

# 2004

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- 3) Section Number: 1318.30                      Proposed Action:  
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The rule as currently written is ambiguous because it permits the disqualification of an entrymate of a horse that was found guilty of a racing violation, if the stewards determine that the violation affected the finish of the race. Any racing incident, no matter how minor, could theoretically affect the finish of the race. The original intent of the rule was to disqualify the entrymate, only in the event the violation directly improved its finishing position.
- 6) Will this proposed amendment replace any emergency amendment currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph St.  
Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- A) Types of small business affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because it was not anticipated when they were submitted.

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

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318  
RACING RULES

## Section

1318.10	Racing Conduct
1318.20	Complaints
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1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

**Section 1318.30 Disqualification of Entries**

- a) If two or more horses are coupled in the betting as an entry and one or more of them is guilty of interference or is disqualified for violation of any portion of this Part (11 Ill. Adm. Code 1318), the other horse coupled as an entry shall also be disqualified if the stewards determine that it improved its finishing position as a direct result of the violation, based on their viewing of the race and the video replays, that such violation affected the finish of the race. ~~If said violation is without effect upon the finish of the race, the offender shall be disqualified and the other horse in the entry shall not be disqualified.~~
- b) In determining the extent of disqualification, the stewards shall disqualify and place the offending horse or horses behind such horses as may have suffered by reason of the violation of the rules.

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1050.100	New
1050.132	New
1050.140	Amendment
1050.157	New
1050.245	New
1050.246	New
1050.247	New
1050.248	New
1050.250	Amendment
1050.270	Amendment
1050.360	Repeal
1050.425	Amendment
1050.1010	Amendment
1050.1100	New
1050.1175	Amendment
1050.1200	New
1050.1790	Amendment
1050.1800	New
1050.1900	New
1050.2000	New
1050.2110	New
1050.2115	New
1050.2120	New
1050.2125	New
1050.2130	New
1050.2135	New
1050.2140	New
1050.2145	New
1050.2150	New
1050.2155	New
1050.2160	New
1050.2165	New
1050.2170	New
1050.2175	New
1050.2180	New

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## NOTICE OF ADOPTED AMENDMENTS

1050.2185            New  
1050.2190            New  
1050.2195            New

- 4) Statutory Authority: Implementing and authorized by Section 4-1 and Section 7-1 of the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1 and 635/7-1] and Section 150 of the High Risk Home Loan Act [815 ILCS 137/150]
- 5) Effective Date of Amendments: June 29, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, Section 1050.2195 incorporates a reference to Section X of the Illinois Public Aid Code [305 ILCS 5/Art.X].
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 28 Ill. Reg. 5052; March 26, 2004
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following is summary of substantive changes made during the comment period at the request of various entities.

In Section 1050.140(a)(2), three conditions must be met by those performing activities subject to licensure or registration for exempt entities: 1) comprehensive regulation and supervision; (2) regular examination of books and records and activities; (3) administrative agency sanctions for violation of regulatory, supervisory, or examination requirements.

Section 1050.140(b) clarifies that an exemption from Loan Originator Registration requires the exempt non-depository employer to assume full and direct legal responsibility for the activities of its employees, either in writing or by written opinion of counsel submitted to and approved by OBRE. For example, CILA licensees can provide written opinions of counsel.

Section 1050.1010(h) requires a Loan Originator's name and registration number to be listed in loan brokerage agreements.

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Section 1050.1175(a) adds the seller's name and closing date to the loan log.

Section 1050.1175(d) requires all licensees to maintain a separate loan log and loan files for such loans for 60 months from the date of closing or other termination of loan processing.

Section 1050.2110(a)(3) reduces employment history requirement from 5 to 3 years.

In Section 1050.2110(b), an incomplete application is considered withdrawn after 15 business days, rather than 10 calendar days, after the Commissioner requests the information.

Section 1050.2115(d) extends the testing exemption to Solicitors and Loan Processors. Both Loan Solicitors and Processors will need OBRE approval to be exempted from the initial test; they will be provided a separate classification and prohibited from engaging in loan origination activities beyond their limited scope without taking it.

Section 1050.2120(c) gives the same exemption from continuing education for attorneys registered as Loan Originators under the RMLA as provided for attorneys licensed under the Real Estate Law of 2000.

Section 1050.2125(b)(2) changes the criminal conviction notice period from 10 calendar days after conviction to 15 calendar days after discovering that conviction.

Section 1050.2125(b)(3) increases the amount of time for returning the Certificate of Registration from 5 calendar days to 10 calendar days.

Section 1050.2135(a) allows authorized representatives, including the borrower's attorney, to ask for a loan originator to produce his or her pocket card.

Section 1050.2140(c) removes subsection (c) on the Commissioner's powers to extend a Loan Originator's activities beyond the renewal date.

Section 1050.2160(b) & (c) eliminate the phrase "supervisory information or other confidential".

Section 1050.2165(c) clarifies the standard by eliminating the word "improper".

## OFFICE OF BANKS AND REAL ESTATE

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Section 1050.2165(d) adds language eliminating the need to disclose the same offenses and judgments already disclosed to the Commissioner on a prior application or renewal.

Section 1050.2165(f) adds averment language to not solicit, accept or execute documents containing blanks, except for forms authorizing the verification of application information.

Section 1050.2165(j) clarifies the standard by eliminating the word “potentially”.

Section 1050.2165(k) adds that the applicant must comply with Section 15 (Ability to Repay) of the High Risk Home Loan Act if applicable.

Section 1050.2165(l) clarifies the standard by both adding that a “credit score” may be used and eliminating the word “demonstrably”.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes, except for two clarifications to JCAR recommendations. In Section 1050.1010, JCAR recommended that OBRE strike the word “may”, however doing this would have created a sentence without a verb. OBRE accepts the JCAR recommendation, but added the word “are” and deleted the word “be” in the same section to assure a proper sentence structure. Additionally, OBRE accepted the language added to Section 1050.2120 regarding a CE exemption for attorneys; however, for the purposes of uniformity among Acts, OBRE wishes to use identical language found in the Real Estate Act of 2000. Therefore, OBRE amended the JCAR recommendation by replacing the words “in Illinois” with “pursuant to Illinois Supreme Court Rule”.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? This rulemaking provides for permanent registration of loan originators whereas an emergency rulemaking currently in effect provides for provisional registration of loan originators.
- 14) Are there any amendments pending on this Part? Yes, a proposed amendment is pending to provide for provisional loan originator registration, effective through December 31, 2004 (after expiration of current emergency rule).
- 15) Summary and Purpose of Amendments: This rule implements loan originator registration required under Section 7-1 of the Residential Mortgage License Act of 1987 (added by PA 93-561). This rule provides the framework and standards for the agency’s loan originator registration program, including application and renewal, investigations, testing, temporary permits and transfers, discipline and administrative hearings, continuing

## OFFICE OF BANKS AND REAL ESTATE

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education, and fees. Changes are also made to existing rule provisions to redefine “employee,” increase exam fees, eliminate mail-in exams, provide for cooperative examination agreements with other state regulators, increase information required for a loan log, and allow mortgage brokers to maintain file records in electronic or digital form under the conditions provided. High risk home loan provisions in the existing rule are limited in their application to loans closed before January 1, 2004 as required under Section 150 of the High Risk Home Loan Act.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kraig Lounsberry  
Legislative Liaison  
Office of Banks and Real Estate  
500 E. Monroe Street  
Springfield IL 62701

217/782-6167

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

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1050  
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

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<a href="#">1050.247</a>	<a href="#">Loan Originator Registration Reactivation Fee</a>
<a href="#">1050.248</a>	<a href="#">Duplicate Loan Originator Certificate of Registration or Pocket Card Fee</a>
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
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1050.1820	Guidelines
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1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks

## OFFICE OF BANKS AND REAL ESTATE

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and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004.

## SUBPART A: DEFINITIONS

**Section 1050.100 High Risk Home Loan Definitions; Applicability**

Pursuant to Section 150 of the High Risk Home Loan Act [815 ILCS 137/150] (Act), Sections 1050.155, 1050.190, 1050.195, 1050.197, 1050.198, and 1050.199 of this Subpart do not apply to loans closed on or after January 1, 2004.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.132 Conviction or Convicted**

"Conviction" or "convicted" means, with respect to a criminal charge, the final judgment, or the act of receiving final judgment, on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.140 Employee**

"Employee" and "person employed" for the purposes described in this Section mean:

- a) As used in Section 1-4(d)(1.5) of the Act, "employee" means:
  - 1) any natural person who performs activity subject to licensure or registration under the Act for an exempt entity under Section 1-4(d)(1) of the Act, provided that the exempt entity:

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A) expressly in a writing submitted to and approved by the Commissioner assumes full and direct legal responsibility for the activity of the natural person that is performed on behalf of or in the name of the exempt entity or that benefits or is intended to benefit the exempt entity; or

B) submits to the Commissioner for approval a written opinion of counsel that states that the relationship between the exempt entity and the natural person is one in which the exempt entity assumes full and direct responsibility for the activity of the natural person that is performed on behalf of or in the name of the exempt entity or that benefits or is intended to benefit the exempt entity; or

2) any natural person who performs activity subject to licensure or registration under the Act for an exempt entity under Section 1-4(d)(1) of the Act, provided that the natural person's performance of the activity is otherwise under statute or administrative rule subject to:

A) comprehensive regulation and supervision,

B) regular examination of books and records and activities, and

C) administrative agency sanctions for violation of regulatory, supervisory, or examination requirements

by the State of Illinois or by a federal depository institution regulator.

b) As used in Section 1-4(d)(3) of the Act, "person employed" means any natural person who performs activity licensable under the Act exclusively for one licensee under the Act, provided that the licensee, expressly in writing on a form approved by the Commissioner, assumes full and direct legal responsibility for the licensable activity performed on behalf of or in the name of the licensee or that benefits or is intended to benefit the licensee.

~~"Employee" as used in Section 1-4(d)(3) of the Act means any person who, under a written agreement acts as an agent for a residential mortgage licensee or an exempt entity as defined in Section 1-4(d)(1) of the Act.~~

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

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**Section 1050.157 Licensee**

"Licensee" means a person or entity licensed under the Act.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART B: FEES

**Section 1050.245 Loan Originator Registration Application Fee**

The Commissioner shall receive and there shall be paid by the applicant to the Commissioner a non-refundable Loan Originator Registration Application Fee of \$125 for each individual registered on the initial application and \$100 annually for each individual registered thereafter. The Commissioner may specify the form of payment, which may include certified check, money order, credit card, or other forms authorized by the Commissioner. Notwithstanding the foregoing, each applicant who is also a licensee may request and be granted an exemption from such application fee for no more than two initial Loan Originator Registration applications. The request for such exemption shall be filed on an approved form with the Commissioner at the time of application.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.246 Loan Originator Registration Transfer Fee**

The Commissioner shall receive and there shall be paid by or on behalf of the Loan Originator to the Commissioner a non-refundable Loan Originator Registration Transfer Fee of \$50 for each Certificate of Registration transferred pursuant to Subpart R of this Part.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.247 Loan Originator Registration Reactivation Fee**

The Commissioner shall receive and there shall be paid to the Commissioner by or on behalf of the applicant a non-refundable Loan Originator Registration Reactivation Fee of \$100 for reactivating each Certificate of Registration on Inactive Registration Status.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.248 Duplicate Loan Originator Certificate of Registration or Pocket Card Fee**

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The Commissioner shall receive and there shall be paid by a licensee to the Commissioner a non-refundable Duplicate Loan Originator Certificate of Registration or pocket card fee of \$50 for each Duplicate Certificate of Registration or pocket card issued for a Loan Originator employed by the licensee.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.250 Examination Fees**

- a) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Commissioner at a rate of ~~\$510~~\$400 per examiner day, with the following exception: Examinations conducted pursuant to Section 1050.425(h) of this Part, known as "mail in" examinations, shall be conducted at no charge so long as:
- 1) ~~the examination can be conducted in two days or less; and~~
  - 2) ~~the rating of the licensee remains such that the licensee continues to be eligible for the mail in examination program.~~
- b) Such fees ~~will~~shall be billed ~~within 45 days~~ following completion of the examination. ~~However, the date of the billing shall not prejudice the validity of an invoice for any such fee or fees billed at a later date.~~ Such fee shall be paid within 30 days after receipt of the examination billing of the Commissioner.

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.270 Hearing Fees**

Except for hearings to which Section 1050.2175 of this Part applies, theThe Commissioner shall receive and there shall be paid to the Commissioner a fee of \$500 for each party ~~that~~which requests a hearing pursuant to Section 4-1(n) of the Act, unless waived by the Commissioner. In determining whether to waive such fee, the Commissioner shall consider the financial hardship imposed on such party.

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART C: LICENSING

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**Section 1050.360 Continuing Education Requirements for Certain Employees (Repealed)**

~~Each licensee that employs persons within Illinois to take residential mortgage applications from consumers is required to have those persons complete a minimum of 3 hours of education in real estate finance each calendar year at a source approved by the Commissioner. Any person who becomes an employee of a licensee later than September 1 of any year shall be exempt from this education requirement in the year of his or her hire.~~

(Source: Repealed at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART D: OPERATIONS AND SUPERVISION

**Section 1050.425 Examination**

- a) As part of each regularly scheduled examination the Commissioner shall evaluate and rate licensees, for purposes of scheduling the next regular examination, in accordance with uniform rating factors.
- b) Composite ratings shall include but not be limited to:
  - 1) Composite "1". Licensees in this group had no violations noted during the examination; any findings or comments were of a minor nature. Such licensees evidence strong financial condition and management skills.
  - 2) Composite "2". Licensees in this group had violations noted which are correctable in the normal course of business.
  - 3) Composite "3". Licensees in this category exhibit either compliance, financial or operational weaknesses which give cause for remedial action to correct the weaknesses.
  - 4) Composite "4". Licensees in this group have compliance violations ~~that violation(s) which~~ are not being addressed or resolved by the licensee. Licensees in this category require urgent and decisive corrective measures.
  - 5) Composite "5". This category is reserved for licensees with deficiencies~~deficiency(s)~~ or uncorrected violations critical enough to support conservatorship, suspension, or revocation. Some examples might include, but are not be limited to: ability to demonstrate net worth, failure to procure required bonds~~bond(s)~~, fraudulent mortgage practices,

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fraudulent application for licensure, and being subject to other regulators' disciplinary or enforcement actions.

- c) All licensees shall be subject to examination by the Commissioner. The Commissioner may enter into cooperative agreements with other regulatory authorities and contract with others to provide for examinations and the Commissioner may accept examination reports from those regulatory authorities and under such contracts as meet the requirements of this Section.~~examined twice upon receiving an original license. The first examination shall be during the first 12 months of operation, shall be primarily educational in nature, shall be on site, and there shall be no charge. A second exam shall be made within 12 months after the above referenced first exam. This shall be a full compliance on site exam and~~ The examination shall result in a rating as referenced above in subsection (b) and will be charged at the rate referenced. Thereafter, licensees shall have a frequency of regular examinations at least as follows:

Rating	Frequency of Examination At least once every
1	36 months
2	<del>36</del> 30 months
3	24 months
4	12 months
5	Continual monitoring for immediate remedial action

- d) ~~For those licensees who receive a rating of "1" or "2" as defined in subsection (b) above during their second regularly scheduled exam, the Commissioner may elect to schedule future exams as mail in exams so long as they maintain a 1 or 2 composite rating.~~
- e) ~~For the licensees who have a composite rating of "3" after their latest exam, the Commissioner shall determine whether their exam shall be mail in or on site on a case by case basis.~~
- f) ~~For those licensees who have a composite rating of "4" after their latest exam, the Commissioner shall schedule an on-site exam within 12 months after their latest exam.~~
- g) ~~For those licensees who have a composite rating of '5' after their latest exam, the~~

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~~Commissioner shall require continuous monitoring for immediate remedial action.~~

- h) ~~Mail-in exams shall consist of:~~
- ~~1) all disclosure documents required for the origination, processing, closing and funding of mortgage loans secured by Illinois residential real estate;~~
  - ~~2) names, addresses and telephone numbers of investors;~~
  - ~~3) organizational and administrative records and documents;~~
  - ~~4) numerical data on applications;~~
  - ~~5) proof of insurance coverage and net worth maintenance;~~
  - ~~6) descriptions and documents pertinent to pending or threatened litigation;~~
  - ~~7) up-front fee practices including escrow account information;~~
  - ~~8) default foreclosure and repurchase information;~~
  - ~~9) reverification of any data previously submitted on the most recent license application; and~~
  - ~~10) any other records or documents which the Commissioner deems necessary to effectuate the purposes and policy as identified at Section 1-2 of the Act.~~
- i) ~~Notice of a mail-in exam will be given at least 30 days prior to the due date.~~
- j) ~~Completed mail-in exams, including all required documents, shall be returned on or before the required return date listed on the notice.~~
- ~~1) Failure to submit the mail-in exams on the due date required will result in a penalty fee being assessed by the Office of Banks and Real Estate of \$50 per day.~~
  - ~~2) A penalty fee shall be assessed if the documents and files submitted with the mail-in examination or the examination itself are incomplete when submitted to the Office of Banks and Real Estate. The penalty fee shall be~~

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~~§50 per day until such time as all documents are complete.~~

- k) ~~All licensees shall utilize forms provided by the Commissioner to respond to the mail-in exam notices.~~
- l) ~~Whenever a mail-in exam is allowed, the Commissioner shall require a drop-in on-site exam on all 3-rated licensees and may order a drop-in on licensees rated 1 or 2 at any time to determine that the mail-in documents and files are accurate as submitted and reflective of the actual practices of those licensees.~~
- m) ~~Whenever a mail-in exam is allowed, the Commissioner shall order an on-site exam at any time whenever the Commissioner believes that such an on-site exam would be beneficial to uphold the purposes of the Act. The Commissioner shall order an on-site exam in cases where:~~
- ~~1) there is a documented failure to follow rate lock rules;~~
  - ~~2) whenever licensees are required to repurchase loans;~~
  - ~~3) there is documented evidence of Section 3-8 violations;~~
  - ~~4) a criminal conviction of licensee involving financial fraud comes to the attention of the agency;~~
  - ~~5) licensees' gross delinquency rates exceeds 5% in the preceding calendar year; and~~
  - ~~6) when the licensee has 10 or more consumer complaints in any calendar year wherein the Office of Banks and Real Estate has found in favor of the consumer.~~
- d)n) The Commissioner may conduct an examination at any time at the Commissioner's sole discretion. In determining whether to conduct an examination, the Commissioner may consider information such as an allegation or evidence that a licensee is engaged in fraudulent, unsafe, unsound, or unlawful activities, evidence of loan repurchase demands made upon the licensee, receipt of~~Other instances in which the Commissioner may order an on-site exam are: whenever the Commissioner receives a significant number of consumer complaints regarding a licensee; a change in ownership of a licensee; an internal industry complaint regarding a licensee; other governmental inquiries, failure to~~

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maintain or demonstrate net worth, notice of cancellation of surety bond or fidelity bond, and vendor complaints, ~~any discrepancies noticed in the mail in exam in a timely fashion, etc.~~

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART I: LOAN BROKERAGE PRACTICES

**Section 1050.1010 Loan Brokerage Agreement**

Before a mortgage loan applicant, (also referred to in this Section herein as "borrower" or "customer"); signs a completed residential mortgage loan application or gives the licensee any consideration, whichever comes first, a loan brokerage agreement shall be required and shall be in writing and signed by both the mortgage loan applicant and a licensee whose services to such customer shall be loan brokering as defined at Section 1-4(o) of the Act.

- a) The loan brokerage agreement shall carry a clear and conspicuous statement that, upon request, a copy of the agreement shall be made available to the borrower or the borrower's attorney for review prior to signing.
- b) Both the licensee's authorized representative and the borrower shall sign and date the loan brokerage agreement at the same time, and a copy of the executed agreement shall be given to the customer at the time of signing.
- c) The loan brokerage agreement shall contain an explicit description of the services the licensee agrees to perform for the borrower and a good faith estimate of all consideration and remuneration to be exchanged in ~~connection~~in conjunction with such services. In the same ~~section~~area of the agreement shall be language, of prominence equal to or greater than ~~the~~such estimate, listing the types of situations or conditions ~~that~~which could materially affect the amounts indicated as a result of ~~due to~~ details ~~that~~which could not be known by the licensee at the time of signing the loan brokerage agreement. "Examples of such ~~situations~~situation or conditions ~~may~~ include, but ~~are~~ not be limited to, an appraised value different from that estimated by the borrower or credit obligations ~~that~~which the borrower fails to report."
- d) The loan brokerage agreement shall carry a clear and conspicuous statement as to the conditions under which the borrower is obligated to pay the licensee.
- e) The loan brokerage agreement shall provide that if the licensee makes false or

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misleading statements in such agreement, the borrower may, upon written notice:

- 1) void the agreement;
  - 2) recover monies paid to the broker for which no services have been performed; and
  - 3) recover actual costs, including attorney fees for enforcing the borrower's rights under the loan brokerage agreement.
- f) The loan brokerage agreement shall incorporate by reference the "Loan Brokerage Disclosure Statement" described in Section 1050.1020 of this Subpart.
- g) Except for a Rate-Lock Fee Agreement in accordance with Section 1050.1335, the loan brokerage agreement shall be the only agreement between the borrower and licensee with respect to a single loan; provider, however, that except, the licensee also shall ~~also~~ provide to the customer any disclosure statement necessary to comply with ~~Federal~~federal and State requirements, including but not limited to, the Consumer Protection Credit Act (15 USCU.S.C. 1601), Equal Credit Opportunity Act (Title VII), and Truth in Lending Act (Title I) and Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505].
- h) The loan brokerage agreement shall contain the name and registration number of any Loan Originator assisting the licensee in performing services for the borrower.

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART J: LOAN APPLICATION PRACTICES

**Section 1050.1100 High Risk Home Loan Application Practices; Applicability**

Pursuant to Section 150 of the High Risk Home Loan Act [815 ILCS 137/150], Sections 1050.1180, 1050.1185, 1050.1186, and 1050.1187 of this Subpart do not apply to loans closed on or after January 1, 2004.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.1175 Maintenance of Records**

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- a) Loan Log. Each licensee shall maintain a loan log which shall be kept current according to the record maintenance procedures of the licensee and shall be produced for examination by the Commissioner. Any report which the licensee generates may be substituted for the loan log. At a minimum, the loan log or its substitute shall contain the following with respect to each loan application received during the previous 36 months:

- 1) Application date (sort loan log by application date);
  - 2) Borrower names;
  - 3) Property purchaser names;
  - 4) Property seller names;
  - 5) Property address;
  - 6) Loan amount;
  - 7) Terms (APR), loan program;
  - 8) Loan Originator names and registration numbers;
  - 9) Processor names and license and/or registration numbers, if applicable;
  - 10) Appraiser names and license numbers;
  - 11) Corporate or full service office and license number where application taken;
  - 12) Amount of points and fees charged; and
  - 13) Statement of whether the loan application was cancelled, rejected or closed or is pending and, if the loan application was closed, the closing date and name of the owner and servicer of the loan.
- 1) application date;
  - 2) borrower name;

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- 3) ~~property address;~~
- 4) ~~loan amount;~~
- 5) ~~terms, loan program;~~
- 6) ~~loan officer;~~
- 7) ~~if closed, disposition of the loan and servicing.~~

## b) Loan File Retention.

- 1) With respect to each loan application, each licensee, except as provided in subsection (b)(2) of this Section, shall maintain the following documents on file in hard copy or paper-based form, or electronic or digital form capable of legible hard copy reproduction, for 36 months from the date of closing or other termination of loan processing, as part of its books and records to be examined by the Commissioner:
  - A) the Loan Brokerage Agreement and Loan Brokerage Disclosure Statement, if any mortgage loan brokerage services were utilized by the mortgage loan applicant;
  - B) the Borrower Information Document;
  - C) all documents signed by the customer, including but not limited to the initial loan application, disclosure documents and closing documents;
  - D) the appraisal and credit report as well as all other third-party documents relating to the loan; and
  - E) all other documents in or related to the loan file.
- 2) Each licensee shall retain, at a minimum, the documents referenced in subsections (b)(1)(A) and (B) ~~above~~. With respect to subsections (b)(1)(C) through (E) ~~above~~, a licensee need retain only those documents originated by that licensee's activity in connection with the loan; however, the Commissioner may require the licensee to obtain copies of the remaining documents to produce for examination of its books and records.

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A mortgage broker licensee may maintain the required documents in hard copy or paper-based form, or in electronic or digital form capable of legible hard copy or paper reproduction. Electronic or digital versions of documents that were originally in hard copy or paper-based form must be clear, complete and legible, and the mortgage broker licensee must accurately and authentically preserve any alterations, erasures, or similar indications of changes on the documents. The mortgage broker licensee must also retain documentation that explains the process used to convert hard copy or paper-based documents to electronic or digital formats and specifies the date of conversion, the method of conversion, and the disposition of the original hard copy or paper-based document. A mortgage banker licensee shall maintain all required original documents in hard copy or paper-based form and shall retain hard copies or paper-based documents for all loans assigned to another mortgage banker licensee or entity.

- c) Secondary Market Information. If a licensee sells, assigns or purchases any loans or any servicing of loans, the licensee shall retain the following documents for 36 months from the date of each transaction, as part of its books and records to be examined by the Commissioner:
- 1) the contract and delivery schedules detailing loans sold, assigned or purchased; and
  - 2) the contract and delivery schedules detailing servicing sold, assigned or purchased.
- d) High Risk Home Loans. If a licensee performs licensable acts with respect to a loan subject to the High Risk Home Loan Act, then the licensee shall maintain a separate High Risk Home Loan Log with the information required in subsection (a) of this Section with respect to each loan application received during the previous 60 months and shall maintain all loan files as required in subsection (b) of this Section for 60 months from the date of closing or other termination of loan processing.

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART K: GENERAL LENDING PRACTICES

[Section 1050.1200 High Risk Home Loan Lending Practices; Applicability](#)

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Pursuant to Section 150 of the High Risk Home Loan Act [815 ILCS 137/150], Section 1050.1250, to the extent it applies to high risk home loans, and Sections 1050.1260, 1050.1270, 1050.1272, 1050.1275, 1050.1276; 1050.1277, 1050.1278, and 1050.1280 of this Subpart do not apply to loans closed on or after January 1, 2004.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

**Section 1050.1790 Costs of Hearing**

In addition to filing fees as set forth in Subpart A and except for hearings to which Section 1050.2175 of this Part applies, each party to the hearing shall be required to pay its pro rata share of expenses including, but not limited to, the hearing officer, witness and mileage fees, transcript and such other incidental costs as may be authorized by the hearing officer or by the Commissioner, unless waived by the Commissioner. In determining whether to waive such costs or portion thereof, the Commissioner shall consider the financial hardship upon such party.

(Source: Amended at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART O: MORTGAGE AWARENESS PROGRAM

**Section 1050.1800 Applicability**

Pursuant to Section 150 of the High Risk Home Loan Act [815 ILCS 137/150], this Subpart does not apply to loans closed on or after January 1, 2004.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

**Section 1050.1900 Applicability**

Pursuant to Section 150 of the High Risk Home Loan Act [815 ILCS 137/150], this Subpart does not apply to loans closed on or after January 1, 2004.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

## SUBPART Q: THIRD PARTY REVIEW OF HIGH RISK HOME LOANS

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**Section 1050.2000 Applicability**

Pursuant to Section 150 of the High Risk Home Loan Act [815 ILCS 137/150], this Subpart does not apply to loans closed on or after January 1, 2004.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**SUBPART R: REGISTRATION OF LOAN ORIGINATORS****Section 1050.2110 Application and Investigation**

- a) An application to be registered as a Loan Originator shall be in writing, under oath or affirmation and declared under the penalty of perjury, and in the form prescribed by the Commissioner. The application shall be accompanied by a non-refundable application fee as prescribed in Section 1050.245 of this Part and contain the following information:
- 1) The name, home address, U.S. postal service mailing address, work address, e-mail address if available, date of birth, social security number, driver's license number and state of issue, and phone number of the applicant. A clear copy of a State identification card containing a current photo is to be included with the application. If any of this information changes after the filing of the initial application, the applicant shall provide updated information in writing within 30 calendar days to the Office of Banks and Real Estate. Failure to provide updated material may result in a fine of \$50 per violation for the initial failure and \$100 per violation for each additional failure.
  - 2) A statement as to whether the applicant has been convicted of any criminal offense; **has been** subject to any adverse judgment involving financial crimes or a criminal or civil act involving monies, breach of trust, moral turpitude, or misfeasance or malfeasance; or has been convicted in any jurisdiction of a crime that is a felony in any jurisdiction. The statement shall describe fully all convictions and adverse judgments.
  - 3) The applicant's employment history for the **3** years immediately preceding the date of application.

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- 4) The name, address, phone number, and license number of the licensee that the applicant is or will be employed by as a Loan Originator, along with the start date of employment or prospective employment. This employment shall be verified on a form approved by the Commissioner and signed by an authorized representative of the licensee. Any Loan Originator who is not employed by a licensee at the time of application as provided in Section 1050.2150 shall so indicate.
  - 5) A statement of eligibility under Section 1050.2115(b), (c), or (d). If the applicant cannot verify eligibility under one or more of these subsections to the Commissioner's satisfaction, the applicant shall be required to pass the examination pursuant to Section 1050.2115(a) prior to performing loan origination activities.
  - 6) A statement as to whether the applicant has been issued, denied, or forfeited a professional or occupational license or registration by any jurisdiction, or has been the subject of any disciplinary action in connection with the license or registration, and the reasons for the disciplinary action.
  - 7) A statement that the applicant is in compliance with Sections 1050.2165, 1050.2185, 1050.2190, and 1050.2195.
  - 8) Such further information as the Commissioner requires.
- b) The Commissioner shall investigate information submitted by the applicant upon receipt of a complete application, including all required fees. The submission of an application shall be deemed the applicant's authorization for the Commissioner to conduct an investigation of information contained in the application for purposes of establishing the veracity of the application and to conduct background checks as the Commissioner may deem appropriate, including but not limited to criminal history, credit, and administrative or disciplinary action by other regulatory agencies.
- c) The Commissioner shall consider an application for registration withdrawn if it does not contain all of the information required under subsection (a) and if the information is not submitted to the Commissioner within 15 business days after the Commissioner requests the information.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

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Section 1050.2115 Examination

- a) Each applicant for an initial Loan Originator Certificate of Registration shall pass a written examination approved by the Commissioner to determine the applicant's competency to be a Loan Originator. The Commissioner may prepare, charge a nonrefundable fee for, and conduct examinations. The Commissioner may also designate an independent testing service to perform these activities on behalf of the Commissioner. In addition, any person who desires to take the written examination shall apply in writing on forms approved by the Commissioner. The examination shall be comprehensive and shall evaluate the applicant's knowledge of residential mortgage financing, including but not limited to:
- 1) Residential mortgage financing fundamentals, including, but not limited to, industry overview, mortgage products and life cycle, and qualification calculations and principles; and
  - 2) Legal, regulatory, and ethical requirements including federal, State, and local requirements and ethical responsibility.
- b) Notwithstanding anything to the contrary required by subsection (a), each applicant for a Loan Originator Certificate of Registration who is able to verify current employment by a licensee and who has 2 or more years of loan origination experience in the 36 months immediately preceding the date of application shall not be required to pass the examination until the first renewal of his or her Certificate of Registration.
- c) Notwithstanding anything to the contrary required by subsection (a), each applicant who is able to verify possession of a professional certification approved by the Commissioner that requires at least 18 hours of continuing education every three years shall be exempt from the residential mortgage financing fundamentals portion of the examination and shall be required to take only the legal, regulatory, and ethical requirements portion of the examination.
- d) Exception Solicitors and Processors.
- 1) Notwithstanding anything to the contrary required by subsection (a) of this Section and subject to the Commissioner's written approval, an applicant for a Loan Originator Certificate of Registration shall not be required to pass an examination if the applicant avers, and does in fact, limit his or her

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activity as a loan originator, pursuant to Section 1-4(hh) of the Act, to the following:

- A) soliciting residential mortgage loan applications or expressions of interest to apply for a residential mortgage loan and forwarding them, without collecting credit or appraisal information, to a licensee and its registered Loan Originators or an exempt entity; or
  - B) processing a residential mortgage loan application taken by a licensee and its registered Loan Originators, provided that the applicant is an employee of the licensee or an exempt entity approved by the Commissioner under Section 1-4(d)(6) of the Act.
- 2) The Commissioner may approve the registration of a Loan Originator applicant to solicit or process residential mortgage loans as provided in this Part under a classification of "no examination required" provided that:
- A) the employing licensee or licensee pursuant to Section 1-4(d)(6) of the Act expressly, in writing on a form approved by the Commissioner, assumes full and direct legal responsibility for the solicitation or processing activity performed on behalf of or in the name of the licensee or that benefits or is intended to benefit the licensee;
  - B) the Loan Originator will perform no activities for which an examination under this Part is required, subject to discipline by the Commissioner of the Loan Originator and his or her employing licensee or licensee pursuant to Section 1-4(d)(6) of the Act; and
  - C) otherwise meets the requirements of this Part and the Act and does not undermine the purposes of this Part and the Act.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2120 Continuing Education Requirements for Loan Originators**

- a) Each calendar year, a Loan Originator shall complete a minimum of 6 hours of continuing education in residential mortgage finance, as approved by the Commissioner.

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- b) Notwithstanding anything to the contrary in subsection (a), a Loan Originator whose employment with a licensee commences after December 1 shall complete the requirements of subsection (a) by April 1 of the following calendar year and shall complete 6 additional hours of continuing education by December 31 of such following calendar year.
- c) Any Loan Originator who possesses a professional certification approved by the Commissioner shall be exempt from the continuing education requirements of this Section. For a professional certification to be eligible for approval, it must require at a minimum 18 hours of continuing education related to residential mortgage lending every 3 years.
- d) A licensee shall require each Loan Originator it employs to meet the requirements of this Section.
- e) Notwithstanding anything to the contrary required by subsection (a) of this Section, a Loan Originator who is admitted to practice law pursuant to the Illinois Supreme Court rule in Illinois shall be exempt from the continuing education requirements of this Section.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2125 Certificate of Registration Issuance**

- a) If an applicant meets the following conditions, the Commissioner shall issue a Certificate of Registration for the applicant to the employing licensee (or issue and hold until requested by the employing licensee):
- 1) The applicant has met the requirements of Sections 1050.2110, 1050.2115, and 1050.2165;
  - 2) An investigation has been conducted as required by Section 1050.2110;
  - 3) The applicant complies with the Act, this Part, and other applicable law;
  - 4) The applicant has not been convicted of any criminal offense or subject to any adverse judgment described in Section 1050.2110(a)(2), unless the Commissioner finds that the applicant is rehabilitated and is currently honest, truthful, and of good reputation;

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- 5) The applicant's character and general fitness command the confidence of the public and warrant the belief that the applicant's employment by a licensee will be conducted honestly and fairly in compliance with the Act, this Part, and other applicable law; and
  - 6) If the Commissioner has previously denied the applicant a license or registration under the Act or this Part, a period of 24 months must pass from the date of that denial and the taking of a new application for the applicant's Certificate of Registration.
- b) The Commissioner shall issue the Certificate of Registration subject to the following conditions:
- 1) Each Loan Originator's Certificate of Registration shall be mailed to the employing licensee and maintained by the employing licensee at its main office. If the Loan Originator is not employed by a licensee at the time the Certificate of Registration is issued, the Commissioner shall retain the Certificate of Registration.
  - 2) Each Loan Originator and employing licensee shall provide written notification to the Commissioner within 15 calendar days after discovering that the Loan Originator employed by the licensee is convicted of any criminal offense; is subject to any adverse judgment in any jurisdiction involving financial crimes or criminal or civil act involving monies, breach of trust, moral turpitude, misfeasance or malfeasance; or has been convicted in any jurisdiction of a crime that is a felony in that jurisdiction. The notification shall describe fully all convictions and adverse judgments.
  - 3) If a Loan Originator's employment with a licensee ceases for any reason, the employing licensee shall return the Certificate of Registration to the Commissioner within 10 calendar days after the date such employment ceases. If applicable, the employing licensee also shall provide a report pursuant to Section 6-2(4) of the Act and comply with Section 1050.2135. Licensees may be subject to discipline for filing a frivolous, false, or misleading report under Section 6-2(4) of the Act.
  - 4) Pending the transfer of a Loan Originator's Certificate of Registration to another licensee and written confirmation from the Commissioner, a

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licensee may employ a Loan Originator as an exclusive employee on a temporary basis for a period not to exceed 45 calendar days.

- 5) No licensee shall employ a person or entity to perform the duties of a Loan Originator, except a person with a current Loan Originator Certificate of Registration or Temporary Permit issued under Section 1050.2155.
- 6) A Certificate of Registration and the authority granted by that certificate are granted only to the Loan Originator. The Certificate of Registration and authority shall not in any manner be assigned or transferred to or used by any other person or entity.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2130 Roster of Registered Loan Originators**

The Commissioner shall establish and maintain a public roster of all persons with active Loan Originator Certificates of Registration and Temporary Permits. The Commissioner may charge costs of reproduction for copies of the roster.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2135 Pocket Card**

- a) Upon issuance of a Loan Originator Certificate of Registration, the Commissioner shall issue a pocket card to the licensee for each Loan Originator employed by the licensee. The pocket card shall be in a form prescribed by the Commissioner and shall specify the period for which the Loan Originator is registered, as stated on the Loan Originator's Certificate of Registration. The licensee shall deliver the pocket card to the Loan Originator and the Loan Originator shall carry the pocket card when engaging in activities that are subject to licensure or registration under the Act and shall display the card on demand to the Commissioner, law enforcement and regulatory officials, employing licensees, authorized representatives of the borrower, including the borrower's attorney, and borrowers or consumers.
- b) At the end of the Loan Originator's employment, the employing licensee shall retrieve a Loan Originator's pocket card and shall return it and the Loan Originator's Certificate of Registration to the Commissioner. If the employing licensee is unable to retrieve the pocket card, the employing licensee shall notify

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the Commissioner in writing when the Loan Originator's Certificate of Registration is submitted to the Commissioner.

- c) When the employing licensee is unable to retrieve the Loan Originator's pocket card, the subsequent employer, when so informed by the Commissioner, shall retrieve the pocket card and return the pocket card to the Commissioner prior to employing the Loan Originator.
- d) After the Loan Originator's pocket card is returned to the Commissioner, the Commissioner shall issue a new pocket card to the subsequent employing licensee for the Loan Originator.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2140 Certificate of Registration Renewal**

- a) Certificates of Registration shall be renewed on or before the date of expiration of the current Certificate of Registration. Each Loan Originator shall be responsible for renewal of his or her Certificate of Registration. Failure of the Loan Originator to receive renewal forms shall not relieve the Loan Originator of this responsibility. Failure to timely renew the Certificate of Registration shall render the Certificate of Registration inactive unless the Commissioner approves otherwise in writing.
- b) A Certificate of Registration may be renewed if the Commissioner finds the following conditions are met:
- 1) The renewal application is complete, including payment of the non-refundable renewal fee in a form authorized by the Commissioner;
  - 2) The renewal applicant has verified that he or she has complied with Section 1050.2120;
  - 3) The renewal applicant has complied with Section 1050.2125; and
  - 4) The renewal applicant's current Certificate of Registration is not suspended or revoked.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

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**Section 1050.2145 Certificate of Registration Transfer Application or Inactive Notice**

A Loan Originator may apply to the Commissioner for the transfer of his or her Certificate of Registration to another licensee. Application for transfer shall be in a form approved by the Commissioner and shall include the fee set forth in Section 1050.246.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2150 Inactive Registration Status; Reactivation**

- a) A Loan Originator's Certificate of Registration shall be considered on Inactive Registration Status at any time a Loan Originator is not employed by a licensee.
- b) Inactive Registration Status commences when the employing licensee or the Loan Originator returns the Certificate of Registration to the Commissioner or when the subsequent employing licensee fails to provide sufficient information to the Commissioner to permit transfer of the Certificate of Registration.
- c) The Commissioner may grant and create a category or categories of inactive or inoperative status.
- d) A Loan Originator who receives a Temporary Permit as an employee of a licensee pursuant to Section 1050.2155 is not deemed on Inactive Registration Status.
- e) When a Loan Originator has been on Inactive Registration Status for more than 90 calendar days, prior to resuming active status, the Loan Originator shall pay to the Commissioner a Loan Originator Registration Reactivation Fee in the amount set forth in Section 1050.247.
- f) A Loan Originator's Inactive Registration Status expires on the date of expiration of the underlying Loan Originator's Certificate of Registration. If a Loan Originator's period of inactivity exceeds the expiration date on his or her Certificate of Registration, a Loan Originator shall submit a new application for a Certificate of Registration with a fee in the amount set forth in Section 1050.245.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2155 Temporary Permits**

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- a) If a timely and complete application for transfer of a Certificate of Registration has been filed, a subsequent employing licensee may request and the Commissioner may grant a Temporary Permit allowing a Loan Originator employed by the employing licensee to engage in the performance of the activities of a Loan Originator. A Temporary Permit shall be valid for a period of 45 calendar days from date granted, unless extended for an additional 45 calendar days by the Commissioner for administrative convenience.
- b) The Loan Originator may work only for the employing licensee stated on the Temporary Permit. The licensee shall be responsible for all activities performed by the Loan Originator operating under the Temporary Permit. Upon receipt of a Temporary Permit application, the Commissioner shall notify the Loan Originator's prior employing licensee in writing that a Temporary Permit has been requested for the Loan Originator. Within 10 calendar days after receipt of the Commissioner's notice, the prior employing licensee shall return the Loan Originator's Certificate of Registration to the Commissioner and comply with Section 1050.2135.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2160 Confidential Information**

- a) Pursuant to Section 4-2(e) of the Act and this Section, examination and work papers and any other designated information, including all information relating to an examination of a licensee for Loan Originator activities or an investigation of a Loan Originator, are the property of the Commissioner and shall not be disclosed except as provided in Section 4-2(e) of the Act and this Section. In addition, except as provided in this Section, the Commissioner may not disclose the following Loan Originator or applicant information: social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, and criminal background information.
- b) The Commissioner shall not disclose confidential information as provided in this Section to anyone other than the Loan Originator, the Loan Originator's employing licensee, law enforcement officials or regulatory agencies deemed by the Commissioner to have a legitimate or appropriate regulatory interest, or to a party presenting a lawful subpoena. Any information shared by the Commissioner shall be used only in connection with an official investigation,

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proceeding or action, or in connection with a lawful subpoena presented to the Commissioner.

- c) No licensee or person in possession of confidential information as provided in this Section may disclose that information for any reason or under any circumstances not specified in Section 4-2(e) of the Act or this Section without the prior authorization of the Commissioner. If any licensee or person knowingly and willfully furnishes confidential supervisory information or other confidential information in violation of Section 4-2(e) of the Act or this Section, the Commissioner may impose a civil monetary penalty up to \$1,000 for the violation against the licensee or person.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2165 Averments**

Each application for a Loan Originator Certificate of Registration shall be accompanied by the following averments stating that the applicant:

- a) Will not obtain a Certificate of Registration through any false or fraudulent representation of a material fact or any omission of a material fact required by State law, or make any misrepresentation in any registration or license application.
- b) Will not make a false or misleading statement of a material fact, omit a required statement or make a false promise regarding a material fact, through advertising or other means, or engage in a course of misrepresentation.
- c) Will not engage in conduct that constitutes or dishonest dealings.
- d) Has not been convicted of any criminal offense; has not been subject to any adverse judgment in any jurisdiction involving financial crimes or criminal or civil act involving monies, breach of trust, moral turpitude, misfeasance or malfeasance; or has not been convicted in any jurisdiction of a crime that is a felony in that jurisdiction, which matter has not been previously disclosed to the Commissioner in an initial or renewal application for a Certificate of Registration. The applicant will notify in writing the Commissioner and his or her employing licensee within 10 calendar days of any change in status as averred under this subsection and shall describe fully all such convictions and adverse judgments.

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- e) Will not knowingly make, propose, or solicit fraudulent, false, or misleading statements on any mortgage document or on any document related to a mortgage, including a mortgage application, real estate appraisal, or real estate settlement or closing document. For purposes of this subsection, "fraudulent, false, or misleading statement" does not include an inadvertent mathematical error, an inadvertent transposition of a number, a typographical error, or any other bona fide error.
- f) Will not knowingly instruct, solicit, propose, or cause a person to sign a borrower's signature not their own on a mortgage related document, or solicit, accept or execute any contract or other document related to the residential mortgage transaction that contains any blanks to be filled in after signing or initialing the contract or other document, except for forms authorizing the verification of application information..
- g) Will not discourage any applicant from seeking or participating in housing or financial counseling either before or after the consummation of a loan transaction, or fail to provide information on counseling resources upon request.
- h) Will not charge for any ancillary products or services, not essential to the basic loan transaction for which the consumer has applied, without the applicant's knowledge and written authorization.
- i) Will not charge for any ancillary products or services not actually provided in the transaction.
- j) Will not include any loan terms or features that could have a material financial impact on the applicant without clearly explaining their function and implications.
- k) Will give reasonable consideration to a borrower's ability to repay the debt and, if applicable, comply with Section 15 of the High Risk Home Loan Act.
- l) Will not take an application for a loan that carries a higher cost, due to credit risk and/or credit score, than the applicant is qualified for based on the underwriting guidelines utilized by the Loan Originator's employing licensee.
- m) Will not engage in any discrimination in loan origination activities as provided in applicable State and federal statutes and regulations, including but not limited to the Equal Opportunity Credit Act (15 USC 1691).

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(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2170 Suspension or Revocation of Registration, Refusal to Renew, Fines**

- a) In addition to any other action authorized by the Act, this Part, or other applicable law, the Commissioner may do the following:
- 1) Suspend, revoke, reprimand, or place on probation a Loan Originator or refuse to renew or otherwise discipline a Certificate of Registration if the Commissioner finds that the Loan Originator has violated the Act, this Part, or other applicable law or has been convicted of a criminal offense.
  - 2) Impose a fine of not more than \$1,000 for each day for each violation of the Act or this Part that is committed. If the Loan Originator engages in a pattern of repeated violations, the Commissioner may impose a fine of not more than \$2,000 for each day for each violation committed. In determining the amount of a fine to be imposed pursuant to the Act and this Part, the Commissioner shall consider all of the following:
    - A) The seriousness of the violation;
    - B) The Loan Originator's good faith efforts to prevent the violation;  
and
    - C) The Loan Originator's history of violations and compliance with orders.
- b) In addition to any other action authorized by the Act, this Part, or other applicable law, the Commissioner may investigate alleged violations of the Act, this Part, or other applicable law or complaints concerning any such violation. The Commissioner may seek a court order to enjoin the violation.
- c) In addition to any other action authorized by the Act, this Part, or other applicable law, if the Commissioner determines that a Loan Originator is engaged in or is believed to be engaged in activities that may constitute a violation of the Act, this Part, or other applicable law, the Commissioner may issue a cease and desist order to compel the Loan Originator to comply with the Act, this Part, or other applicable law or, upon a showing that an emergency exists, may suspend any Certificate of Registration for a period not exceeding 180 calendar days, pending investigation.

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(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2175 Loan Originator Hearings; Fees and Costs**

- a) The Commissioner shall receive and there shall be paid to the Commissioner a fee of \$250 for each party that requests a hearing pursuant to this Subpart R, unless waived by the Commissioner. In determining whether to waive the fee, the Commissioner shall consider the financial hardship imposed on the party.
- b) In addition to filing fees set forth in subsection (a), each party to the hearing shall be required to pay its pro rata share of expenses, including, but not limited to, hearing officer expenses, witness and mileage fees, transcript costs and such other incidental costs as may be authorized by the hearing officer or by the Commissioner, unless waived by the Commissioner. In determining whether to waive the costs or a portion of the costs, the Commissioner shall consider the financial hardship on the party.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2180 Criminal Proceedings**

In addition to any other action authorized by the Act, this Part, or other applicable law, the Commissioner may request any law enforcement body with proper jurisdiction to initiate criminal proceedings by presenting evidence of criminal activity engaged in by any person or entity.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2185 Violations of Tax Acts**

The Commissioner shall refuse to issue or renew, or shall suspend or revoke, the Certificate of Registration of any applicant or Loan Originator who fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any other tax Act administered by the Department of Revenue, Internal Revenue Service, or any other tax agency, until such time as the requirements of any such tax Act are satisfied as determined by the appropriate taxing agency.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

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**Section 1050.2190 Disciplinary Action for Educational Loan Defaults**

The Commissioner shall deny a Certificate of Registration or renewal to an applicant or Loan Originator who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission (ISAC) or any governmental agency of this State as determined by ISAC; provided, however, that the Commissioner may issue a Certificate of Registration or renewal if the applicant or Loan Originator has established and maintains a satisfactory repayment record as determined by ISAC or other appropriate governmental agency.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

**Section 1050.2195 Nonpayment of Child Support**

In cases in which the Illinois Department of Public Aid (DPA) has determined under Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X] that a Loan Originator or applicant is more than 30 calendar days delinquent in the payment of child support and has subsequently certified the delinquency to the Commissioner, the Commissioner shall refuse to issue or renew or may revoke or suspend that person's Certificate of Registration or may take other disciplinary action against that person based solely on the certification of delinquency by DPA. Redetermination of the delinquency by the Commissioner shall not be required. The Commissioner shall not renew any license if DPA has certified the Loan Originator to be more than 30 calendar days delinquent in the payment of child support unless the Loan Originator has arranged for payment of past and current child support obligations in a manner satisfactory to DPA. The Commissioner may impose conditions, restrictions, or disciplinary action upon that renewal.

(Source: Added at 28 Ill. Reg. 10352, effective June 29, 2004)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.61                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective date of amendment: July 6, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: February 13, 2004; 28 Ill. Reg. 2570
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: No substantive changes were made in the text of the proposed amendment.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking allows legally obligated child support payments to be excluded from income when comparing the household's gross income to the gross income standard. This change is being made as the result of the federal Farm Bill (HR 2646 – the Food Stamp Reauthorization Act of 2002).
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762  
(217) 785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

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121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)

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- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

- 121.160 Persons Required to Participate
- 121.162 Program Requirements
- 121.163 Vocational Training

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- 121.164 Orientation (Repealed)
- 121.165 Community Work
- 121.166 Assessment and Employability Plan (Repealed)
- 121.167 Counseling/Prevention Services
- 121.170 Job Search Activity
- 121.172 Basic Education Activity
- 121.174 Job Readiness Activity
- 121.176 Work Experience Activity
- 121.177 Illinois Works Component (Repealed)
- 121.178 Job Training Component (Repealed)
- 121.179 JTPA Employability Services Component (Repealed)
- 121.180 Grant Diversion Component (Repealed)
- 121.182 Earnfare Activity
- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training
- 121.186 Good Cause for Failure to Cooperate
- 121.188 Supportive Services
- 121.190 Conciliation
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

- 121.220 Work Requirement Components (Repealed)
- 121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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## NOTICE OF ADOPTED AMENDMENT

**AUTHORITY:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective

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## NOTICE OF ADOPTED AMENDMENT

October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective

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February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004.

## SUBPART D: ELIGIBILITY STANDARDS

**Section 121.61 Gross Monthly Income Eligibility Standards**

- a) Gross Monthly Income Eligibility Standards
  - 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(2003)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (2003)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:
    - A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
    - B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
    - C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
    - D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
    - E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).

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- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
  - G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
  - H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
  - I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
  - J) A member receives Railroad Retirement disability benefits.
  - K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
  - L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

Act (42 ~~USCU.S.C.~~ 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.

b)	Household Size	Gross Income
	One Person	\$ 973
	Two Persons	1,313
	Three Persons	1,654
	Four Persons	1,994
	Five Persons	2,334
	Six Persons	2,674
	Seven Persons	3,014
	Eight Persons	3,354
	Each Additional Member	+ 341

(Source: Amended at 28 Ill. Reg. 10393, effective July 6, 2004)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Number: 302.65                      Emergency Action:  
New Section
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]
- 5) Effective Date of Amendment: July 8, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: July 8, 2004
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Department is adopting these amendments to ensure that children for whom the Department is legally responsible continue to have access to the screening and assessment services required to determine their need for psychiatric hospitalization and the provision of mental health services in the community when the requirements for those service change effective July 1, 2004 to comply with the Children's Mental Health Act of 2003 (Public Act 93-0495).
- 10) A Complete Description of the Subjects and Issues Involved: The Department is amending the Part to clarify that evaluation of children for whom the Department is legally responsible for possible psychiatric hospitalization and provision of community mental health services occur under the same conditions as those services are provided by the Department of Human Services. The provision assures the services meet the requirements of the Illinois Medical Assistance Program.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: The adopted amendment does not expand a State Mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 13) Information and questions regarding this amendment shall be directed to:

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Jeff E. Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 East Monroe Street, Station #65D  
Springfield, Illinois 62701-1498  
Telephone: 217/524-1983  
TDD: 217/524-3715  
FAX: 217/557-0692  
E-Mail address: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER a: SERVICE DELIVERY

## PART 302

SERVICES DELIVERED BY THE DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES

## SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

## SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
302.310	Adoption Assistance Agreements

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

302.311 Nonrecurring Adoption Expenses (Repealed)

302.315 Adoption Registry (Repealed)

302.320 Counseling or Casework Services

302.330 Day Care Services

302.340 Emergency Caretaker Services

302.350 Family Planning Services

302.360 Health Care Services

302.365 Mental Health Services

EMERGENCY

302.370 Homemaker Services

302.380 Information and Referral Services

302.390 Placement Services (Repealed)

302.400 Successor Guardianship (Repealed)

302.405 Subsidized Guardianship Program

## SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

## Section

302.500 Purpose

302.510 Implementation of the Family Preservation Act

302.520 Types of Intensive Family Preservation Services

302.530 Phase-in~~Phase-In~~ Plan for Statewide Family Preservation Services

302.540 Time Frames

302.APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)

302.APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

**AUTHORITY:** Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Alcoholism and other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; preemptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days

**Section 302.365 Mental Health Services**  
**EMERGENCY**

- a) Screening of children for whom the Department is legally responsible who are at risk of psychiatric hospitalization shall be provided in accordance with 59 Ill. Adm. Code 131, Children's Mental Health Screening, Assessment and Support Services Program, and shall be based on a referral to the State's Crisis and Referral Entry Services (CARES).
- b) Community mental health services for children for whom the Department is legally responsible shall be provided in accordance with 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services Program. Such services shall be provided by entities certified by the Department, or by the Department of Human

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Services to provide mental health services and which are enrolled in the Illinois Medical Assistance program pursuant to 89 Ill. Adm. Code 140.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days)

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 July 6, 2004 through July 12, 2004 and have been scheduled for review by the Committee at its August 10, 2004 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>
8/19/04	<u>Department of Transportation</u> , Slow-Moving Vehicle Identification Emblem (92 Ill. Adm. Code 564) (Repealer)	4/23/04 28 Ill. Reg. 6419	8/10/04
8/19/04	<u>Department of Transportation</u> , Slow-Moving Vehicle Identification Emblem (92 Ill. Adm. Code 564)	4/23/04 28 Ill. Reg. 6427	8/10/04
8/19/04	<u>Department of Financial and Professional Regulation</u> Managed Care Reform & Patient Rights (50 Ill. Adm. Code 5420)	12/5/03 27 Ill. Reg. 18295	8/10/04
8/20/04	<u>Department of Public Health</u> , HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)	11/7/03 27 Ill. Reg. 17046	8/10/04
8/20/04	<u>Department of Public Health</u> , Hospice Programs (77 Ill. Adm. Code 280)	3/26/04 28 Ill. Reg. 5188	8/10/04
8/20/04	<u>Department of Public Health</u> , Health Care Worker Background Check Code (77 Ill. Adm. Code 955)	2/20/04 28 Ill. Reg. 2968	8/10/04
8/21/04	<u>Department of Children and Family Services</u> , Background Checks (89 Ill. Adm. Code 385)	4/23/04 28 Ill. Reg. 6234	8/10/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

8/21/04	<u>Department of Children and Family Services,</u> Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)	4/23/04 28 Ill. Reg. 6271	8/10/04
8/21/04	<u>Department of Natural Resources,</u> Dove Hunting, (17 Ill. Adm. Code 730)	5/7/04 28 Ill. Reg. 6716	8/10/04
8/21/04	<u>Department of Natural Resources,</u> Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill. Adm. Code 530)	5/7/04 28 Ill. Reg. 6686	8/10/04
8/25/04	<u>Illinois Gaming Board,</u> Riverboat Gambling (86 Ill. Adm. Code 3000)	4/16/04 28 Ill. Reg. 5949	8/10/04
8/25/04	<u>Illinois Educational Labor Relations Board,</u> Public Information, Rulemaking, Organization and Personnel (2 Ill. Adm. Code 2675)	5/21/04 28 Ill. Reg. 7221	8/10/04
8/25/04	<u>Illinois Gaming Board,</u> Riverboat Gambling (86 Ill. Adm. Code 3000)	4/23/04 28 Ill. Reg. 6288	8/10/04

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## DIVISION OF INSURANCE

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Valuation of Life Insurance Policies Including the Use of Select Mortality Factors
- 2) Code Citation: 50 Ill. Adm. Code 1409
- 3) Register citation of proposed or adopted rulemaking and other pertinent action: 28 Ill. Reg. 9262; July 9, 2004
- 4) Explanation: When the Department initially proposed amendments to this Part, we had added an acronym to Section 1409.50(c). During the rulemaking process, the Department ended up deleting the acronym in Section 1409.50(c) that had been published at First Notice.

As a technical matter, this Section should have been removed from the adopted Register text published on July 9, 2004, but instead Section 1409.50 was inadvertently retained. The end result should have been that Section 1409.50 remains as it had been, effective on January 1, 2000. Therefore, in accordance with this notice, Section 1409.50 will retain the section source note dated January 1, 2000, since that is the date on which this section was last amended.

## ENVIRONMENTAL PROTECTION AGENCY

## JULY 2004 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Procedures for Collection of Asbestos Fees; 35 Ill. Adm. Code 269

1) Rulemaking:

A) Description: The proposed new rule would set forth the procedures the Agency will use to collect asbestos fees under new Section 9.13.

B) Statutory authority: Authorized by Section 9.13 of the Environmental Protection Act [415 ILCS 5/9.13]

C) Scheduled meeting/hearings dates: None yet scheduled.

D) Date Agency anticipates First Notice: None yet scheduled.

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), would be subject to the procedures to set forth in this new rule.

F) Agency contact person for information:

Charles E. Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544

G) Related rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250

1) Rulemaking:

A) Description: The proposed new rule would set forth the procedures the Agency will use to collect construction permit fees for air pollution sources under Section 9.12 of the Environmental Protection Act.

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- B) Statutory authority: Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12]
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures set forth in this new rule.
- F) Agency contact person for information:
- Gina Roccaforte  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544
- G) Related rulemaking and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Procedures For Collection Of Air Pollution Site Fees; 35 Ill. Adm. Code 251
- 1) Rulemaking:
- A) Description: The proposed rule would modify the current rule to address recent amendments made to 415 ILCS 5/9.6. In addition, the proposed rule would make miscellaneous changes.
- B) Statutory authority: Authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6]
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.

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- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must pay site fees would be subject to the modified applicability provisions.
- F) Agency contact person for information:
- Charles E. Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
: 217/782-5544
- G) Related rulemaking and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270)
- 1) Rulemaking:
- A) Description: The proposed rule would modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule would make miscellaneous changes.
- B) Statutory Authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5]
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.
- F) Agency contact person for information:

## ENVIRONMENTAL PROTECTION AGENCY

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Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544

- G) Related rulemaking and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Procedures For The NO<sub>x</sub> Trading Program; 35 Ill. Adm. Code 273
- 1) Rulemaking:
- A) Description: The proposed new rule would set forth the Agency's procedures for selling any unearned early reduction credits under 35 Ill. Adm. Code 217.Subparts U or W, and any allowances that remain after each allocation period under Part 217. In addition, the rulemaking may also contain procedural rules for implementing the State's NO<sub>x</sub> trading program.
- B) Statutory authority: Authorized by Section 9.9 of the Environmental Protection Act [415 ILCS 5/9.9]
- C) Scheduled meeting/hearings dates: None yet scheduled.
- D) Date Agency anticipates First Notice: None yet scheduled.

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- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to the NO<sub>x</sub> Trading Program would be subject to the proposed rule.
- F) Agency contact person for information:
- Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544
- G) Related rulemaking and other pertinent information: See Illinois Pollution Control Board Regulatory Agenda for amendments to 35 Ill. Adm. Code 217.
- f) Parts (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651 through 654
- 1) Rulemaking:
- A) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. In addition, the amendments will exempt from restricted status certain public water supplies that exceed the combined radium standard, provided the supplies meet certain conditions.

The amendments to these Illinois EPA rules will also incorporate technical, financial, and managerial requirements for new public water supplies (PWS). The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, *inter alia*, amends Sections 15 and 18 of the Environmental Protection Act (Act)

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[415 ILCS 5/15 and 5/18] to require that new PWS have the technical, financial, and managerial capacity to meet federal and State drinking water regulations. The Governor signed this bill into law on August 14, 1998, as P.A. 90-0773.

- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19]
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: December 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities, and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Vera Herst  
Division of Legal Counsel (21)  
Bureau of Water/Public Water Supply  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield IL 62794-9276  
217/782-5544

- G) Related rulemakings and other pertinent information: The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard

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or the gross alpha particle activity standard, to avoid being placed on restrictive status.

- g) Parts (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Permit Fees For Installing or Extending Water Main; 35 Ill. Adm. Code 690

1) Rulemaking:

- A) Description: In June 2003, the Governor signed into law P.A. 93-0032, which established a new fee structure for installing and extending water mains. The amendments to this rule will formally incorporate the new fee. The collection of fees in the amendments reflect the increases mandated by the new law for construction permits, emergency construction permits, or as-built plans to install or extend water mains.
- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19]
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: December 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect small businesses, small municipalities, and not-for-profit entities to the extent that these entities design, operate, or maintain a public water supply, or engage in the permitting process. The Illinois EPA anticipates that the amendments will generally benefit these entities by clarifying the requirements for facility operations and permits. The amendments do not impose additional reporting requirements.
- F) Agency contact person for information:

Jerry Kuhn  
Division of Legal Counsel  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East

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- G) Related rulemaking and other pertinent information: None.
- h) Parts (Headings and Code Citations): Illinois Environmental Protection Agency (Illinois EPA) Public Water Supplies, Procedures For Issuing Loans From The Public Water Supply Loan Program; 35 Ill. Adm. Code 662 and 663
- 1) Rulemaking:
- A) Description: The Illinois EPA has recently issued tax-exempt bonds to increase funding for the Public Water Supply Loan Program. The Illinois EPA is reviewing Parts 662 and 663 to determine how these parts may be amended to accommodate future leveraging of the program.
- B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19]
- C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: December 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will clarify the requirements of the Public Water Supply Loan Program that relate to the issuance of tax-exempt bonds.
- F) Agency contact person for information:

Vera Herst  
Division of Legal Counsel  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield IL 62794-9276  
217/782-5544

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- G) Related rulemaking and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Procedures And Requirements For Conflict Resolution In Revising Water Quality Management Plans; 35 Ill. Adm. Code 351
- 1) Rulemaking:
- A) Description: The Illinois Environmental Protection Agency will file a rulemaking proposal as required by P.A. 93-0313 (Facilities Planning Area Rules Act). This statute took effect on July 23, 2003, and requires the Agency to propose regulations within one year of its effective date that take into account the findings of the Facility Planning Area Stakeholder Group and studies of the facilities planning area program. The findings to be taken into consideration include those related to nonpoint source pollution management, construction site and urban runoff, consistency with antidegradation regulations, alternatives analysis, interagency coordination, alternative dispute resolution, and consistency with local, county, and regional land use plans and resource protection plans.
- B) Statutory authority: Implementing and authorized by P.A. 93-0313 (Facilities Planning Area Rules Act).
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: July 2004
- E) Effect on Small businesses, small municipalities or not-for-profit corporations: This rulemaking is expected to impact only the internal Agency procedures for processing amendments to facilities planning area boundary changes. The rulemaking may have some impact on small municipalities seeking to make facilities planning area boundary changes. It will have no impact on small businesses or not-for-profit corporations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Deborah J. Williams  
Division of Legal Counsel (MC #21)  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East

## ENVIRONMENTAL PROTECTION AGENCY

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Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

- G) Related rulemaking and other pertinent information: None
- j) Part(s) Heading and Code Citation: Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund; 35 Ill. Adm. Code 365
- 1) Rulemaking:
- A) Description: This rulemaking amends the Agency's present Water Pollution Control Loans to update and make them consistent with current Federal guidance and the Agency's rules for the Public Water Supply Loan Program, 35 Ill. Adm. Code 663.
- B) Statutory authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act (415 ILCS 5/19.1 through 19.8)
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: Fall 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Ron Drainer  
Infrastructure Financial Section  
Bureau of Water (15)  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

## ENVIRONMENTAL PROTECTION AGENCY

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- G) Related rulemaking and other pertinent information: None.
- k) Part(s) Heading and Code Citation: Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund; 35 Ill. Adm. Code 366
- 1) Rulemaking:
- A) Description: The IEPA is proposing amendments to revise procedures for the allocation of funds. Funds in the Water Pollution Control Revolving Fund are subject to an equal division between the service area of the Metropolitan Water Reclamation District of Greater Chicago and the area consisting of the rest of the State. Currently, new funds that are not allocated during the fiscal year are carried over and may be used only for projects in the particular geographical area for which the funds were initially allocated. These amendments would allow funds not obligated in a given fiscal year to be treated as new funds when carried over to the following fiscal year. As new funds, they would once again be subject to the equal division between the two major geographic areas for the purpose of developing an Intended Use Plan only. These amendments also specify at what point these funds lose their geographic identity when utilized for the funding of projects not included in the Intended Use Plan.
- B) Statutory authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act (415 ILCS 5/19.1 through 19.8)
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date Agency anticipates First Notice: July 2004
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

## ENVIRONMENTAL PROTECTION AGENCY

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Ron Drainer  
Infrastructure Financial Assistant Section  
Bureau of Water (15)  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-0610

G) Related rulemaking and other pertinent information: None

l) Part(s) Heading and Code Citation: Procedures For Issuing Loans From The Water Pollution Control Program for Non-Point Pollution Control Projects (New Part).

1) Rulemaking:

A) Description: This rulemaking creates procedures for eligible local government units, other governmental entities, non-governmental entities or any combination thereof, to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.

B) Statutory authority: The proposed rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act (415 ILCS 5/19.1 through 19.8).

C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time.

D) Date Agency anticipates First Notice: December 2004

E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will benefit these entities by creating procedures to enable these and other entities to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

## ENVIRONMENTAL PROTECTION AGENCY

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Ron Drainer  
Infrastructure Financial Assistant Section  
Bureau of Water (15)  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-0610

- G) Related rulemaking and other pertinent information: None
- m) Part(s) (Headings and Code Citations): Procedures And Criteria For Reviewing Applications For Provisional Variances (35 Ill. Adm. Code 180).

1) Rulemaking:

- A) Description: The proposal would amend 35 Ill. Adm. Code 180 to reflect the recent amendments to Sections 35(b), 36, and 37 of the Environmental Protection Act (Act). Amendments to Sections 35(b), 36, and 37 of the Act give authority to the Agency to grant provisional variances rather than the Pollution Control Board. The proposed amendments may also update the Part and correct typographical errors.
- B) Statutory authority: Implementing and authorized by Sections 35(b) of the Environmental Protection Act [415 ILCS 5/35(b)]
- C) Scheduled meeting/hearing dates: None yet scheduled.
- D) Date agency anticipates First Notice: December 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporation: Any small businesses, small municipalities, or not-for-profit corporations that file a petition for a provisional variance pursuant to Section 35(b) of the Act will be affected by the proposed amendments.
- F) Agency contact person for information:

Annet Godiksen  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276

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Springfield, Illinois 62794-9276  
217-782-5544  
annet.godiksen@epa.state.il.us

- G) Related rulemakings and other pertinent information: None
- n) Part(s) Heading and Code Citation: Amendment to Procedure for the Certification of Operators of Wastewater Treatment Works; 35 Ill. Adm. Code 380
- 1) Rulemaking:
- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing to amend 35 Ill. Adm. Code 380 to modify the groupings of industrial wastewater treatment works and qualifications needed by Wastewater Operators.
- B) Statutory authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act (415 ILCS 5/11 and 27)
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date agency anticipates First Notice: Winter 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations operating wastewater treatment works may be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None

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- o) Part(s) Heading and Code Citation: Design Criteria for Sludge Application on Land; 35 Ill. Adm. Code 391
- 1) Rulemaking:
- A) Description: This rulemaking amends the Illinois procedures for sludge application on land to make them consistent with federal requirements.
- B) Statutory authority: Implementing and authorized by Section 5/11(b) and 39(b) of the Environmental Protection Act [415 ILCS 5/11 & 39]
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time.
- D) Date agency anticipates First Notice: Fall 2004
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments impose new requirements for any small business, small municipality, or not-for-profit corporation that generates, uses, or distributes sludge for application on land.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None

## POLLUTION CONTROL BOARD

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- a) Parts (Headings and Code Citations): Organization, Public Information, and Types of Proceedings; 2 Ill. Adm. Code 2175
- 1) Rulemaking:
- A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's offices, including their addresses and telephone numbers. The Board has changed the location of some of the satellite offices and needs to amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.
- B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].
- C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or Winter of 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.
- F) Agency contact person for information: Address written comments

## POLLUTION CONTROL BOARD

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concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217-782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

b) Parts (Headings and Code Citations):

General Rules; 35 Ill. Adm. Code 101

Regulatory and Informational Hearings and Proceedings; 35 Ill. Adm. Code 102

Enforcement; 35 Ill. Adm. Code 103

Regulatory Relief Mechanisms; 35 Ill. Adm. Code 104

Appeals of Final Decisions of State Agencies; 35 Ill. Adm. Code 105

Proceedings Pursuant to Specific Rules or Statutory Provisions; 35 Ill. Adm. Code 106

Petition to Review Pollution Control Facility Siting Decisions; 35 Ill. Adm. Code 107

Administrative Citations; 35 Ill. Adm. Code 108

Tax Certifications; 35 Ill. Adm. Code 125

Identification and Protection of Trade Secrets and Other Non-Disclosable Information; 35 Ill. Adm. Code 130

1) Rulemaking: R04-08

- A) Description: The Board is preparing a rulemaking to amend its procedural regulations to allow for electronic filings in all Board proceedings through the Board's new "Clerk's Office On-Line" (COOL). The Board's new filing procedure will allow for electronic filings and payment of filing fees.

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- B) Statutory authority: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].
- C) Scheduled meeting/hearing dates: The Board has held two hearings in this rulemaking.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or Winter of 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently anticipated proceedings would affect the text of Parts 101 through 130.

c) Parts (Headings and Code Citations):

Definitions and General Provisions; 35 Ill. Adm. Code 211

Organic Material Emission Standards and Limitations for the Chicago Area; 35 Ill. Adm. Code 218

Organic Material Emission Standards and Limitations for the Metro East Area; 35 Ill. Adm. Code 219

1) Rulemaking: R04-20

- A) Description: The Illinois Environmental Protection Agency filed a proposal with the Board that involves modifying and clarifying the Illinois ozone rules pertaining to: (1) lithographic printing; (2) perchlorethylene dry cleaners; (3) capture efficiency testing; (4) coating operations; (5) the general provisions involving “carbon adsorbers”; and (6) motor vehicle refinishing. Additionally, Appendix B of Parts 218 and 219 will be deleted. Further, the rulemaking will amend Part 211 as necessary to reflect the changes made to 35 Ill. Adm. Code Parts 218 and 219.
- B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.8, 27, 28.2 & 28.5].
- C) Scheduled meeting/hearing dates: Hearings were held on March 18 and May 6, 2004. The Board held hearings under Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or Winter of 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a

## POLLUTION CONTROL BOARD

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clean up of existing requirements.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Board docket R05-05 (see item (d) below) could affect the text of Part 211. Additionally, the IEPA may file amendments to the portable fuel container regulations in Parts 218 and 219 (see item f below).

- d) Part (Heading and Code Citation): Definitions and General Provisions; 35 Ill. Adm. Code 211

- 1) Rulemaking: Docket number R05-5

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition

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of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved docket number R05-5 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2004 through June 30, 2004. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2004. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R05-5, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2004, the due date for Board adoption would be January 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1,

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2005, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-5, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R05-5, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/-814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear

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in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- e) Parts (Headings and Code Citations): Nitrogen Oxides Emissions; 35 Ill. Adm. Code 217
- 1) Rulemaking: No docket number presently assigned.
- A) Description: The proposal would amend Part 217 to update the incorporations by reference, and to reflect the recent amendments to Section 9.9 of the Act. Amendments to Section 9.9 of the Act included authority for the Agency to sell certain allowances, disbursement of the sale proceeds to the Agency and certain sources, and clarified the compliance date for cement kilns, industrial boilers and utility boilers. The proposed amendments will also include changing the dates that applications for New Source Set Aside allowances must be submitted. Additionally, amendments to Part 217 will address the October 27, 1998, action of the United States Environmental Protection Agency. USEPA issued a NO<sub>x</sub> SIP Call requiring Illinois and numerous other states to adopt certain regulations for the control of nitrogen oxide (NO<sub>x</sub>) emissions that contribute to non-attainment or interfere with maintenance of the ozone air quality standard in other states pursuant to Section 110(a)(2)(D) of the CAA. Illinois is required to adopt NO<sub>x</sub> emission controls for four categories of industrial sources. The Board has already adopted rules that control NO<sub>x</sub> emissions from boilers and turbines serving electric generator units greater than 25 megawatts; boilers and turbines with heat input greater than 250 mmBtu/hr; and large cement kilns with ozone season emissions greater than one ton. The fourth category, large internal combustion engines, is the subject of this notice. The U.S. Court of Appeals remanded this category to USEPA for further consideration. USEPA promulgated final guidance for this category on April 21, 2004 at 69 Fed. Reg. 21604.
- B) Statutory authority: Implementing and authorized by Sections 9, 9.9, 10, 27, and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.9, 10, 27, and 28.5, (2003)].
- C) Scheduled meeting/hearing dates: None yet scheduled.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or

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Winter of 2004.

- E) Effect on small business, small municipalities, or not-for-profit corporation: Any small businesses, small municipalities, or not-for-profit corporations that are subject to the NOx Trading Program could be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/524-3337  
epa8856@epa.state.il.us

- f) Part (Heading and Code Citation): Portable Fuel Containers; 35 Ill. Adm. Code 218 and 219

- 1) Rulemaking: No docket presently reserved.

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- A) Description: This rulemaking will address emissions from portable fuel containers.
- B) Statutory authority: Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]
- C) Scheduled meeting /hearing date: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Fall or Winter of 2004. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall or Winter of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation utilizing portable fuel containers.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
epa8855@epa.state.il.us

- g) Part (Heading and Code Citation): Sulfur Limitations; 35 Ill. Adm. Code 214

- 1) Rulemaking: Docket number R04-12

- A) Description: The Board has opened docket number R04-12 to propose non-substantive corrections to Part 214. These include typographical errors to formulas. (See dismissed docket R04-10, "Clean-Up Amendments to 35 Ill. Adm. Code 214.")
- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: The Board held two hearings in this rulemaking; the first in Chicago on March 18, 2004, and the second in Springfield on May 6, 2004.
- D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or Winter of 2004.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is subject to the existing limitations on the emission of sulfur oxides.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R04-

## POLLUTION CONTROL BOARD

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12, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R04-12, as follows:

Richard McGill  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6983  
mcgillr@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Part 214.
- h) Part(s) Heading(s) and Code Citation(s): Commercial and Industrial Solid Waste Incineration Units; 35 Ill. Adm. Code 225
- 1) Rulemaking: No docket presently reserved.
- A) Description: On December 1, 2000, pursuant to Sections 111(d) and 129 of the Clean Air Act, the USEPA promulgated emission guidelines for commercial and industrial solid waste incinerators (65 Fed. Reg. 75337). Illinois is required to adopt a State plan that includes rules, implementing these emission guidelines. This rule would apply to units that commenced construction on or before November 30, 1999, and units where reconstruction or modification commenced prior to June 1, 2001.
- B) Statutory Authority: Implementing Sections 10, 39 and 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/10, 39 and 39.5] and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as

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required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date Agency Anticipates First Notice: A Fall or Winter of 2004 IEPA submittal to the Board of the proposal is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small business, small municipalities or not-for-profit corporations: The prospective amendments would affect small businesses, small municipalities, or not-for-profit corporations that own or operate Existing Commercial and Industrial Solid Waste Incineration Units and Air Curtain Incinerators.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/524-3337

## POLLUTION CONTROL BOARD

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epa8856@epa.state.il.us

- i) Part (Heading and Code Citation): Air Quality Standards Quality Standards; 35 Ill. Adm. Code 243
- 1) Rulemaking: No docket presently reserved.
- A) Description: This rulemaking will make amendments to address the new PM 2.5 standard and incorporate the new 8-hour ozone standard.
- B) Statutory authority: Implementing Sections 9 and 10 of the Environmental Protection Act [415 ILCS 5/9, 10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]
- C) Scheduled meeting /hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall or Winter of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will not directly affect any small business, small municipality, or not-for-profit corporation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator

## POLLUTION CONTROL BOARD

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Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
epa8855@epa.state.il.us

- j) Part (Heading and Code Citation): Water Quality Standards; 35 Ill. Adm. Code 302

- 1) Rulemaking: No docket presently reserved.

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the water quality standards for total dissolved solids, sulfate and chloride. These amendments revise and add numeric water quality standards for the protection of aquatic life. The amended water quality standards will be used by the Illinois Environmental Protection Agency in ensuring compliance with the Clean Water Act requirements at 33 U.S.C. §1313 when issuing National Pollutant Discharge Elimination System permits pursuant to 415 ILCS 5/39(b) and water quality certifications required by 33 U.S.C. §1341.
- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting /hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to

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the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall or Winter of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges particular contaminants into waters of the State.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield Il. 62794-9276  
217/782-1654

- k) Part (Heading and Code Citation): Water Use Designations and Site Specific Water

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Quality Standards; 35 Ill. Adm. Code 303

- 1) Rulemaking: No docket presently reserved.
  - A) Description: 35 Ill. Adm. Code 303 contains the Board's water use designations for all bodies of water in the State of Illinois with use designations other than general use. The IEPA has established a workgroup to conduct a Use Attainability Analysis, pursuant to 40 C.F.R. §131.10, of the portions of the lower Des Plaines River that are currently classified as secondary contact and indigenous aquatic life waters pursuant to 35 Ill. Adm. Code 303.441. In addition, the IEPA is preparing a rulemaking proposal for filing before the Board will recommend updating and/or upgrading the use designation of the lower Des Plaines River from its confluence with the Sanitary and Ship Canal to the Interstate 55 bridge.
  - B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
  - C) Scheduled meeting /hearing date:  
No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
  - D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall or Winter of 2004. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
  - E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges into the lower Des Plaines River.
  - F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500

## POLLUTION CONTROL BOARD

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: For information regarding the Illinois EPA's development of this proposal, please contact:

Deborah J. Williams  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield Il. 62794-9276  
217/782-5544

- m) Parts (Headings and Code Citations):  
Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R05-4

- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R05-4 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2004 through June 30, 2004. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 400 through 499 and

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its implementation. That action is described below:

May 6, 2004 (69 Fed. Reg. 25324)	USEPA published a correction to the July 1, 2003 edition of 40 C.F.R. 439. The corrections reinstate the text deleted from two pages of the regulations; they are not real amendments. (No Board action may be necessary.)
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The Board will verify whether amendments are necessary based on this federal action. The Board will further verify the existence of any additional federal actions that may affect the text of 40 CFR 400 through 499 and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2004. The Board will then propose corresponding amendments to the Illinois SDWA regulations using the identical-in-substance procedure under docket R05-4, as necessary and appropriate.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R05-4, if the earliest federal amendments in the applicable period are assumed to have occurred on May 6, 2004, the due date for Board adoption would be May 6, 2005.

- B) Statutory 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 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be May 6, 2005, the Board will vote to propose amendments and cause a Notice of

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Proposed Amendments to appear in the *Illinois Register* by February 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R05-4, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R05-4, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would affect provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear

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in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

n) Part (Heading and Code Citation): Standards for Sludge Management; 35 Ill. Adm. Code 313

1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge that is applied to land.
- B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]
- C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal during the Fall or Winter of 2004. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently known Board proceedings would potentially impact the general provisions of Part 313.

The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Stefani Diers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.  
Manager, Northern Municipal Unit  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Bureau of Water  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-0810

## POLLUTION CONTROL BOARD

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- o) Part(s) (Heading and Code Citation): Agriculture Related Water Pollution; 35 Ill. Adm. Code Subtitle E
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for filing before the Board Relating to the new Concentrate Animal Feeding Operation National Pollutant Discharge Elimination System (NPDES) regulations that were signed by USEPA on December 15, 2002. The IEPA anticipates a review of Subtitle E and a proposal to ensure that it remains consistent with the federal regulations.
- B) Statutory Authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Fall or Winter of 2004. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rule could affect any agri business that meets the federal definition of a Concentrated Animal Feeding Operation.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

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Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Deborah J. Williams  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

- p) Part (Heading and Code Citation): Primary Drinking Water Standards; 35 Ill. Adm. Code 611

- 1) Rulemaking: Docket number R05-6

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R05-6 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2004 through June 30, 2004. At this time, the Board is aware that USEPA undertook two actions that affected the text of the federal RCRA Subtitle C hazardous waste regulations. These actions are described below:

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February 13, 2004 (69 Fed. Reg. 7156)	USEPA approved an additional analytical method for coliforms and <i>E. coli</i> in drinking water.
June 2, 2004 (69 Fed. Reg. 31008)	USEPA approved three additional analytical methods for uranium in drinking water by a direct final rule.

The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2004. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R05-6, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. In docket R05-6, if the earliest federal amendments in the applicable period are assumed to have occurred on February 13, 2004, the due date for Board adoption would be February 13, 2005.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be February 13, 2005, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by November 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any

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amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a “public water supply,” as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-6, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R05-6, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street Suite 11-500  
Chicago, Illinois 60601  
312-814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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- q) Parts (Headings and Code Citations): Laboratory Accreditation Rules; 35 Ill. Adm. Code 611
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency's (IEPA) proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.
- B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Fall or Winter of 2004. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
- E) Affect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a

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quantifiable affect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Other pertinent information concerning these amendments: Another prospective proceeding (see item (p) above) and other, as yet unknown proceedings could affect the text of Part 611.

Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Jim Shaw  
Division of Laboratories  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

- r) Parts (Headings and Code Citations): Maximum Setback Zones; 35 Ill. Adm. Code 618 – Part not yet reserved

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- 1) Rulemaking: No docket number presently assigned.
  - A) Description: 35 Ill. Adm. Code 618 is a new Part that prescribes maximum setback zones and the applicable technology control regulations that apply under 35 Ill. Adm. Code 615 and 616. This new Part is necessary to ensure public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to ensure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.
  - B) Statutory authority: Implementing Section 14.3 of the Illinois Environmental Protection Act [415 ILCS 5/14.3] and authorized by Section 27 the Illinois Environmental Protection Act [415 ILCS 5/27].
  - C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
  - D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by Fall or Winter of 2004. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.
  - E) Effect on small business, small municipalities, or not-for-profit corporation: This rule will affect any small business, small municipality, or not-for-profit corporation that is located within the maximum setback zone and does any of the following: land filling, land treating, surface impounding or piling of special waste and other wastes that could cause contamination of groundwater when such wastes are generated on the site (other than hazardous, livestock and landscape waste, and construction and demolition debris); storing of special waste in an underground storage tank for which federal regulatory requirements for the protection of groundwater are not applicable; storing and related handling of pesticides and fertilizers at a facility for the purpose of commercial application;

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storing and related handling of road oils and de-icing agents at a central location; or storing and related handling of pesticides and fertilizers at a central location for the purpose of distribution to retail sales outlets. (415 ILCS 5/14.3)

Further, this rule will affect any small business, small municipality, or not-for-profit corporation that proposes to locate a Potential Primary Source within such zone after the effective date of this regulation. "Potential primary source" means any unit at a facility or site not currently subject to a removal or remedial action that: 1) is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; 2) is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; 3) is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or 4) stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Richard Cobb  
Illinois Environmental Protection Agency

## POLLUTION CONTROL BOARD

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1021 North Grand Avenue East, P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/785-4787  
Rick.Cobb@epa.state.il.us

- s) Parts (Headings and Code Citations):  
RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
UIC Permit Program (35 Ill. Adm. Code 704)  
Procedures For Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R05-7

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved docket number R05-7 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2004 through June 30, 2004. At this time, the Board is not aware of any federal amendments to the federal UIC regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2004. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R05-7, as necessary and appropriate.

The Board will verify the existence of any additional federal actions that may affect the text of the federal UIC regulations and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2004. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure under docket R05-7, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the

## POLLUTION CONTROL BOARD

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amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is the first day of the update period, on January 1, 2004, the due date for Board adoption of all amendments in the period would be January 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-7, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

Address questions concerning this regulatory agenda, noting docket number R05-7, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- t) Parts (Headings and Code Citations):  
RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures For Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Standards for The Management of Used Oil (35 Ill. Adm. Code 739)
- 1) Rulemaking: Docket number R05-2

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- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved docket number R05-2 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2004 through June 30, 2004. At this time, the Board is aware that USEPA undertook two actions that affected the text of the federal RCRA Subtitle C hazardous waste regulations. These actions are described below:

April 22, 2004 (69 Fed. Reg. 21737)	USEPA issued rules that allow members of the National Environmental Performance Track Program to accumulate hazardous waste for an extended time before becoming subject to the hazardous waste treatment, storage, and disposal facility standards.
April 26, 2004 (69 Fed. Reg. 22602)	USEPA adopted national emission standards for hazardous air pollutants (NESHAP) applicable to automobile and light duty truck surface coating operations. Two limited segments of the amendments exclude purged coatings and solvents from operations subject to the NESHAP from the air emission standards applicable to equipment leaks at hazardous waste treatment, storage, and disposal facilities.

The Board will verify the existence of any other federal actions and the Board action required in response to each in coming weeks, by about mid-August 2004. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure or dismiss docket R05-2, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection

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Agency (USEPA) adopted its action upon which our amendments are based. In docket R05-2, if the earliest federal amendments in the applicable period is assumed to have occurred on April 22, 2004, the due date for Board adoption would be April 22, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be April 22, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by December 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-7, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

## POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda, noting docket number R05-7, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- u) Part (Heading and Code Citation): Underground Storage Tanks; 35 Ill. Adm. Code 731
- 1) Rulemaking: Docket number R05-3
- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved docket number R05-3 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2004 through June 30, 2004. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2004. The Board will then propose

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corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R05-3, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2004, the due date for Board adoption would be January 1, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2005, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early October 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois regulations is needed, the Board would promptly dismiss this reserved docket.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.
- F) Agency contact person for information: Address written comments

## POLLUTION CONTROL BOARD

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concerning the substance of the rulemaking, noting docket number R05-7, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R05-7, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- v) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks; 35 Ill. Adm. Code Part 732

- 1) Rulemaking: R04-22

- A) Description: 35 Ill. Adm. Code Part 732 contains the rules governing the remediation of leaking underground storage tanks. The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. Amendments updating the

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Pollution Control Board's rules in light of these Public Acts will be proposed. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.

- B) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].
- C) Scheduled Meeting/Hearing Dates: The Board has held hearings in this rulemaking on: March 15, 2004 in Chicago; May 25, 2004 in Bloomington; May 26, 2004 in Springfield; and June 21, 22, and 23 in Springfield. Additional hearings have been scheduled for July 6, 2004 and August 9, 2004 in Springfield.
- D) Date Agency Anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or Winter of 2004.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments please contact:

1.

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

**M. Kyle Rominger**

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544  
Kyle.Rominger@epa.state.il.us

w) Part(s) (Headings and Code Citation): Petroleum Underground Storage Tanks (Releases Reported On or After June 24, 2002); New Part

1) Rulemaking: R04-23

- A) Description: The statutory provisions governing the leaking underground storage tank program, Title XVI of the Environmental Protection Act [415 ILCS 5], were amended in 2002 by P.A. 92-0554 and P.A. 92-0735. A new Part to the Pollution Control Board's rules will be proposed in light of the changes made by the Public Acts. Amendments to the rules governing reimbursement from the Underground Storage Tank Fund will also be proposed.
- B) Statutory Authority: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 5/57-57.17].
- C) Scheduled Meeting/Hearing Dates: The Board has held hearings in this rulemaking on: March 15, 2004 in Chicago; May 25, 2004 in Bloomington; May 26, 2004 in Springfield; and June 21, 22, and 23 in Springfield. Additional hearings have been scheduled for July 6, 2004 and August 9, 2004 in Springfield.
- D) Date Agency Anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall or Winter of 2004.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's leaking underground storage tank rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conley@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments please contact:

2.

**M. Kyle Rominger**  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544  
Kyle.Rominger@epa.state.il.us

- x) Part(s) (Headings and Code Citation): Tiered Approach to Corrective Action Objectives;  
35 Ill. Adm. Code 742

- 1) Rulemaking: No docket presently reserved.

A) Description: Since the Board rules were adopted on June 5, 1997, the IEPA's implementation of the rules has given rise to the need for some amendments, corrections, and clarifications to existing rules. Additionally, technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

B) Statutory Authority: These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

2.

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Fall or Winter of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's tiered approach to corrective action rules
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently known proceeding would impact the text of Part 742.

For information regarding the development of these amendments please contact:

1.

Kimberly A. Geving  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

- y) Part(s) (Headings and Code Citation): Site Remediation Program; 35 Ill. Adm. Code 740
- 1) Rulemaking: No docket presently reserved.
    - A) Description: The Site Remediation Program (“SRP”) is one of the Illinois Environmental Protection Agency’s (“Illinois EPA”) primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. For a variety of reasons, certain of these sites create or attract a heightened level of public attention or concern. Such sites include those with groundwater contamination, former manufactured gas plant sites, and sites where on-site treatment is part of the remedial action plan. For these sites and others that attract public concern, the Illinois EPA expects to propose a new 35 Ill. Adm. Code 740.Subpart J. Subpart J, as currently contemplated, would require such sites to develop and implement a Community Relations Workplan. The purpose of the workplan would be to establish two-way communications between the Remediation Applicant and community members who may be affected by (or perceive they are affected by) site contamination and activities at the site.
    - B) Statutory Authority: Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]
    - C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
    - D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in the Fall or Winter of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
    - E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to enroll in the SRP, and

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

who fall within the criteria for developing and implementing a Community Relations Workplan, the workplan will require identifying the affected or interested public, selecting appropriate methods of outreach to that public, preparing a fact sheet with identification, history and plans for the remediation site, and proposing a schedule for implementation of the workplan. The establishment of a document repository where the public can review all documents exchanged between the Remediation Applicant and the Illinois EPA also may be required. These requirements will increase the resources necessary for participation in the SRP for those Remediation Applicants whose sites fall within the criteria.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: For information regarding the development of these amendments please contact:

Mark Wight  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

Mark.Wight@epa.state.il.us

z) Part(s) (Headings and Code Citation): Ecological Tiered Approach to Corrective Action Objectives; 35 Ill. Adm. Code 743

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois EPA anticipates proposing a new Part setting forth procedures for evaluating the risk to ecological receptors posed or potentially posed by releases of regulated substances and for developing benchmarks that adequately protect those ecological receptors.

B) Statutory Authority: These amendments will be proposed pursuant to Sections 27, 57.14 and 58.5 of the Environmental Protection Act [415 ILCS 5/27, 57.14, and 58.5].

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in the Fall or Winter of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation electing to participate in the voluntary Site Remediation Program, pursuant to 35 Ill. Adm. Code 740, and required to perform an ecological risk assessment pursuant to the new Part.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: The Agency anticipates submitting related amendments to 35 Ill. Adm. Code 740 in conjunction with the proposal of Part 743.

For information regarding the development of these amendments please contact:

Judith S. Dyer  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

**217/782-5544**

- aa) Part(s) (Headings and Code Citation): Solid Waste and Special Waste Hauling; 35 Ill. Adm. Code Parts 807 and 811
- 1) Rulemaking: No docket presently reserved.
- A) Description: The Illinois Environmental Protection Agency is planning to propose amendments to Part 807 Subpart F and Part 811 Subpart G relating to Financial Assurance including adding evergreen renewal language to several financial assurance mechanisms.
- B) Statutory Authority: These amendments will be proposed pursuant to Sections 21.1, 22 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22 and 27]
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct

## POLLUTION CONTROL BOARD

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hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in Fall or Winter of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation providing or requesting financial assurance for the closure and post closure care of waste disposal sites.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: The Agency anticipates submitting related amendments to 35 Ill. Adm. Code 740 in conjunction with the proposal of Part 743.

For information regarding the development of these amendments please contact:

Stephanie Flowers  
Assistant Counsel

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

Illinois Environmental Protection Agency  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

217/782-5544

Stephanie.Flowers@epa.state.il.us

- bb) Parts (Headings and Code Citations):  
 Solid Waste (35 Ill. Adm. Code 807)  
 Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
 Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
 Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)  
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 Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)  
 Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)
- 1) Rulemaking: Presently reserved docket number R05-1
- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R05-1 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2004 through June 30, 2004. At this time, the Board is aware that USEPA undertook one action that affected the text of the federal RCRA Subtitle C hazardous waste regulations. Further, USEPA once updated 40 CFR 136, which is incorporated by reference in the Illinois hazardous waste rules. This action is described below:

March 22, 2004 (69 Fed. Reg. 13242)	USEPA amended its rules to allow states to grant research, development, and demonstration permits.
----------------------------------------	----------------------------------------------------------------------------------------------------

The Board will verify the existence of any other federal actions and the Board action required in response to each in coming weeks, by about mid-

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

August 2004. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D municipal solid waste regulations using the identical-in-substance procedure or dismiss docket R05-1, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R05-1, if the earliest federal amendments in the applicable period is assumed to have occurred on March 22, 2004, the due date would be March 22, 2005.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2004, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be March 22, 2005, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by December 2004. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R05-1,

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R05-1, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312/814-6924  
mccambm@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 813, 814, or 815.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- cc) Part(s) (Headings and Code Citation): Recycling Facilities; 35 Ill. Adm. Code 840 (New Part)

- 1) Rulemaking: No docket presently reserved.

- A) Description: New rules containing operating standards for certain recycling facilities will be proposed. Recycling facilities anticipated to be covered by the new rules are those where paper, glass, plastic, metal cans, aluminum containers, or textiles are recycled.

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

- B) Statutory Authority: Implementing Sections 5, 21, 22 and 28, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 21, 22, 27 and 28].
- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
- D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal in the Fall or Winter of 2004, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.
- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This Part may affect any small business, small municipality or not-for-profit corporation that owns or operates a recycling facility.
- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: None

For information regarding the development of these amendments please contact:

- 2.
3. M. Kyle Rominger, Assistant Counsel
4. Illinois Environmental Protection Agency
5. 1021 North Grand Avenue East

## POLLUTION CONTROL BOARD

## JULY 2004 REGULATORY AGENDA

- 6. P.O. Box 19276
- 7. Springfield, Illinois 62794-9276
- 8. 217/782-5544
- 9. Kyle.Rominger@epa.state.il.us

dd) Part(s), (Headings and Code Citations): Management of Used and Waste Tires; 35 Ill. Adm. Code 848

- 1) Rulemaking: No docket presently reserved.
  - A) Description: The Illinois Environmental Protection Agency is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program including changes necessary to make the Board's rules consistent with legislative amendments to Title XIV of the Environmental Protection Act [415 ILCS 5/53 et seq.] resulting from Public Act 92-0024.
  - B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].
  - C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].
  - D) Date Agency anticipates First Notice: Submission to the Board by the Illinois EPA may be as soon as the Fall or Winter of 2004, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.
  - E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.
  - F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JULY 2004 REGULATORY AGENDA

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator  
Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/782-2471  
conleye@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceeding will affect solid waste transfer stations.

For information regarding the development of these rules please contact:

Stephanie Flowers  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield IL 62794-9276  
217/782-5544  
Stephanie.Flowers@epa.state.il.us

**PROCLAMATIONS****2004-198****SPECIAL SESSION PROCLAMATION**

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Homeless Youth Services Program within the Department of Human Services; and

WHEREAS, there are currently approximately 25,000 homeless children in need throughout the State of Illinois; and

WHEREAS, the Homeless Youth Services Program provides the most basic needs of food, clothing, and shelter for homeless youth throughout the State;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 7, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Homeless Youth Services Program for fiscal year 2005.

Issued by the Governor July 6, 2004

Filed by the Secretary of State July 6, 2004

**2004-199****SPECIAL SESSION PROCLAMATION**

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Comprehensive Community Based Service to Youth Program within the Department of Human Services; and

WHEREAS, many Illinois youth throughout the State have been identified as at risk; and

WHEREAS, the Comprehensive Community Based Service to Youth Program provides affirmative guidance to assist at risk youth throughout the State in working toward more meaningful and productive lives;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 8, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Comprehensive Community Based Service to Youth Program for fiscal year 2005.

Issued by the Governor July 7, 2004

Filed by the Secretary of State July 7, 2004

**PROCLAMATIONS****2004-200****SPECIAL SESSION PROCLAMATION**

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Intensive Prenatal Performance Program within the Department of Human Services; and

WHEREAS, many Illinois mothers throughout the State have been identified as high risk for having low weight births; and

WHEREAS, the Intensive Prenatal Performance Program provides prenatal health care services to high-risk mothers throughout the State in order to avoid the adverse consequences of low birth weight for children;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 9, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Intensive Prenatal Performance Program for fiscal year 2005.

Issued by the Governor July 8, 2004

Filed by the Secretary of State July 8, 2004

**2004-201****Women's Business Development Days**

WHEREAS, there are an estimated 6.2 million women-owned firms in the United States, employing 9.2 million people and contributing \$1.15 trillion in sales and revenue to the nation's economy, according to the U.S. Small Business Administration (SBA). More than 239,000 of these businesses are owned by women in Illinois; and

WHEREAS, the number of women business owners has increased significantly in recent years, as women are starting businesses at twice the rate of other businesses and are having greater longevity; and

WHEREAS, agencies such as the Illinois Department of Commerce and Economic Opportunity and SBA provide educational and financial resources to women and other underrepresented groups to help them to succeed in their business ventures; and

WHEREAS, the Women's Business Development Center (WBDC), a Chicago based firm, is a nationally-recognized nonprofit organization that is also 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, WBDC was established in 1986 and has steadily evolved to offer larger, more comprehensive services to its members, including one-on-one counseling, workshops, entrepreneurial training, and the Child Care Business Initiative Program, Illinois' first child care

**PROCLAMATIONS**

business initiative to assist women in low-income communities establish and expand home-based child care businesses; and

WHEREAS, WBDC has assisted over 50,000 women in the greater Chicago area, helped to establish 14 other women's business assistance centers across the nation, and is a recognized leader in the development of programs and policies affecting women's economic development and women's business ownership; and

WHEREAS, WBDC will hold its 18th Annual Entrepreneurial Woman's Conference providing opportunities for women to develop new marketing opportunities, as well as learn and share critical business information through workshops and networking:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 8 – 9, 2004 as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois, and encourage all citizens to support the movement for social, educational, and economic empowerment of women.

Issued by the Governor July 7, 2004

Filed by the Secretary of State July 9, 2004

**2004-202****AmeriCorps Day**

WHEREAS, AmeriCorps is a network of national service programs which partners volunteers with nonprofits, public agencies, or faith-based organizations, to improve education, protect public safety, improve health care, provide disaster relief, and perform other essential services in the community; and

WHEREAS, AmeriCorps began in 1993 as a partnership between the federal government and Governor-appointed state commissions; and

WHEREAS, since 1994, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans; and

WHEREAS, the citizens of Illinois are currently receiving valuable assistance from over 600 AmeriCorps members who have made a promise to better their communities; and

WHEREAS, this year marks AmeriCorps 10th anniversary in the State of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 26, 2004 as AMERICORPS DAY in Illinois, and commend the work of AmeriCorps for their 10 years of service to Illinois' communities.

Issued by the Governor July 7, 2004

Filed by the Secretary of State July 9, 2004

**2004-203****Family Day – A Day To Eat Dinner With Your Children**

WHEREAS, regularly eating dinner as a family is an effective way for parents to remain involved in the lives of their children; and

**PROCLAMATIONS**

WHEREAS, research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University has found that teens from families that almost never eat together are 72% more likely to smoke, drink, or use illegal drugs than the average teen; and

WHEREAS, CASA also found that people who avoid smoking, using illegal drugs, and abusing alcohol through age 21 are much less likely to pick up those habits as adults; and

WHEREAS, parents' ability to preemptively fight substance abuse in young people is not only important for the children's health and well-being, but it also reduces the need for state and/or professional intervention. In 1998, CASA estimated that the State of Illinois spent over 12% of its budget, or almost \$3 billion, on substance abuse education, prevention, prosecution, and treatment:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27, 2004 as FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN in Illinois, and encourage all families to take this easy step toward ensuring that their children lead safe, substance-free lives.

Issued by the Governor July 8, 2004

Filed by the Secretary of State July 9, 2004

# ILLINOIS ADMINISTRATIVE CODE

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