 2002, October 29, 2002, and November 19, 2002 amendments relating to analytical methods. The Board is also making a series of non-substantive corrective and stylistic amendments to the segments of the text of Subpart B, which is involved in this proceeding.

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).

Tables appear in the Board's opinion and order of June 19, 2003 in docket R03-13 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 June 19, 2003 opinion and order in docket R03-13.

- 16) Information and questions regarding these adopted amendments shall be directed to:
Please reference consolidated Docket R03-13 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of September 4, 2003 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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

PART 310
PRETREATMENT PROGRAMS

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- 310.923 Approval Procedures for Non-Substantial Modifications
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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].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003.

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 POTW's). (Subpart E of this Part)(Section 310.501 et seq.)
 - 2) Requirements with which persons discharging to sewers must comply.

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~~(Subpart B of this Part)(Section 310.201 et seq.)~~

- 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)(Section 310.400 et seq.)

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

Section 310.102 Objectives

This Part satisfies the requirement of Section 13.3 of the Environmental Protection Act (Act) [415 ILCS 5/13.3] (Supp. to Ill. Rev. Stat. 1985 ch. 111½, par. 1013.3) that the Board adopt rules thatwhich are identical in substance with United States Environmental Protection Agency (USEPA) regulations implementing the pretreatment requirements of the federal Clean Water Act (33 USC 1251 et seq.). This Part is intended for the following purposes:

- a) To prevent the introduction into POTWs of pollutants that which will interfere with the operation of the POTW, or which will interfere with the use or disposal of its sludge;
- b) To prevent the introduction of pollutants into POTWs thatwhich will pass through the treatment works or which will otherwise be incompatible with such works; and
- c) To improve the opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

BOARD NOTE:(Board Note: Derived from 40 CFR 403.2 (2002).(1986))

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

Section 310.103 Federal Law

- a) The Board intends that this Part be identical in substance with the pretreatment requirements of the federal Clean Water Act (33 USC 1251 et seq.) and United

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States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 et seq.

- b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize ~~POTW's~~ POTW's to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program pursuant to the federal Clean Water Act (33 USC 1251 et seq.). After authorization the requirements of the Clean Water Act and 40 CFR 401 et seq. will continue in Illinois. In particular, USEPA has stated that it will do the following:
- 1) Retain the right to request information pursuant to 40 CFR 403.8(f); and
 - 2) Retain the right to inspect and take samples pursuant to 40 CFR 403.12(1).
- c) This Part ~~must shall~~ not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations, and NPDES permit conditions.
- d) POTW pretreatment programs ~~that~~ which have been approved by USEPA pursuant to 40 CFR 403 will be deemed approved pursuant to this Part, unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.
- 1) The Agency ~~must shall~~ notify the POTW of any such determination within 60 days after approval of the program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.
 - 2) If the Agency so notifies the POTW, the POTW will apply for program approval pursuant to Section 310.501 et seq.
- e) USEPA's access to Agency records and information in possession of the Agency ~~will shall~~ be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in Section 310.105.

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

Section 310.104 State Law

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- 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
 - 3) More stringent concentration-based standards adopted by the Board (e.g., 35 Ill. Adm. Code 307.1102 and 307.1103).
- 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 mustshall apply the standard thatwhich is more stringent as applied to the particular discharge.

BOARD NOTE: ~~(Board Note: Derived from 40 CFR 403.4 (2002)-(1986))~~

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

Section 310.105 Confidentiality

- a) Information and data provided to the control authority pursuant to this Part that which is effluent data mustshall be available to the public without restriction.
- b) With respect to the Board and Agency, confidentiality mustshall be governed by 35 Ill. Adm. Code ~~130+20~~ and 161.
- c) The Agency and POTWs POTW's mustshall make information available to the public at least to the extent provided by 40 CFR 2.302 ~~(2002)-(1991)~~, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.14 ~~(2002)-(1991)~~.

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

Section 310.107 Incorporations by Reference

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- a) The following publications are incorporated by reference:
- 1) The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
 - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are incorporated by reference:
- 40 CFR 2.302 ~~(2002)(2000)~~ |
- 40 CFR 25 ~~(2002)(2000)~~ |
- 40 CFR 122, Appendix D, Tables II and III ~~(2002)(2000)~~ |
- 40 CFR 128.140(b) (1977)
- 40 CFR 136 ~~(2002)(2000)~~, as amended at ~~67 Fed. Reg. 65220 (October 23, 2002), 67 Fed. Reg. 65876 (October 29, 2002), and 67 Fed. Reg. 69952 (November 19, 2002). 65 Fed. Reg. 81242, December 22, 2000 and 66 Fed. Reg. 32774 (June 18, 2001)~~ |
- 40 CFR 403 ~~(2002)(2000)~~ |
- 40 CFR 403, Appendix D ~~(2002)(2000)~~ |
- 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 |

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- d) This Part incorporates no future editions or amendments.

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

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) ~~(2002)(2000)~~.

"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.

BOARD NOTE: Derived from 40 CFR 403.3(d) ~~(2002)(2000)~~.

"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 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 NOTE: Derived from 40 CFR 401.11(p) ~~(2002)(2000)~~.

"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) ~~(2002)(2000)~~.

"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)

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of the CWA (33 ~~USCU.S.C.~~ 1317(b), (c) or (d)).

BOARD NOTE: Derived from 40 CFR 403.3(g) ~~(2002)(2000)~~.

"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~~15% of the total hydraulic flow received by the POTW treatment plant;

The person discharges more than ~~fifteen percent~~15% of the total biological loading of the POTW treatment plant as measured by the ~~five-day~~5-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.

BOARD NOTE: Derived from 40 CFR 403.3(h) ~~(2002)(2000)~~.

"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 or 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 ~~of~~ the prevention of sewage sludge disposal in compliance with any sludge requirements.

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BOARD NOTE: Derived from 40 CFR 403.3(i) ~~(2002)(2000)~~.

"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) ~~(2002)(2000)~~.

"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.

BOARD NOTE: Derived from 40 CFR 401.11(n) ~~(2002)(2000)~~.

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) ~~(2002)(2000)~~.

"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.~~Subpart A.~~

BOARD NOTE: Derived from 40 CFR 403.3(1) ~~(2002)(2000)~~.

"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).

BOARD NOTE: Derived from 40 CFR 403.3(n) ~~(2002)(2000)~~.

"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) ~~(2002)(2000)~~ and 33 USC

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~~U.S.C.~~ 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.

BOARD NOTE: Derived from 40 CFR 401.11(f) ~~(2002)~~(2000).

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

BOARD NOTE: Derived from 40 CFR 401.11(g) ~~(2002)~~(2000).

~~"POTW" means "Publicly Owned Treatment Works," which is defined below.~~

"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.

BOARD NOTE: Derived from 40 CFR 403.3(p) ~~(2002)~~(2000).

"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)~~(2000).

"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)~~(2000).

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"Pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill. Adm. Code 307. This term includes prohibitive discharge limits established pursuant to Section 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102, and 307.1103. The term also includes local limits pursuant to Section 310.211 that are a part of an approved pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(j) ~~(2002)(2000)~~.

"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)(2000)~~.

"Process wastewater pollutants" means pollutants present in process wastewater.

BOARD NOTE: Derived from 40 CFR 401.11(r) ~~(2002)(2000)~~.

"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.

BOARD NOTE: Derived from 40 CFR 403.3(o) ~~(2002)(2000)~~.

"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.

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BOARD NOTE: Derived from 40 CFR 401.11(m) ~~(2002)(2000)~~ and 33 ~~USCU.S.C.~~ 1362(17).

"Significant industrial user" means the followingas follows:

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 of 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.

BOARD NOTE: Derived from 40 CFR 403.3(t) ~~(2002)(2000)~~.

"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 ~~USCU.S.C.~~ 2601) or the federal Marine Protection, Research and Sanctuaries Act (33 ~~USCU.S.C.~~ 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) ~~(2002)(2000)~~.

"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) ~~(2002)(2000)~~.

POLLUTION CONTROL BOARD

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"Treatment works" is as defined in 33 ~~USCU.S.C.~~ 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 ~~USCU.S.C.~~ 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) ~~(2002)(2000)~~ and 33 ~~USCU.S.C.~~ 1292(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.

BOARD NOTE: Derived from 40 CFR 401.11(m) ~~(2002)(2000)~~ and 33 ~~USCU.S.C.~~ 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 27 Ill. Reg. 15137, effective September 10, 2003)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service
- 2) Code Citation: 83 Ill. Adm. Code 280
- 3) Section Number: 280.136 Emergency Action: New Section
- 4) Statutory Authority: Implementing Section 8-206 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-206 and 10-101].
- 5) Effective Date of Amendment: September 15, 2003
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date Filed with the Index Department: September 9, 2003
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Reason for Emergency: P.A. 93-0289 became effective on July 22, 2003. This added subsection (k) to Section 8-206 of the Public Utilities Act. Subsection (k) prohibits gas and electric utilities from disconnecting service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year. The Commission is using emergency rulemaking to amend Part 280 so that customers and utilities will be immediately advised of this prohibition in the Commission's rules on the discontinuance of service.
- 10) A Complete Description of the Subjects and Issues Involved: This amendment updates Part 280 to take into account the prohibition on disconnecting service to certain utility customers between December 1 and March 31. The added language repeats the prohibition found in Section 8-206(k) of the Public Utilities Act.
- 11) Are there any proposed amendments to this Part pending? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
Phone: (217) 785-3922
Fax: (217)524-9280

The full text of the Emergency Amendment appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 280

PROCEDURES FOR GAS, ELECTRIC, WATER AND SANITARY SEWER
UTILITIES GOVERNING ELIGIBILITY FOR SERVICE, DEPOSITS,
PAYMENT PRACTICES AND DISCONTINUANCE OF SERVICE

| Section | |
|------------------|--|
| 280.10 | Policy |
| 280.20 | Scope and Application |
| 280.30 | Saving Clause |
| 280.40 | Definitions |
| 280.50 | Applicants for Service |
| 280.60 | Present Customers |
| 280.70 | Deposits |
| 280.75 | Refunds |
| 280.76 | Refunds of Additional Charges |
| 280.80 | Estimated Bills |
| 280.90 | Past Due Bills and Late Payment Charges |
| 280.100 | Unbilled Service |
| 280.105 | Treatment of Illegal Taps |
| 280.110 | Deferred Payment Agreements |
| 280.120 | Budget Payment Plan |
| 280.130 | Discontinuance of Service |
| 280.135 | Discontinuance of Service During the Period of Time from December 1 Through and Including March 31 |
| <u>280.136</u> | <u>Energy Act of 1989 Participants Discontinuance Prohibition</u> |
| <u>EMERGENCY</u> | |
| 280.138 | Reconnection of Former Residential Utility Customers for the Heating Season |
| 280.140 | Discontinuance of Service to Accounts Affecting Master Metered Apartment Buildings |
| 280.150 | Service Reconnection Charge |
| 280.160 | Dispute Procedures |
| 280.170 | Commission Complaint Procedures |
| 280.180 | Public Notice of Commission Rules |
| 280.190 | Second Language Notices |
| 280.200 | Customer Information Booklet |

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

| | |
|----------------|--|
| 280.APPENDIX A | Notice of Utility Shut Off |
| 280.APPENDIX B | Requirements to Avoid Shut Off of Service in the Event of Illness |
| 280.APPENDIX C | Public Notice |
| 280.APPENDIX D | Insert to be Included with Each Notice of Disconnection Sent to Residential Gas and Electric Customers |

AUTHORITY: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].

SOURCE: Rule repealed, new rule adopted at 3 Ill. Reg. 1, p. 102, effective January 6, 1979; emergency amendment at 3 Ill. Reg. 46, p. 65, effective November 16, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 46, p. 1274, effective November 10, 1980; amended at 6 Ill. Reg. 10917, effective September 7, 1982; amended at 6 Ill. Reg. 13723, effective November 8, 1982; amended at 7 Ill. Reg. 9285, effective July 22, 1983; codified at 7 Ill. Reg. 13218; emergency amendment at 7 Ill. Reg. 14543, effective October 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13221, effective November 1, 1983; emergency amendment at 7 Ill. Reg. 16667, effective December 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 3664, effective March 15, 1984; emergency amendment at 8 Ill. Reg. 17924, effective September 13, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21222, effective October 15, 1984; amended at 9 Ill. Reg. 2268, effective February 8, 1985; amended at 16 Ill. Reg. 11023, effective July 1, 1992; amended at 17 Ill. Reg. 805, effective January 15, 1993; amended at 18 Ill. Reg. 6160, effective May 1, 1994; amended at 18 Ill. Reg. 17974, effective December 15, 1994; emergency amendment at 25 Ill. Reg. 16545, effective December 13, 2001 for a maximum of 150 days; amended at 26 Ill. Reg. 7032, effective May 1, 2002; amended at 27 Ill. Reg. 4527, effective April 01, 2003; emergency amendment at 27 Ill. Reg. 15156, effective September 15, 2003, for a maximum of 150 days.

Section 280.136 Energy Act of 1989 Participants Discontinuance Prohibition
EMERGENCY

Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 [305 ILCS 20/6] for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year. [220 ILCS 5/8-206(k)]

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

(Source: Added by emergency rulemaking at 27 Ill. Reg. 15156, effective September 15, 2003, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Amnesty Regulations
- 2) Code Citation: 86 Ill. Adm. Code 521
- 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Emergency Action:</u> |
| 521.101 | New Section |
| 521.105 | New Section |
- 4) Statutory Authority: P.A. 93-0026
- 5) Effective Date of Emergency Rules: September 11, 2003
- 6) If this Emergency Rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: September 11, 2003
- 8) A copy of the emergency rules, 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: P.A. 93-0026 was adopted on June 20, 2003 and the Amnesty Program begins October 1, 2003. In order to inform taxpayers of the nature of the program, emergency rules are necessary. These regulations implement a portion of the budget and are necessary for public interest, safety and welfare. 5 ILCS 100/5-45
- 10) A Complete Description of the Subjects and Issues Involved: These rules provide guidance on the procedures necessary to participate in the Amnesty Program. A description of the eligibility requirements is included. How the 200% penalty provisions in UPIA will be imposed is also described.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding these Emergency Rules shall be directed to:

Melanie A. Jarvis
Associate Counsel

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 521

AMNESTY REGULATIONS

Section

521.101 Amnesty Program In General

EMERGENCY

521.105 Amnesty Program Requirements

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 1 et seq. of the Illinois Tax Delinquency Amnesty Act (P.A. 93-0026) effective October 1, 2003.

SOURCE: Emergency Rules adopted at 27 Ill. Reg. 15161, effective September 11, 2003, for a maximum of 150 days.

Section 521.101 Amnesty Program In General**EMERGENCY**

- a) In General. Pursuant to the Illinois Tax Delinquency Amnesty Act (ITDAA), the Department will conduct an amnesty program (“the Amnesty Program”). As more fully described in Section 520.105, the Amnesty Program will apply to payments in full and final satisfaction of contested and uncontested tax liabilities received by the Department from October 1, 2003 through November 17, 2003. The ending date is November 17, 2003, because the ending date in the ITDAA – November 15, 2003 – falls on a Saturday. See 5 ILCS 70/1.11
- b) Failure To Participate In The Amnesty Program. If a taxpayer has a tax liability that is eligible for the Amnesty Program and the taxpayer fails to participate, the liability will be subject to the 200% penalty and interest sanction imposed under ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5.

Section 521.105 Amnesty Program Requirements**EMERGENCY**

- a) Notice. The Department has no duty to notify taxpayers of liabilities that may make them eligible for participation in the Amnesty Program. However, the

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Department will make reasonable efforts to identify such liabilities and, to the extent practicable, will send written notice to taxpayers. Failure of the Department to notify a taxpayer of the existence or correct amount of a liability eligible for amnesty shall not preclude the taxpayer from participating in the Amnesty Program, nor shall such failure be grounds for abating the 200% sanction imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5 for failure to pay the liability.

- b) **Participation In Amnesty Program.** The Amnesty Program is voluntary. Taxpayers participate in the Amnesty Program by sending payments to the Department on or after October 1, 2003 and on or before November 17, 2003 (“the Amnesty Program Period”). The tax-appropriate returns and forms, and/or a schedule specifying the tax liabilities and tax periods for which amnesty is sought, must accompany payments. The Department may provide amnesty specific forms for some types of tax liabilities. The Department will consider such payments, returns, forms, and schedules to have been received by the Department if they are postmarked by the United States Postal Service or are physically delivered to the Department during the Amnesty Program Period. Taxpayers may use registered or certified mail at their option.
- c) **Taxpayer Agreement.** Unless the taxpayer informs the Department otherwise in writing, the Department will deem all taxpayers that make payments during the Amnesty Program Period to be participants in the Amnesty Program. By participating in the Amnesty Program, a taxpayer affirms and agrees to all of the following conditions:
- 1) the taxpayer relinquishes all rights to contest the tax liability that is being paid;
 - 2) except as provided herein, the taxpayer may not claim a refund of the money paid or protest the Department's denial of such a claim;
 - 3) the taxpayer will promptly correct any underpayment of the tax liability; and
 - 4) the taxpayer cannot withdraw from the Amnesty Program.
- d) **Form of Payment.** Taxpayers who participate in the Amnesty Program cannot pay under protest under the State Officers and Employees Money Disposition Act, 30 ILCS Act 230 (“the Protest Act”). Payments must be made by cash, check,

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guaranteed remittance, or ACH debit. With the permission of the Department, taxpayers may offset underpayments with overpayments and may also use finalized refunds pending with the Department as offsets against underpaid tax periods. Payments by check that are returned, due to insufficient funds in the taxpayer's account will not qualify as payments during the Amnesty Program Period. The Department will not consider requests for partial payments or payment plans.

- e) Eligible Taxpayers – Civil Cases Pending In State Courts. ITDAA Section 10 provides that amnesty may not be granted to a taxpayer that is *a party to any civil litigation that is pending in any circuit court or appellate court or the Supreme Court of this State*. Because a taxpayer that is a party to such an action is not eligible to participate in the Amnesty Program, that taxpayer will not be subject to the 200% sanction imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5. Nevertheless, a taxpayer that is ineligible for the Amnesty Program under this section may become eligible if the taxpayer ceases to be a “party” to a civil action by dismissing the action during the Amnesty Program Period. The Department will deem an action dismissed on or before the November 17, 2003 deadline if the taxpayer: (1) executes an agreed order stipulating to judgment in favor of the Department, and (2) either pays the disputed liability, or, in a Protest Act case, agrees to a dissolution of the injunction. A taxpayer is barred from participation in the Amnesty Program only with respect to the tax liabilities and tax periods that are the subject of the action. A taxpayer may still participate in the Amnesty Program with respect to other tax liabilities and tax periods. If the taxpayer declines to do so, those liabilities will be subject to the 200% sanction imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5.
- f) Eligible Taxpayers – Matters Pending In The Department's Office of Administrative Hearings. Matters pending in the Department's Office of Administrative Hearings are not pending in any circuit court or appellate court or the Supreme Court of this State. Therefore, a tax liability that is being contested before one of the Department's Administrative Law Judges is eligible for the Amnesty Program. A taxpayer that fails to participate in the Amnesty Program with respect to such a liability will be subject to the 200% sanction imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5. A taxpayer who wishes to participate in the Amnesty Program with respect to tax liabilities and taxable periods at issue in a matter pending in the Office of Administrative Hearings must stipulate to judgment in favor of the Department and pay the disputed liability on or before November 17, 2003.

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- g) Eligible Taxpayers – Criminal Investigation or Case. ITDAA Section 10 provides that amnesty may not be granted to taxpayers that are a party to any criminal investigation for nonpayment, delinquency or fraud in relation to any State tax imposed by any law of the State of Illinois. A taxpayer who is a party to such an investigation or case is ineligible to participate in the Amnesty Program and will not be subject to the 200% sanction imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5 with respect to the matters under investigation or contained in the complaint, information, or indictment.
- h) Eligible Liabilities. Under ITDAA Section 10, the Amnesty Program applies to taxes imposed by reason of or pursuant to authorization by any law of the State of Illinois and collected by the Department. The Motor Fuel Use Tax Act [35 ILCS 505] is excluded from the Amnesty Program. To be eligible, a liability must satisfy both criteria set out in the statute – i.e., the liability must be both “a tax” and “collected by the Department.” Thus, local taxes collected by the Department are eligible for the Amnesty Program. Liabilities that are the subject of a settlement agreement between the taxpayer and the Department that became binding on the taxpayer before November 17, 2003 are not eligible for the Amnesty Program. Taxpayers may not seek to retroactively reapply payments previously made to the Department for the purpose of creating or increasing liabilities eligible for the Amnesty Program. Any liability that is not eligible for the Amnesty Program will not be subject to the 200% sanction imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5. The following examples are illustrative:
- 1) Responsible officer penalties pursuant to Section 3-7 of the Uniform Penalty and Interest Act are 100% penalties and therefore are not eligible for amnesty under the ITDAA, which applies only to “taxes.” However, a corporate taxpayer may participate in the Amnesty Program. If the underlying tax liability of the corporation is reduced to zero, the responsible officer liability will no longer exist. Therefore, responsible officers can, in effect, participate in the Amnesty Program by paying liabilities owed by the corporate taxpayer.
 - 2) A taxpayer that has no tax due, but has incurred a penalty for the late payment of an estimated tax due under the Illinois Income Tax Act or a penalty for late payment of a quarter-monthly payment due under the Retailers' Occupation Tax Act may not participate in the Amnesty Program with respect to such penalties.

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- 3) Over-collections of sales tax that are required to be remitted to the Department by reason of Section 2d of the Retailers' Occupation Tax Act, 35 ILCS 120/2d, are tax amounts eligible for the Amnesty Program rather than a penalty.
 - 4) The retailer's discount from tax for the expenses of collecting and remitting is forfeited when the tax is not timely paid. The loss of the discount is a tax liability eligible for the Amnesty Program rather than a penalty
- i) Eligible Periods. Only taxes due for a "taxable period" ending after June 30, 1983 and prior to July 1, 2002 are eligible for amnesty. The term "taxable period" means the period for which a taxpayer is required to report and pay the tax to the Department. The following examples are illustrative:
- 1) The usual taxable period for Retailers' Occupation Tax purposes is the calendar month. Therefore, a taxpayer may participate in the Amnesty Program with respect to a liability based on such receipts received after June 30, 1983. However, a taxpayer cannot participate in the Amnesty Program with respect to a liability based on such receipts received on and after July 1, 2002. An exception to this general rule is the case of a taxpayer authorized to pay and who does pay Retailers' Occupation Tax liability on an annual or quarterly basis. The taxable period for annual taxpayers of Retailers' Occupation Tax is the calendar year during which gross receipts from retail sales were received. Consequently, annual taxpayers of Retailers' Occupation Tax may participate in the Amnesty Program with respect to a liability based on receipts received on and before December 31, 2001, but not with respect to a liability based on receipts received on and after January 1, 2002. Liabilities incurred during the 1983 taxable year are eligible for amnesty. The taxable period for quarterly taxpayers is the quarterly period in which gross receipts from retail sales were received.
 - 2) The taxable period for Illinois Income Tax purposes is the taxable year. Taxpayers whose taxable year is the calendar year may participate in the Amnesty Program with respect to a liability based on income earned or received on and before December 31, 2001, but not with respect to a liability based on income earned or received on and after January 1, 2002. Taxpayers whose taxable year is a fiscal year may participate in the

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Amnesty Program for all taxable years ending after June 30, 1983, but not for any taxable year ending on or after July 1, 2002.

- j) Payment of All Taxes Due. ITDAA Section 10 provides that failure to pay all taxes due to the State for a taxable period shall invalidate any amnesty granted under this Act. In order to participate in the Amnesty Program a taxpayer must pay the entire liability for a tax type and tax period, irrespective of whether that liability is known to the Department or the taxpayer, or whether the Department has assessed it. A taxpayer may participate in the Amnesty Program selectively, provided that the taxpayer completely satisfied its liability for the tax type and tax period for which amnesty is sought. Thus, a taxpayer may participate in the Amnesty Program with respect to: (1) particular types of tax liability, but not others (e.g., Illinois Income Tax, but not Illinois Retailers Occupation Tax), and (2) particular tax periods but not others (e.g., 2000 Illinois Income Tax but not 2001 Illinois Income Tax). However, a taxpayer may not participate in the Amnesty Program on an issue-by issue basis (e.g., pay a 2000 Illinois Income Tax liability but exclude payment for issues related to whether the taxpayer's sale of a division is "non-business income"). A taxpayer that wishes to selectively participate in the Amnesty Program should inform the Department in writing of that fact unless it is clear upon the face of the returns, forms and/or schedules supplied to the Department with the taxpayer's payment. A payment that is intended by the taxpayer to be in satisfaction of more than one tax or more than one tax period and that is insufficient to satisfy all amounts due will be applied to each tax amount in the order in which the tax amount became due, starting with the oldest tax amount due unless specifically directed otherwise by the taxpayer.
- k) Underpayment and Overpayment of Tax Due. Taxpayers, including taxpayers under audit during the Amnesty Program Period, who are unsure of the exact amount of a tax liability should make a good faith estimate of the amount of the liability. If the Department later determines that a payment made during the Amnesty Program Period is insufficient to completely satisfy the tax liability for which the payment was made, and the applicable statute of limitations has not yet expired, the Department may send a bill to the taxpayer for the remaining taxes due. Pursuant to 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5, the Department will assess 200% of the penalties and interest that would otherwise be applied to the portion of the liability that was not paid. The taxpayer must pay the bill by the due date. A taxpayer who fails to pay the bill by the due date will be liable for 200% of the penalties and interest imposed under 35 ILCS 735/3-2, 3-3, 3-4, 3-5, 3-6 and 3-7.5 as if no payment had been made during the Amnesty Program Period. The Department may in its discretion refund overpayments of tax that

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were caused by computational error. All other overpayments will be credited to the taxpayer. The following examples are illustrative:

- 1) In October 2003, a taxpayer pays a \$5,000 Retailers' Occupation Tax liability incurred in May 2001. After November 17, 2003, the taxpayer discovers an additional \$1,000 in Retailers' Occupation Tax liability for May, 2001 that was omitted from its Amnesty Program payment. The taxpayer can avoid double interest and penalties on the entire amount of the tax liability already paid by voluntarily filing an amended return, and paying the additional \$1,000, plus double interest and penalties on the portion of the liability that was not paid during the Amnesty Program Period.
- 2) An audit is being conducted in November, 2003 of the taxpayer's calendar year 2000 income tax return. The taxpayer is considering whether to participate in the Amnesty Program and asks the auditor to complete the audit prior to the November 17, 2003 amnesty deadline. The auditor advises the taxpayer that the audit cannot be completed prior to November 17, 2003. The taxpayer makes a good faith estimate that \$3000 in Income Tax liability will be owed at the end of the audit. The taxpayer pays the \$3,000 with an amended return during the Amnesty Program Period. After November 17, 2003, the auditor determines that an additional \$500 in Income Tax liability attributable to tax year ending 2000, is due. The Department sends a bill to the taxpayer for the additional \$500 in income tax, plus double interest and penalties. The taxpayer can avoid paying double interest and penalties on the entire \$3000 amount of Income Tax liability attributable to tax year ending 2000, by paying the additional \$500 tax, plus double interest and penalties, by the bill's due date.
- 3) In October 2003, an audit is completed in which the auditor determines that \$10,000 in Retailers' Occupation Tax liability was underreported on the taxpayer's April, 2002 tax return. The taxpayer agrees that \$8,000 is due but asserts that the other \$2,000 is attributable to nontaxable sales. The taxpayer attempts to participate in the Amnesty Program by paying \$8,000 during the Amnesty Program Period and protesting the remainder. The taxpayer has not satisfied the conditions of the Amnesty Program and the taxpayer will be liable for double interest and penalties on the entire Retailers' Occupation Tax liability attributable to April 2002 unless the taxpayer prevails in administrative hearings or court.

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- 4) In May 2001, a taxpayer was issued an assessment in the amount of \$10,000 plus penalty and interest for Retailers' Occupation Tax incurred in January 2001. The taxpayer conceded only one-half of the liability but has never requested an administrative hearing on the disputed portion and the assessment has, therefore, become final. The taxpayer requests amnesty on the \$5,000 agreed portion of the assessment and attempts to participate in the Amnesty Program by making a \$5,000 payment on November 17, 2003. Because the \$10,000 was not paid in full, the taxpayer will be subject to double penalties and interest on the entire Retailers' Occupation tax liability attributable to January 2001.
- 5) Company A operates a retail mail order and internet business that makes sales to Illinois residents. Company A does not collect or remit Illinois Use Tax on such sales. Company A is an affiliate of Company B, which operates a number of "brick and mortar" retail stores in Illinois. Company A and Company B share the same parent corporation, have a joint business and advertising plan, and market goods to customers under the same brand name. Company A's failure to participate in the Amnesty Program would subject it to the 200% sanction on uncollected Illinois Use Tax if a court were to determine that Company A has "nexus" with Illinois.
 - l) A taxpayer who is under federal audit may participate in the Amnesty Program by following the procedure set out in subsection (k) above and making a good faith estimate of the increased liability that may be owed to the Department. For purposes of participating in the Amnesty Program only, a taxpayer may file an amended return reporting a federal change prior to receiving final notification from the Internal Revenue Service that the change has occurred. Although participants in the Amnesty Program may not seek or claim refunds, a limited exception to this rule will be permitted for taxpayers whose refund claims are based upon final determinations of the Internal Revenue Service or the federal courts.
 - m) Statutes of Limitation and Other Filing Periods. Participation in the Amnesty Program does not toll any applicable statute of limitations or other time period for the filing of protests with the Department, or actions in circuit court under the Protest Monies Act [30 ILCS 230]. A statute of limitations or other time period that expires during the Amnesty Program Period cannot be revived, even if the taxpayer has failed to satisfy all the requirements of the Amnesty Program. The

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

Department's procedures for obtaining waivers of statutes of limitations for taxpayers under audit shall continue to apply.

- n) Reasonable Cause. Nothing in the ITDAA or this section is intended to change the meaning of "reasonable cause" as that term is used in the Uniform Penalty and Interest Act, 35 ILCS 735/3-8. Taxpayers needing clarification of "reasonable cause" should consult Section 700.400 of these Regulations.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.143 Proposed Action: Amendment
- 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 37069
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: September 15, 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 announcing that it will add Australia and New Zealand to the list of countries eligible to import poultry products (ratite only) into the United States (U.S.). Reviews by FSIS of Australia's and New Zealand's laws, regulations and other written materials, as well as the findings of an on-site review of each country's system, show that their regulatory systems that apply to ratite slaughter and processing include requirements that are equivalent to that of the U.S. under the Poultry Products Inspection Act (PPIA) and its implementing regulations.

Under this direct final rule, ratites slaughtered and processed in certified establishments in Australia and in New Zealand will be permitted to be imported into the U.S. All ratite products imported into the U.S. from Australia and New Zealand will be subject to reinspection at U.S. ports-of-entry by FSIS inspectors.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 11, 2003
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

11) This peremptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

12) Are there any other proposed amendments pending on this Part? Yes

| <u>Section Numbers</u> | | <u>Proposed Action</u> | <u>Illinois</u> | <u>Register</u> |
|------------------------|-------|------------------------|-----------------|-----------------|
| | | <u>Citation</u> | | |
| 125.10 | Amend | 27 Ill. Reg. 14055 | | |
| 125.145 | Amend | 27 Ill. Reg. 14055 | | |
| 125.340 | Amend | 27 Ill. Reg. 14055 | | |

13) Statement of Statewide Policy Objectives: 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 Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

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 |

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 |
| 125.210 | Disposal of Diseased or Otherwise Adulterated Carcasses and Parts |

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

| | |
|---------|---|
| 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].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill.

DEPARTMENT OF AGRICULTURE

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Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

15, 2003, for a maximum of 150 days; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.143 Imported Products**

The Department incorporates by reference 9 CFR 327.2, 327.7, and 381.196 (1997; [68 FR 37069, effective August 22, 2003](#)).

(Source: Peremptory Amendment at 27 Ill. Reg. 15172, effective September 15, 2003)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Early Intervention Program
- 2) Code Citation: 89 Ill. Adm. Code 500
- 3) Register Citation to Notice of Proposed Rules: 27 Ill. Reg. 13948, August 22, 2003
- 4) Date, Time and Location of Public Hearings:

| | |
|-----------------------------------|-----------------------------------|
| Tuesday, October 21, 2003 | Thursday, October 23, 2003 |
| 10:00 a.m. – 12:00 p.m. | 10:00 a.m. – 12:00 p.m. |
| Michael J. Howlett Building | Michael A. Bilandic Bldg. |
| Auditorium | Room C-500, 5 th Floor |
| 2 nd & Edwards Streets | 160 N. LaSalle |
| Springfield, Illinois | Chicago, Illinois |
- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:
 - a) No oral testimony shall exceed an aggregate of ten (10) minutes.
 - b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 - d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
 - e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by October 14, 2003.
 - f) Name and address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

Ms. Tracie Drew, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

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

Telephone number: (217) 785-9772

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

STATE FIRE MARSHAL

Heading of the Part: Petroleum Equipment Contractors Licensing

Code Citation: 41 Ill. Adm. Code 172

| | | | |
|-------------------------|---------|----------------|---------|
| <u>Section Numbers:</u> | 172.10 | 172.20 | 172.30 |
| | 172.40 | 172.50 | 172.60 |
| | 172.70 | 172.80 | 172.90 |
| | 172.100 | 172.110 | 172.120 |
| | 172.130 | 172.140 | 172.150 |
| | 172.160 | 172.APPENDIX A | |

Date Originally Published in the Illinois Register: 7/7/03
27 Ill. Reg. 9740

At its meeting on September 9, 2003, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that, in the future, when OSFM is statutorily directed to promulgate rules within a specified timeframe, it meet that obligation. The Petroleum Equipment Contractors Licensing Act prohibits, after 1/11/03, any individual or company from acting as a petroleum equipment contractor or employee unless licensed by OSFM. OSFM did not propose these licensure rules until 7/7/03.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Wholesale Drug Distribution Licensing Act

Code Citation: 68 Ill. Adm. Code 1510

Section Numbers: 1510.20
1510.60
1510.65

Date Originally Published in the Illinois Register: 8/8/03
27 Ill. Reg. 13627

At its meeting on September 9, 2003, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Professional Regulation titled Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1510; 27 Ill. Reg. 13627) because any emergency situation that exists is agency created. Emergency rulemaking would not be necessary if DPR had codified these fees in a more timely manner. Additionally, JCAR objects because DPR has been continuing to collect statutory fees that were eliminated June 26, 2002, but had not yet been established by rule.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 9, 2003 through September 15, 2003 and have been scheduled for review by the Committee at its October 14, 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.

| <u>Second Notice Expires</u> | <u>Agency and Rule</u> | <u>Start Of First Notice</u> | <u>JCAR Meeting</u> |
|--------------------------------------|---|--------------------------------------|-------------------------|
| 10/22/03 | <u>Department of Central Management Services,</u> Pay Plan (80 Ill. Adm. Code 310) | 5/30/03 27 Ill. Reg. 8570 | 10/14/03 |
| 10/23/03 | <u>Secretary of State,</u> Public Library Construction Grants (23 Ill. Adm. Code 3060) | 7/18/03 27 Ill. Reg. 10681 | 10/14/03 |
| 10/26/03 | <u>Illinois Commerce Commission,</u> Customer Credits (83 Ill. Adm. Code 732) | 7/7/03 27 Ill. Reg. 9685 | 10/14/03 |
| 10/26/03 | <u>Pollution Control Board,</u> Permits (35 Ill. Adm. Code 602) | 7/7/03 27 Ill. Reg. 9895 | 10/14/03 |

PROCLAMATIONS

2003-174**June 27-29, 2003 as National Underground Railroad Family Reunion Festival Days**

- WHEREAS, the Underground Railroad represents the pinnacle of selflessness, sacrifice, bravery, and freedom; and*
- WHEREAS, William H. Still was a leading abolitionist, writer, and businessman, who assisted fugitive slaves by providing them with room and board and eventually wrote one of the most comprehensive books documenting the families of the Underground Railroad with the hope of one day reuniting them together; and*
- WHEREAS, the descendants of William H. Still continue to preserve the Still family's legacy by gathering annually to celebrate a rich and proud heritage; and*
- WHEREAS, the State of Illinois contained numerous Underground Railroad sites to aid fugitive slaves in their quest for freedom; and*
- WHEREAS, the William Still Underground Railroad Foundation is sponsoring the National Underground Railroad Family Reunion Festival from June 27-29 in Philadelphia, Pennsylvania and Camden, New Jersey; and*
- WHEREAS, the National Underground Railroad Family Reunion Festival will reunite the descendants of the Underground Railroad under one forum to allow them to network, share their legacy of the Underground Railroad with each other, and to educate the public through the various venues; and*
- WHEREAS, the National Underground Railroad Family Reunion Festival will be a multicultural event highlighting the diversity, cooperation, racial harmony, and healing needed to promote greater understanding:*

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 27-29, 2003 as NATIONAL UNDERGROUND RAILROAD FAMILY REUNION FESTIVAL DAYS in the State of Illinois.

Issued by the Governor June 20, 2003
Filed by the Secretary of State September 12, 2003

2003-175**July 1, 2003 as Lions Candy Day**

PROCLAMATIONS

- WHEREAS, in 1917, Melvin Jones founded the Lion's Club in Chicago to encourage businesses to give back to the community; and*
- WHEREAS, Illinois has continued to foster its strong historical relationship with the Lion's Club by serving as the home state to its international headquarters; and*
- WHEREAS, the Lions Club is a global organization, representing over 190 countries, with over 44,600 clubs worldwide, that works to support programs that focus on youth advocacy and support for the visually impaired; and*
- WHEREAS, for more than 85 years, the Lions Clubs of Illinois have continued to make great efforts by collecting funds for numerous humanitarian causes; and*
- WHEREAS, Candy Day allows members of Illinois communities to contribute to a larger cause when they make donations to the Lions Clubs of Illinois in exchange for Lions mints or multi-flavored roll candy; and*
- WHEREAS, Lions Clubs of Illinois have provided financial support, and most importantly hope, for the blind, visually impaired, deaf and hearing impaired of Illinois; and*
- WHEREAS, the proceeds from Candy Day will help to provide various resources for the blind, visually impaired, deaf, and hearing impaired residents of Illinois:*

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 1, 2003 as LIONS CANDY DAY in Illinois and request that citizens support this worthy cause.

Issued by the Governor June 21, 2003

Filed by the Secretary of State September 12, 2003

2003-176**September 21, 2003 as Myositis Day**

- WHEREAS, Myositis is thought to be an autoimmune disease affecting approximately 30,000 to 50,000 people in the United States with symptoms ranging from skin rashes, to the inability to rise from a chair, to trouble standing or walking, to having difficulty swallowing or breathing; and*

PROCLAMATIONS

- WHEREAS, The Myositis Association (TMA) was established in 1993 as the Myositis Association of America to disseminate information on this disease and utilize the knowledge of doctors and other health professionals on a Medical Advisory Board to help offer advice, counseling, and other support services throughout the year and at the Annual Myositis Conference; and*
- WHEREAS, Myositis affects each individual differently, making it difficult to develop standard treatment methods; and*
- WHEREAS, medical professionals and researchers need to conduct further research and clinical studies on Myositis in order to more completely care for and treat the devastating symptoms of this disease; and*
- WHEREAS, Myositis Day will help raise awareness of this rare disease while proving the public with information about symptoms and treatment options for this debilitating disorder; and*

THEREFORE, I, Rod R. Blagojevich, Governor of Illinois, do hereby proclaim September 21, 2003 as MYOSITIS DAY in Illinois.

Issued by the Governor June 21, 2003

Filed by the Secretary of State September 12, 2003

2003-177**August 2003 as Breastfeeding Promotion Month**

- WHEREAS, breastfeeding is the most safe and natural method for a mother to feed a newborn infant; and*
- WHEREAS, breastfeeding not only plays an important role in protecting an infant's health, but it also helps to strengthen the bond between mother and child; and*
- WHEREAS, the federal government, through the "Healthy People 2010" program, has set a national goal to increase the number of breastfed babies to 75 percent by the year 2010; and*
- WHEREAS, physicians, dieticians, nurses, lactation consultants, public health officials and other health professionals recognize breastfeeding as the preferred infant feeding method; and*

PROCLAMATIONS

- WHEREAS, Illinois passed Senate Bill #542 in 2001, confirming the State's support and protection of mothers who breastfeed in the workplace; and*
- WHEREAS, La Leche, the international, non-profit breastfeeding educational and support group, has an active league in Illinois with over 80 community chapters; and*
- WHEREAS, in the month of August, the Illinois Department of Human Services in conjunction with regional breastfeeding task forces, including public and private organizations, physicians, and hospitals, will promote the importance of breastfeeding:*
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2003 as **BREASTFEEDING PROMOTION MONTH** in Illinois.*

Issued by the Governor July 02, 2003

Filed by the Secretary of State September 12, 2003

2003-178**October 2003 as Illinois River System Management Month**

- WHEREAS, the Illinois River System is a critical component of our state's geography, history, economy and ecology; and*
- WHEREAS, many attributes are threatened as a result of the cumulative effects of human activities that have significantly altered the Illinois River system; and*
- WHEREAS, the implementation of the Illinois River Coordinating Council, the Conservation Reserve Enhancement Program, the Illinois Conservation 2000 Program, Illinois Rivers 2020, and the Open Lands Trust Fund are important milestones in efforts to protect the resources of the Illinois River; and*
- WHEREAS, the 2003 Conference on the Management of the Illinois River System will be held on October 7-9 at the Holiday Inn City Centre in Peoria; and*
- WHEREAS, the theme of the conference is "The Illinois River: Sharing the Visions;" and*
- WHEREAS, citizens may take this opportunity to recognize the economic, recreational, social, and environmental benefits of properly utilizing the resources of the Illinois River basin:*

PROCLAMATIONS

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2003 as **ILLINOIS RIVER SYSTEM MANAGEMENT MONTH** in Illinois.*

Issued by the Governor July 02, 2003

Filed by the Secretary of State September 12, 2003

2003-179**October 6-10, 2003 as Math Literacy Week**

WHEREAS, over 70 percent of 4th and 8th grade students scored below the level of proficiency on the 2000 National Assessment of Educational Progress (NAEP) mathematics test; and

WHEREAS, parents and mentors must work in conjunction with educators and mathematicians to teach students using scientifically proven methods; and

WHEREAS, a strong mathematical foundation is necessary for advanced research and discovery in fields such as medicine and computer technology; and

WHEREAS, a working knowledge of mathematics is critical to understanding and contributing to an increasingly technological world; and

WHEREAS, an informed citizenry, economic development, responsive local, state, and federal government, and national security all depend on an educated population; and

WHEREAS, currently entering its second year, Math Literacy Week focuses on much needed attention to improving the understanding of mathematics:

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6-10, 2003 as **MATH LITERACY WEEK** in Illinois, and I urge the citizens to support mathematics education in our schools and homes.*

Issued by the Governor July 02, 2003

Filed by the Secretary of State September 12, 2003

2003-180**July 16, 2003 as National Atomic Veterans Day of Remembrance**

PROCLAMATIONS

WHEREAS, members of the United States Armed Forces have participated in the test detonation of nuclear devices and served in Hiroshima or Nagasaki, Japan, following the explosion of nuclear bombs; and

WHEREAS, atomic veterans served their country with honor, courage, and devotion to duty; and

WHEREAS, Wednesday, July 16, 2003, is the 58th anniversary of the first nuclear explosion, the Trinity Shoot, in New Mexico; and

WHEREAS, the contributions, sacrifices, and distinguished services on behalf of the United States of America's veterans exposed to radiation and radioactive materials while serving in the Armed Forces, are worthy of solemn recognition:

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 16, 2003 as **NATIONAL ATOMIC VETERANS DAY OF REMEMBRANCE** in Illinois, and I ask all citizens to honor the veterans exposed to radiation and radioactive fallout materials while serving in the armed forces.*

Issued by the Governor July 02, 2003

Filed by the Secretary of State September 12, 2003

2003-181**November 2003 as Reflex Sympathetic Dystrophy Complex Regional Pain Syndrome Awareness Month**

WHEREAS, Reflex Sympathetic Dystrophy Syndrome (RSDS) / Complex Regional Pain Syndrome (CRPS), is a chronic condition that can strike at any age, and can affect both men and women; and

WHEREAS, RSDS/CRPS is characterized by severe burning pain, pathological changes in bone and skin, excessive sweating, tissue swelling, and extreme sensitivity to touch; and

WHEREAS, RSDS/CRPS is a nerve disorder that occurs especially after injuries from high-velocity impacts such as those from bullets or shrapnel, but may also occur without apparent injury; and

WHEREAS, the prognosis for RSDS/CRPS is good if treatment begins in the earlier stages of the disorder, however, the syndrome may become disabling if unrecognized; and

PROCLAMATIONS

WHEREAS, there is still much research to be done to ensure effective treatment for those affected by RSDS/CRPS; and

WHEREAS, RSDS/CRPS should be brought to the attention of more citizens, health professionals, and clinicians in order to provide more information and resources to those who may be affected:

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2003 as **REFLEX SYMPATHETIC DYSTROPHY/ COMPLEX REGIONAL PAIN SYNDROME AWARENESS MONTH** in Illinois.*

Issued by the Governor July 02, 2003

Filed by the Secretary of State September 12, 2003

2003-182**July 26, 2003 as Americans With Disabilities Act Day**

WHEREAS, Illinois has a long history of commitment to civil rights protection for persons with disabilities; and

WHEREAS, under the Americans with Disabilities Act (ADA), the state reaffirms its priority to promote independence for Illinois citizens with disabilities so they can be fully included in employment, transportation, education, communication and community opportunities; and

WHEREAS, the group "ADA for Illinois" works to empower the disabled by educating them about their rights while working with businesses and government agencies to ensure compliance; and

WHEREAS, Illinois works to guarantee equal opportunity and self-sufficiency for people with disabilities as full participants in our society through the passage and implementation of the ADA; and

WHEREAS, the year 2003 marks the 13th Anniversary of ADA's civil rights guarantee for people with disabilities; and

WHEREAS, this year's theme, "ADA Pride and Progress" highlights the accomplishments made in opening doors for people with disabilities to public access, communication, employment, recreation, government and transportation.

PROCLAMATIONS

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 26, 2003 as AMERICANS WITH DISABILITIES ACT DAY in Illinois.

Issued by the Governor July 07, 2003

Filed by the Secretary of State September 12, 2003

2003-183**October 6-12, 2003 as Financial Planning Week**

WHEREAS, the financial planning process allows individuals to achieve their dreams by empowering them to identify and manage realistic financial goals and negotiate the financial barriers that can arise throughout their lives; and

WHEREAS, everyone can benefit from knowing the value of financial planning and where to turn for objective financial advice; and

WHEREAS, the Financial Planning Association is the membership organization for the financial planning community, representing 29,000 members dedicated to supporting the financial planning process as a way to help individuals achieve their goals; and

WHEREAS, the Financial Planning Association believes that everyone needs objective advice to make smart financial decisions, and that when seeking the advice of a financial planner, the planner should be a Certified Financial Planner (CFP) professional; and

WHEREAS, the Financial Planning Association is dedicated to educating individuals on the value of financial planning;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6-12, 2003 as FINANCIAL PLANNING WEEK in Illinois.

Issued by the Governor July 07, 2003

Filed by the Secretary of State September 12, 2003

2003-184**September 19-28, 2003 as Ballroom Dance Week**

WHEREAS, Ballroom dancing is a healthful form of social recreation as well as a skillful and graceful form of artistic expression enjoyed by all ages in Illinois; and

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WHEREAS, Illinois is home to some of the most important and historical ballrooms in the United States, such as the iconic 82 year-old Willowbrook Ballroom located in Willow Springs, Illinois; and

WHEREAS, Ballroom dancing is still popular among a growing number of students in colleges and universities throughout the state; and

WHEREAS, many chapters of the United States Amateur Ballroom Dance Association in Illinois plan great events and social gatherings in many areas of the state;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19-28, 2003 as BALLROOM DANCE WEEK in Illinois.

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-185**October 5-11, 2003 as Career and Technical Organizations Week**

WHEREAS, career and technical student organizations are dedicated to the advancement of education, training and development of character in America's youth; and

WHEREAS, for more than 25 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have increased the awareness of career and technical student organizations as being an integral part of the educational curriculum; and

WHEREAS, The ICCCTSO is dedicated to ensuring that skills such as leadership and employability are included in the state wide curriculum; and

WHEREAS, The ICCCTSO works with other career and technical education initiatives like the State Board of Education's Education to Careers Program (ETC) and the Illinois Association for Career and Technical Educators programs; and

WHEREAS, the ten state recognized career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA (FFA), Illinois Association

PROCLAMATIONS

of DECA (DECA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Illinois Association of SkillsUSA-VICA (SkillsUSA-VICA), and Technology Student Association (TSA), all of which contribute to the development of character and leadership ability in students; and

WHEREAS, Many of the career and technical student organizations are integrated into the curriculum and give youth the opportunity to compete locally, state-wide, and nationally, while developing important skills essential to vocational success:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 5-11, 2003 as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois.

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-186**September 2003 as Food Safety Awareness Month**

WHEREAS, the United States has one of the safest food supplies in the world; and

WHEREAS, the retail sector continually emphasizes safe food handling by their employees; and

WHEREAS, such training had gone on for decades; and

WHEREAS, retailers have been at the cutting edge of the development of safe food handling procedures, as many as 5,000 deaths and 76 million cases of food-borne illnesses occur each year in the U.S.; and

WHEREAS, the vast majority of these food-borne illnesses occur in the home and might be avoided with appropriate consumer education; and

WHEREAS, the retail sector in Illinois continues to work with the appropriate state and local health agencies to better educate consumers on food safety procedures, as well as develop even better food handling procedures; and

WHEREAS, September has been designated as National Food Safety Awareness Month; and

WHEREAS, the citizens of Illinois are encouraged to join the Illinois Retail Merchants Association and their members, the Illinois Food Retailers Association

PROCLAMATIONS

and their members, the Illinois Department of Public Health and Illinois' local health departments, the City of Chicago Department of Public Health, the Illinois Department of Agriculture, the Illinois Press Association and their members, the Illinois Association of Convenience Stores and their members and the Illinois Licensed Beverage Association and their members in recognizing September 2003 as Food Safety Awareness Month in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2003 as FOOD SAFETY AWARENESS MONTH in Illinois.

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-187**July 27-August 2, 2003 as Job's Daughters Week**

WHEREAS, since 1920, the Job's Daughters have helped young women gain confidence in themselves while developing their leadership abilities through service to the community; and

WHEREAS, *the Job's Daughters have dedicated their service projects to assisting hearing impaired children improve their communication skills by donating project proceeds to the Hearing Impaired Kids Endowment Fund (H.I.K.E.), St. Jude's Hospital, and Shriner's Hospital, among other worthy causes; and*

WHEREAS, *the Job's Daughters World Youth Foundation prepares youth to become future leaders by teaching them to make responsible choices and practice valuable leadership skills, in addition to inculcating youth with strong ethical and moral values; and*

WHEREAS, *Job's Daughters is an international organization, supporting young women and their communities from Australia to Brazil; and*

WHEREAS, *the 83rd Annual Session of the Supreme Guardian Council of the Job's Daughters International will be held on July 30, 2003 in Chicago, providing a forum and meeting place for leaders of this great organization:*

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 27 - August 2, 2003 as JOB'S DAUGHTERS WEEK in Illinois and I urge citizens to show your support to the Job's Daughters and their valuable causes

PROCLAMATIONS

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-188**July 20-26, 2003 as National Baton Twirling Week**

WHEREAS, baton twirling has positively affected the lives of nearly one-half million American girls and boys; and

WHEREAS, baton twirling has been instrumental in building confidence and character in young people, in addition to providing them with guidance and training so that they might become better citizens; and

WHEREAS, the art of baton twirling is now one of the largest nationwide beneficial youth movements for girls; and

WHEREAS, baton twirling can play an important role in children's hospitals as a unique and effective method of physical therapy; and

WHEREAS, baton twirlers add much color and inspiration to our communities; and

WHEREAS, champion twirlers from all over the United States will gather at the University of Notre Dame on July 22-26, 2003 to conduct a colorful youth pageant called "America's Youth On Parade":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 20-26, 2003 as NATIONAL BATON TWIRLING WEEK in Illinois, and urge our citizens to support this colorful and beneficial youth movement.

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-189**November 9-15, 2003 as National Elevator Escalator Safety Awareness Week**

WHEREAS, the week of November 9-15, 2003 has been declared National Elevator Escalator Safety Awareness Week; and

WHEREAS, the purpose of this week is to increase public awareness of the safe and proper use of elevators, escalators and moving walkways; and

PROCLAMATIONS

WHEREAS, the goal of this week is to reduce avoidable accidents through education and awareness; and

WHEREAS, the elevator industry greatly contributes to the quality of life:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9-15, 2003 as NATIONAL ELEVATOR ESCALATOR SAFETY AWARENESS WEEK in Illinois

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-190**September 20, 2003 as National Public Lands Day**

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and national habitats, and the benefits realized by diligent restoration and enhancement efforts; and

WHEREAS, on September 20, 2003, as part of the Tenth Annual National Public Lands Day, approximately 80,000 volunteers will be at 500 sites throughout the country providing "Helping Hands for America's Lands"; and

WHEREAS, National Lands Day, co-sponsored by the National Environmental Education and Training Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the National Park Service, the Tennessee Valley Authority, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and, the USDA Forest Service, has become an annually anticipated event for local participation on publicly held lands in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim

PROCLAMATIONS

September 20, 2003 as NATIONAL PUBLIC LANDS DAY in Illinois, and I encourage all citizens to recognize and participate in this special observance

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-191**August 2, 2003 as National Gymnastics Day**

WHEREAS, collectively, our nation strives to encourage greatness and achievement for our young people; and

WHEREAS, Mrs. Smith's Flipit Cake will sponsor and present National Gymnastics Day in order to introduce the value of physical fitness for every age, race, gender, and ability level; and

WHEREAS, participation in gymnastics is a fun way to build strength, flexibility, and coordination while enhancing self-esteem and goal-setting abilities; and

WHEREAS, USA Gymnastics will celebrate National Gymnastics Day on August 2, 2003 in order to bring attention and visibility to the sport of gymnastics and encourage physical fitness and participation at the grassroots level; and

WHEREAS, National Gymnastics Day aims to serve the community and our nation's youth by raising funds for the Children's Miracle Network;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2, 2003 as NATIONAL GYMNASTICS DAY in the State of Illinois and encourage youth involvement in this fun and dynamic sport.

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-192**September 2003 as Ovarian Cancer Awareness Month**

WHEREAS, Ovarian Cancer is a devastating national health problem, estimated to kill 14,600 women this year; and

WHEREAS, Ovarian Cancer is the fifth deadliest cancer in women and the most fatal gynecological cancer; and

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WHEREAS, due to a lack of accurate and accessible screening tools, 70% of Ovarian Cancer cases in women remain undiagnosed until the disease reaches an advanced stage, thereby increasing the mortality rate; and

WHEREAS, organizations such as the National Ovarian Cancer Resource Center and the Chicago Ovarian Cancer Alliance have played instrumental roles in combating the disease through outreach methods like education, support and advocacy; and

WHEREAS, by declaring September Ovarian Cancer Awareness Month, the disease will draw local and national attention in hopes of reminding women the importance of early detection:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2003 as OVARIAN CANCER AWARENESS MONTH in Illinois, and I encourage each citizen to join in the fight against this deadly disease.

Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-193**August 2003 as Sign Language Interpreter Awareness Month**

WHEREAS, there are over one million deaf and hard of hearing people in the State of Illinois; and

WHEREAS, the Chicago Hearing Society established the first sign language interpreter referral service in Illinois in 1979; and

WHEREAS, interpreters provide hundreds of thousands of hours of invaluable service to the deaf and hard of hearing community every year by enabling them to communicate and participate in a wide range of situations; and

WHEREAS, the State of Illinois Deaf and Hard of Hearing Commission has worked to enhance interpreter referral services and ensure expertise by outlining interpreter certification and qualification requirements; and

WHEREAS, there is an increasing need for greater awareness of the interpreting profession as qualified interpreters remain in short supply:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2003 as SIGN LANGUAGE INTERPRETER AWARENESS MONTH in Illinois.

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Issued by the Governor July 11, 2003

Filed by the Secretary of State September 12, 2003

2003-194**May Through December 2003 as Centennial of Flight Celebration Months**

WHEREAS, on December 17, 1903, the Wright Brothers achieved the first powered flight of a "heavier-than-air" aircraft, and thus opened the door to some of the greatest accomplishments and events ever witnessed by human-kind in the past century; and

WHEREAS, since that date, Illinois has become a recognized leader in the aerospace industry and is the home to numerous well-known aviation companies headquartered in Illinois including United Airlines, Boeing and others; and

WHEREAS, Illinois is home to the "Busiest airport in the world" O'Hare International Airport; and

WHEREAS, Illinois is also the home to many world re-known air and space pioneers including Elizabeth "Bessie" Coleman, Hanet Harmon Bragg, Octave Alexander Chanute and others; and

WHEREAS, Aviation is a vitally important economic engine and as a transportation source, which connects Illinois to the global markets while contributing to strong job and fiscal growth within the state and the country; and

WHEREAS, the future of aviation is dependent upon a well-informed and educated populace, and this celebration of powered flight is also a celebration of the ingenuity and creativity of Americans, as well as America's contributions to air and space flight:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May through December 2003 as CENTENNIAL OF FLIGHT CELEBRATION MONTHS in Illinois.

Issued by the Governor July 20, 2003

Filed by the Secretary of State September 12, 2003

2003-195**Dick and Lois Moore Honored**

PROCLAMATIONS

WHEREAS, the Illinois State Fair is recognized for its excellent promotion and award presentations of Illinois dairy products; and

WHEREAS, the Dairy Products Building at the Illinois State Fair was established in 1923 and underwent major reforms in 1970 when the American Dairy Association of Illinois hired Richard "Dick" Moore to manage the building with the help of its four primary sponsors - Avanti Foods, the Midwest Dairy Association, Prairie Farms Dairy, and the Illinois Milk Producers Association; and

WHEREAS, with the excellent support of these sponsors and the staff of the American Dairy Association, Dick Moore was able to transform the Dairy Products Building into an attraction filled with award-winning, interactive, and educational displays; and

WHEREAS, delectable dairy items such as sumptuous milk shakes, ice cream cones, and cream puffs, continue to attract fairgoers; and

WHEREAS, for 34 years, Dick and Lois Moore have exhibited their loyal commitment and exceptional dedication to managing the Dairy Products Building in such a manner that has made it a time-honored tradition; and

WHEREAS, under superintendent Dick Moore's direction and his wife Lois' assistance, the Dairy Products Building will celebrate its One Hundredth Year Anniversary this year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby honor DICK AND LOIS MOORE on July 31, 2003, for their involvement with the Dairy Products Building at the Illinois State Fair.

Issued by the Governor July 20, 2003

Filed by the Secretary of State September 12, 2003

2003-196**August 2003 as Kidcare/Familycare Back-to-School Campaign Month**

WHEREAS, 1.7 million Illinois residents did not have health insurance in 2001, and currently more than 100,000 children in Illinois are not covered; and

WHEREAS, FamilyCare and KidCare provide health insurance to low income families, pregnant mothers, and children; and

PROCLAMATIONS

WHEREAS, Kidcare currently enrolls over 218,000 Illinois children in its comprehensive medical coverage program, and with the recent passage of FamilyCare and KidCare legislation to expand these programs, 20,000 more children and 65,000 more working parents will now be eligible to receive the benefits of these significant programs; and

WHEREAS, children with health insurance are more likely to get timely and necessary health care, and are subsequently less likely to miss school and other activities; and

WHEREAS, it is necessary to raise awareness of these programs available to Illinois residents because families in need of health insurance are often unaware of KidCare or FamilyCare, or are unable to complete the application process without assistance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2003 as KIDCARE/FAMILYCARE BACK-TO-SCHOOL CAMPAIGN MONTH in Illinois, and I encourage all citizens to observe this month by participating in KidCare and FamilyCare outreach activities to ensure that all eligible families are enrolled in these programs.

Issued by the Governor July 20, 2003

Filed by the Secretary of State September 12, 2003

2003-197**September 9-10, 2003 as Women's Business Development Days**

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women's Business Development Center will hold its 17th Annual Entrepreneurial Women's Conference on September 9-10, 2003 at Chicago's Navy Pier; and

WHEREAS, this Conference marks the continuation of the second decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

WHEREAS, the WBDC was founded in 1986 by Carol Dougal and Hedy Ratner and since then, more than 40,000 women business owners have used its

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programs and services, including one-on-one counseling, workshops, entrepreneurial training, the Women's Business Finance Program, the Women's Business Enterprise certification program, the Procurement and Technical Assistance program, the Child Care Business Initiatives program, and the Women's Tech and Venture Program; and

WHEREAS, there are now over 6.2 million women-owned businesses in the U.S., employing over 9.2 million workers, with over 350,000 of those businesses being located in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 5 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over \$1.15 trillion in sales:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9-10, 2003 as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois.

Issued by the Governor July 20, 2003

Filed by the Secretary of State September 12, 2003

2003-198**July 12-19, 2003 as Service For Peace Week**

WHEREAS, Service for Peace seeks to create a culture of peace through service and volunteerism at a national and international level; and

WHEREAS, in the United States, Service for Peace sponsors weeklong and two-week long volunteer Summer of Service programs that are dedicated to the training of future peacemakers and leaders by involving youth in mentoring and tutoring programs, cultural projects, environment and infrastructure rehabilitation programs, and intergenerational collaborations with senior citizens; and

WHEREAS, Chicago will host its first Summer of Service program from July 12 - 20, wherein volunteers will partner with public and private entities to provide numerous services for the impoverished, clean public schools, and aid the National Sarcoidosis Society; and

WHEREAS, the Summer of Service programs allow participants to earn approximately 50 service hours, enough hours for youth under the age of 15 to receive the President's Student Service Award; in the summer of 2002, 300 volunteers received the President's Gold Service Award; and

WHEREAS, the Summer of Service program aims to instill a commitment to volunteerism and service to the community in all of its participants; and

PROCLAMATIONS

WHEREAS, July 19, 2003 is the concluding day of service, and will include a celebration to recognize the participating youth for their accomplishments, and to encourage them and others to continue living for the greater good:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 12-19, 2003 as SERVICE FOR PEACE WEEK in Illinois.

Issued by the Governor July 20, 2003

Filed by the Secretary of State September 12, 2003

2003-199**July 28, 2003 as Peru Day**

WHEREAS, July 28, 1821 marks the beginning of Peruvian independence from Spanish rule, led by liberator Jose de San Martin; and

WHEREAS, this day is internationally recognized as Peruvian Independence Day, and 2003 marks the 182nd Anniversary of Peruvian independence; and

WHEREAS, there are approximately 35,000 Peruvians living in the state of Illinois, more than 15,000 of which live in the Chicagoland area; and

WHEREAS, the Peruvian community is active and successful, with only a 2 percent unemployment rate, and over 75% of the population earning more than \$20,000 annually; and

WHEREAS, Peruvian-Americans have greatly added to the rich cultural diversity of Chicago through their vibrant presence in the Little Village Neighborhood, and their many art exhibitions throughout city museums and galleries; and

WHEREAS, Peruvians have a strong and organized presence in the city of Chicago with eleven ethnic organizations including the Peruvian American Medical Society and the Peruvian Chamber of Commerce among others:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 28, 2003 as PERU DAY in Illinois, and I encourage all citizens to join in celebrating the great contributions of Peruvian-Americans to the State of Illinois

Issued by the Governor July 25, 2003

Filed by the Secretary of State September 12, 2003

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2003-200**October 18-26, 2003 as Be Real Red Ribbon Week and
October 20, 2003 as Be Real Day**

- WHEREAS, children face decisions about using alcohol, tobacco and other drugs as early as their elementary school years; and*
- WHEREAS, it is critical to reach adolescents between the ages of 10 and 14 with anti-drug messages and encouragement to remain drug-free; and*
- WHEREAS, research shows that the longer teenagers delay trying alcohol, tobacco and other drugs, the less likely they are to become regular users; and*
- WHEREAS, research shows that informing this age group that the majority of their peers do not use drugs is an effective prevention message; and*
- WHEREAS, parents, teachers and community leaders play an important role in keeping youth real to themselves and drug-free; and*
- WHEREAS, Prevention First Inc. and the Illinois Drug Education Alliance (IDEA) are partners in promoting, Be Real messages and drug-free lifestyles among Illinois youth during Red Ribbon Week:*

*THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18-26, 2003 as **BE REAL RED RIBBON WEEK**, and October 20, 2003 as **BE REAL DAY** in Illinois, and urge all citizens to support our youth in their efforts to Be Real, drug free.*

Issued by the Governor July 28, 2003

Filed by the Secretary of State September 12, 2003

2003-201**August 2003 as Child Support Awareness Month**

- WHEREAS, Illinois recognizes that our children are our future, and their well-being is our highest priority; and*
- WHEREAS, the Department of Public Aid has been given the responsibility of providing child support services to all Illinois families; and*
- WHEREAS, Illinois recognizes that children need strong family support; and*

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- WHEREAS, Illinois works to focus attention on the importance of both parents being actively involved in a child's life; and*
- WHEREAS, the Department of Public Aid is working closely with the Departments of Human Services, Public Health, Children & Family Services, Corrections, Aging, Revenue, and other state and county agencies, as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services; and*
- WHEREAS, Illinois is playing a leading role in national Child Support and Head Start initiatives to help Illinois families gain independence, and help former incarcerated fathers reintegrate into their communities:*
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2003 as CHILD SUPPORT AWARENESS MONTH in Illinois.*

Issued by the Governor July 29, 2003

Filed by the Secretary of State September 12, 2003

2003-202**September 10, 2003 as Delta Sigma Theta 46th Annual Ebony Fashion Show Day**

- WHEREAS, the Joliet Area South Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, is welcoming the 46th Annual Premier Showing of the Ebony Fashion Fair on September 10, 2003; and*
- WHEREAS, Delta Sigma Theta Sorority, Incorporated was founded in 1913 with an emphasis on education and scholarship, physical and mental health, economic development and political and international awareness; and*
- WHEREAS, Delta Sigma Theta Sorority, Incorporated is comprised of 210,000 women around the world, 5,500 of which are active in the State of Illinois; and*
- WHEREAS, these 5,000 college-educated women in Illinois hold key leadership positions and are dedicated to public service throughout the state; and*
- WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Incorporated, which is comprised of more than 160 women, won the Outstanding Alumnae Chapter of the Year Award for the State of Illinois during the sorority's 2002 National Convention; and*

PROCLAMATIONS

WHEREAS, the Joliet Area South Suburban Alumnae Chapter remains committed to today's youth, and the 46th Annual Ebony Fashion Show will provide scholarships to deserving kids, as well as promote the chapter's continuous involvement within the community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 10, 2003 as DELTA SIGMA THETA 46th ANNUAL EBONY FASHION SHOW DAY in Illinois.

Issued by the Governor July 29, 2003

Filed by the Secretary of State September 12, 2003

2003-203**September 2003 as Gynecologic Cancer Awareness Month**

WHEREAS, gynecologic cancer is the fourth largest cancer killer of women in the United States; and

WHEREAS, over 82,000 women will be diagnosed with gynecologic cancer this year alone; and

WHEREAS, approximately 130,000 women have died over the past five years as a result of gynecologic cancer, however, early detection can possibly lead to effective intervention; and

WHEREAS, the Gynecologic Cancer Foundation (GCF) is a not for profit charitable foundation that is committed to advancing the care of women who are at risk or have been diagnosed with gynecologic cancer; and

WHEREAS, the members of the Gynecologic Cancer Foundation believe that increasing awareness about gynecologic cancer can help to save many lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2003 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor July 29, 2003

Filed by the Secretary of State September 12, 2003

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 27, Issue 39 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.

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