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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Discipline and Grievances
- 2) Code Citation: 20 Ill. Adm. Code 504
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
504.10	Amendment
504.12	Amendment
504.20	Amendment
504.30	Amendment
504.40	Amendment
504.50	Amendment
504.60	Amendment
504.70	Amendment
504.80	Amendment
504.90	Amendment
504.100	Amendment
504.115	Amendment
504.120	Amendment
504.130	Amendment
504.150	Amendment
504.600	Amendment
504.602	Amendment
504.605	Amendment
504.610	Amendment
504.620	Amendment
504.660	Renumbered
504.670	Amendment
504.680	New Section
504.690	Renumbered/Amendment
504.700	Repealed
504.710	Repealed
504.715	Repealed
504.720	Repealed
504.730	Repealed
504.802	Amendment
504.810	Amendment
504.820	Amendment
504.830	Amendment
504.840	Amendment

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

504.850	Amendment
504.870	Amendment
504.905	Amendment
504.910	Amendment
504.920	Amendment
504.930	Amendment
504.940	Amendment
504.Appendix A	Amendment
504.Table A	Amendment
504.Table B	Repealed

- 4) Statutory Authority: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and implementing and authorized by 730 ILCS 5/3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9
- 5) A Complete Description of the Subjects and Issues Involved: The amendment proposes standards to redesign the system under which privileges are afforded in the Agency's administration of offender discipline to reduce the overall usage of segregation. Additionally, the Rule proposes procedural changes thereby providing for the potential mental health impact on offenders during said disciplinary processes including during the administration of segregation/confinement. The proposal provides revisions to the sanctions for offender violations and aligns Agency standards for segregation, including, but not limited to physical structure privileges and step down programming prior to release, with national standards and in accordance with ACA standards and research group recommendations.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507
email: echo.beekman@doc.illinois.gov

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONSPART 504
DISCIPLINE AND GRIEVANCES

SUBPART A: ADMINISTRATION OF DISCIPLINE

Section	
504.10	Applicability
504.12	Definitions
504.15	Responsibilities
504.20	Offenses and Maximum Penalties
504.30	Preparation of Disciplinary Reports
504.40	Investigative Status and Temporary Confinement
504.50	Review of Disciplinary Reports
504.60	Investigation of Major Disciplinary Reports
504.70	Adjustment Committee and Program Unit Composition
504.80	Adjustment Committee Hearing Procedures
504.90	New or Additional Proceedings
504.100	Program Unit Hearing Procedures
504.110	Computation of Discipline for Multiple Offenses
504.115	Indeterminate and Long Term Segregation Placement of Adult Offenders
504.120	Reduction in Segregation Placement of Adult Offenders
504.130	Demotion and Restoration in Grade
504.140	Restitution Procedures
504.150	Restoration of Good Time and Credit

SUBPART B: ADMINISTRATION OF DISCIPLINE – JUVENILE

Section	
504.200	Applicability (Repealed)
504.202	Definitions (Repealed)
504.205	Responsibilities (Repealed)
504.210	Offenses and Maximum Penalties (Repealed)
504.220	Preparation of Disciplinary Reports (Repealed)
504.230	Temporary Confinement (Repealed)
504.240	Review of Disciplinary Reports (Repealed)

ILLINOIS DEPARTMENT OF CORRECTIONS

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504.250	Adjustment Committee and Program Unit Composition (Repealed)
504.260	Adjustment Committee Hearing Procedures (Repealed)
504.270	New or Additional Proceedings (Repealed)
504.275	Program Unit Hearing Procedures (Repealed)
504.280	Computation of Discipline for Multiple Offenses (Repealed)
504.290	Restitution Procedures (Repealed)
504.300	Restoration of Good Time (Repealed)

SUBPART C: ADMINISTRATION OF DISCIPLINE – COMMUNITY SERVICES

Section	
504.400	Applicability (Repealed)
504.402	Definitions (Repealed)
504.405	Responsibilities (Repealed)
504.410	Offenses and Maximum Penalties (Repealed)
504.420	Preparation of Disciplinary Reports (Repealed)
504.430	Temporary Confinement (Repealed)
504.440	Review of Disciplinary Reports (Repealed)
504.450	Adjustment Committee and Program Unit Composition (Repealed)
504.460	Adjustment Committee Hearing Procedures (Repealed)
504.470	New or Additional Proceedings (Repealed)
504.480	Program Unit Hearing Procedures (Repealed)
504.490	Computation of Penalty for Multiple Offenses (Repealed)
504.500	Restitution Procedures (Repealed)
504.510	Restoration of Good Time (Repealed)

SUBPART D: ~~SEGREGATION AND CONFINEMENT~~SEGREGATION, INVESTIGATIVE CONFINEMENT AND ADMINISTRATIVE DETENTION – ADULT

Section	
504.600	Applicability
504.602	Definitions
504.605	Responsibilities
504.610	Placement in Segregation Status
504.620	Segregation Standards
504.630	Investigative Confinement
504.640	Confinement Pending Transfer (Repealed)
504.650	Confinement in Control Segregation (Repealed)
504.660	Administrative Detention (<u>Renumbered</u>)

ILLINOIS DEPARTMENT OF CORRECTIONS

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504.670 Recreation for Persons in Segregation Status
[504.680 Release from Disciplinary Segregation](#)
[504.690 Administrative Detention](#)

SUBPART E: CONFINEMENT PROCEDURES – JUVENILE

Section
504.700 Applicability ([Repealed](#))
504.710 Definitions ([Repealed](#))
504.715 Responsibilities ([Repealed](#))
504.720 Placement in Confinement ([Repealed](#))
504.730 Confinement Procedures ([Repealed](#))

SUBPART F: GRIEVANCE PROCEDURES FOR OFFENDERS

Section
504.800 Applicability
504.802 Definitions
504.805 Responsibilities
504.810 Filing of Grievances
504.820 Grievance Officer
504.830 Grievance Procedures
504.840 Emergency Procedures
504.850 Appeals
504.860 Records
504.870 Direct Review by Administrative Review Board

SUBPART G: GRIEVANCE PROCEDURES FOR RELEASEES

Section
504.900 Applicability
504.905 Definitions
504.910 Responsibilities
504.920 Filing of Grievances
504.930 Review of Grievances
504.940 Appeals

504.APPENDIX A Offense Numbers and Definitions
504.TABLE A Maximum Penalties ~~for Adult Offenders~~

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504.TABLE B Maximum Penalties for Juvenile Offenders (Repealed)
504.TABLE C Offenses and Maximum Penalties – Community Services Division
(Repealed)

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and implementing and authorized by Sections 3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9]. Sections 504.70 and 504.450 are implementing a Consent Decree (U.S. Department of Justice vs. the State of Illinois, #S-CIV-76-0158, S.D. Ill., 1978). Sections 504.80 and 504.460 are also implementing a Consent Order (Arsberry vs. Sielaff, #74 C 1918 and Longstreet vs. Sielaff, #74 C 1951, N.D. Ill., 1982).

SOURCE: Adopted at 8 Ill. Reg. 14427, effective August 1, 1984; amended at 12 Ill. Reg. 8351, effective June 1, 1988; amended at 16 Ill. Reg. 10430, effective July 1, 1992; amended at 22 Ill. Reg. 1206, effective January 1, 1998; amended at 25 Ill. Reg. 10775, effective September 1, 2001; amended at 27 Ill. Reg. 6214, effective May 1, 2003; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: ADMINISTRATION OF DISCIPLINE

Section 504.10 Applicability

This Subpart applies to ~~adult and juvenile~~ offenders within the Department of Corrections.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Employee", for the purpose of this Part, means any Department employee, contracted employee, employee of a vendor, or volunteer.

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"Investigative Status" means a confinement status in which an offender's movement may be restricted while an incident or matter is being investigated.

"Offender" means a person committed to the Department or to the custody of the Department.

"Seriously Mentally Ill", for the purpose of this Part, means an offender is seriously mentally ill if he or she, as a result of a mental disorder defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association, exhibits impaired emotional, cognitive or behavioral functioning that interferes seriously with his or her ability to function adequately except with supportive treatment or services. These individuals also must either currently have, or have had within the past year, a diagnosed mental disorder, or must currently exhibit significant signs and symptoms of a mental disorder. A diagnosis of alcoholism or drug addiction, of developmental disorders, or of any form of sexual disorder shall not, by itself, render an individual seriously mentally ill. The combination of either a diagnosis or significant signs and symptoms of a mental disorder and an impaired level of functioning, as outlined in this definition, is necessary for one to be considered seriously mentally ill. Whether a person meets the criteria of seriously mentally ill is initially determined by a comprehensive, professional clinical assessment by a Department mental health professional in order to determine if the individual has a diagnosable mental disorder as defined by the current DSM and to establish the person's overall level of functioning. The appropriate threshold to establish level of functioning that equates to a serious mental illness includes serious impairments in capacity to recognize reality in work, school or learning environments; frequent problems with the authority/rules; occasional combative behavior; serious impairments in relationships with friends and family; serious impairments in judgment, thinking and mood; and serious impairment due to anxiety. These disturbances must be observed in at least one of the listed areas.

"Temporary Confinement" means a confinement status in which an offender may be placed until a determination is made as to whether a disciplinary report or investigative report is to be issued, or pending a disciplinary hearing.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.20 Offenses and Maximum Penalties

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Disciplinary offenses are defined in Appendix A. Maximum penalties for conduct that constitutes a disciplinary offense are set forth in Table A ~~for adult offenders and in Table B for juvenile offenders.~~

- a) No offender shall be found guilty of any violation of ~~this Part~~these rules without a hearing before the Adjustment Committee or Program Unit. If an offender is transferred from one facility to another while pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility that is comparable to that which would have been afforded, in accordance with this Subpart, at the sending facility.
- b) In determining the appropriate sanctions, the Adjustment Committee or Program Unit, the Chief Administrative Officer, and the Director ~~shall~~may consider, among other matters, mitigating or aggravating factors, ~~including such as:~~
 - 1) The offender's mental state at the time of committing the offense;
 - 2) If the offender is determined to be seriously mentally ill and if the sanctions for the violation may include a period of segregation, the recommendations of a mental health professional;
 - ~~3)2) The extent and degree of participation in the commission of the offense;~~
 - ~~4)3) The amount or nature of stolen property, contraband, or injury; and~~
 - ~~5)4) The offender's prior disciplinary record.~~
- c) Corporal punishment, disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, or access to legal materials and reductions in the frequency of use of toilets, washbowls, and showers shall be prohibited.
- d) Disciplinary restrictions on visitation, work, education, or program assignments and use of the library shall be related as closely as practicable to the abuse of ~~these~~such privileges. This subsection shall not apply to segregation ~~or isolation~~ of offenders for purposes of institutional control.
- e) Offenders are presumed to be responsible for any contraband or other property prohibited by this Part that is located on their person, within their cell or within areas of their housing, work, educational, or vocational assignment that are under

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their control. Areas under an offender's control include, but are not limited to, the door track, window ledge, ventilation unit, plumbing, and the offender's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, and locker in his or her work, educational, or vocational assignment. If the offender produces evidence that convinces the Adjustment Committee or Program Unit that he or she did not commit the offense, the offender shall be found not guilty.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.30 Preparation of Disciplinary Reports

- a) Every employee has the duty to observe the conduct of offenders.
- b) If an employee observes an ~~adult~~ offender committing an offense, discovers evidence of its commission, or receives information from a reliable witness of ~~the~~ such conduct, the employee shall promptly prepare a disciplinary report. However, if the infraction is ~~one of those~~ listed in the 400 series in Table A and the employee determines a disciplinary report is not necessary to resolve the situation, the employee may orally reprimand the offender.
- e) ~~If an employee observes a juvenile offender committing an offense, discovers evidence of its commission, or receives information from a reliable witness of such conduct, the employee shall promptly prepare a disciplinary report provided the conduct is such that it may result in disciplinary action that suspends privileges, involves the imposition of disciplinary confinement, delays referral to the Prisoner Review Board, or causes a change in work, education, or other program assignments of more than 7 days duration. When the rule infraction is minor, every effort should be made to take corrective action that is adapted to individual circumstances, administered immediately and consistently, and is understood by the offender through appropriate counseling efforts.~~
- c)d) The disciplinary report must be fully completed. The reporting employee shall provide the following information to the extent known or available:
 - 1) The name and ~~identification~~ register number of the offender.
 - 2) The place, time, and date of the offense.

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- 3) The offense that the offender is alleged to have committed.
- 4) A written statement ~~detailing~~ the conduct observed.
- 5) The names of offenders, employees, and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
- 6) The signature of the reporting employee and the date and time the report is completed.

~~d)~~e) If an offender is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, ~~shall~~may be issued that reasonably informs the offender of the subject of the investigation to the extent that safety and security allow. In no event shall an investigative report be served upon an offender more than eight calendar days after the suspected commission of an offense or the discovery of an offense, whichever is later, unless the offender is unavailable or unable to participate in the proceeding.

~~e)~~f) Service of a disciplinary report upon the offender shall commence the disciplinary proceeding. In no event shall a disciplinary report ~~or investigative report~~ be served upon an ~~adult~~ offender more than ~~eight calendar~~8 days, ~~or on a juvenile offender more than 6 days,~~ after the commission of an offense or the discovery of an offense~~thereof~~ unless the offender is unavailable or unable to participate in the proceeding.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.40 Investigative Status and Temporary Confinement

~~a)~~The shift supervisor shall determine whether or not it is necessary to place the offender in investigative status or in temporary confinement status pending a disciplinary hearing or a determination whether ~~or not~~ to issue a disciplinary or investigative report in accordance with Section 504.30. If the offender has been diagnosed as seriously mentally ill, the shift supervisor shall ensure a mental health professional completes a documented review of the offender within 48 hours and provides his or her recommendation for temporary confinement to the Chief Administrative Officer. The Chief Administrative Officer shall also have the authority to release

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the offender from temporary confinement. The decision to place an offender in investigative status or temporary confinement may be based, among other matters, on:

- a)1) The aggressiveness of the offender;
- b)2) The threat posed to the safety and security of the facility or any person;
- c)3) The need to restrict the offender's access to general population to protect the individual from injury or to conduct the investigation; ~~or~~
- d)4) The seriousness of the offense; or;
- e) Contraindication for placement, determined by a mental health professional.
- b) ~~A juvenile offender shall not be placed in temporary confinement status pending a disciplinary hearing for more than 4 days unless the individual is in investigative status.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.50 Review of Disciplinary Reports

- a) The Chief Administrative Officer of each facility shall designate one or more Reviewing Officers.
- b) The Reviewing Officer shall review the decision to place an offender in temporary confinement within three calendar~~3~~ days after ~~the~~~~such~~ placement, whenever possible, and may order release from or placement in temporary confinement. Among other matters, the factors listed in Section ~~504.40~~504.40(a) may be considered. If a disciplinary or investigative report has not been written within three calendar~~3~~ days after placement in temporary confinement, the Reviewing Officer shall inform the Chief Administrative Officer.
- c) An offender who receives an investigative report shall be interviewed by the Reviewing Officer in order to permit the offender an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within 10 calendar~~14~~ days after initial placement ~~of an adult offender in investigative status or within 3 days after initial placement of a juvenile offender in investigative status~~, whenever possible.

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- 1) The Reviewing Officer shall recommend whether to continue placement of the offender in investigative status. Among other matters, factors listed in Section ~~504.40~~~~504.40(a)~~ may be considered. The Chief Administrative Officer shall make the final determination.
 - 2) The offender shall be informed of the decision and the decision shall be documented in writing.
 - 3) The offender may be detained in investigative status for up to 30 days ~~for adults and up to 5 days for juveniles~~.
 - 4) If the investigation does not indicate that the offender may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the offender's records. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.
 - 5) If, as a result of the investigation, it is necessary to amend or modify the original charges, the offender shall be issued a revised disciplinary report.
 - 6) Upon completion of the investigation, the offender shall appear before the Adjustment Committee for a hearing on the disciplinary report unless the report has been expunged.
 - 7) In the event that an investigation cannot be completed within 30 days ~~for adults or 5 days for juveniles~~ due to an institutional emergency, the Chief Administrative Officer may personally authorize, in writing, an extension of up to 30 days placement ~~in confinement for adults and up to 5 days placement in confinement for juveniles~~ pending investigation. As used in this Section, an institutional emergency includes riots, strikes, lockdowns, and natural disasters.
 - 8) The Director may personally authorize, in writing, additional extensions of up to 30 days each ~~for adults~~ if an institutional emergency prevents completion of the investigation within 60 days. The offender shall be informed of the decision in writing.
- d) The Reviewing Officer shall review each disciplinary report and determine

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whether:

- 1) The reported facts justify a disciplinary hearing. If not, the report shall be expunged from the offender's records. A copy shall be maintained in an expungement file.
- 2) The disciplinary report has been completed properly. If not, the Reviewing Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The offender shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the offender shall be provided a copy of the corrected report at least 24 hours prior to the hearing, unless the offender waives this notice in writing.
- 3) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing.
 - A) Aiding and abetting, soliciting, attempting to commit, conspiring to commit, or committing any offense listed in the 100, 200, or 500 series of Table A ~~or Table B~~ shall be considered a major offense.
 - B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense and factors enumerated in Section 504.20(b).
- e) ~~The In adult correctional centers,~~ the Reviewing Officer shall forward copies of all major disciplinary reports to the Hearing Investigator.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.60 Investigation of Major Disciplinary Reports

~~This Section only applies to adult correctional centers. This does not preclude use of Hearing Investigators at other facilities.~~

- a) The Chief Administrative Officer shall appoint one or more Hearing Investigators

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who shall review all major disciplinary reports.

- 1) ~~b)~~ The Hearing Investigator may conduct an investigation into the charges as determined to be appropriate. This determination may be based, among other matters, upon the severity of the offense, the complexity of the charges, or the offender's admission of guilt. The investigation may include an investigation of additional charges.
 - 2) ~~e)~~ The Hearing Investigator may correct or direct the reporting employee to correct any errors in the disciplinary report. The offender shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the offender shall be provided a copy of the corrected report at least 24 hours prior to the hearing unless the offender waives this notice.
 - 3) ~~d)~~ The Hearing Investigator may interview any person who may have information that relates to the alleged violation and may inspect any physical evidence.
 - 4) ~~e)~~ The Hearing Investigator shall determine whether ~~or not~~ to submit a report to the Adjustment Committee, based upon the results of the investigation. However, if the investigation reveals evidence of a convincing nature that the offender did not commit the offense, that evidence must be reported to the Adjustment Committee.
 - 5) ~~f)~~ Any report may be submitted in writing or presented orally, as determined by the Hearing Investigator.
- b) If the offender has been diagnosed as seriously mentally ill and the sanction for the offense may result in a period of segregation, a mental health professional shall be assigned to review the offender's mental health records and disciplinary report to determine if the offender's mental illness contributed to the underlying behavior of the offense.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.70 Adjustment Committee and Program Unit Composition

- a) The Chief Administrative Officer shall appoint the Adjustment Committee, which

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shall be composed of at least ~~two~~ members.

- 1) ~~The~~~~For adult offenders, the~~ Adjustment Committee shall include:
 - A) To the extent possible, a person representing the counseling staff;
and
 - B) At least one minority staff member.
 - 2) The Chief Administrative Officer shall designate a chairperson.
- b) The Program Unit shall be composed of a group of employees appointed by the Chief Administrative Officer who shall serve as Hearing Officers. ~~At~~~~For adult offenders, at~~ least one member of the Program Unit shall be a minority staff member.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.80 Adjustment Committee Hearing Procedures

- a) The Adjustment Committee hearing shall be convened, but need not be concluded, within 14 days after the commission of the offense by an ~~adult~~ offender ~~or within 7 days after the commission of the offense by a juvenile offender~~ or its discovery, whenever possible, unless the offender has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purposes of this Section, when an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the offender from the facility for any reason or certification by health care or mental health staff that the offender is unable to appear.
- b) The offender shall receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The offender may waive the 24-hour advance notice. The waiver shall be in writing.
- c) The offender shall be informed before or at the hearing of information that would tend to show that the offender was not guilty. If the information is provided to him or her at the hearing, the offender ~~shall~~, upon request, shall be given a

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continuance.

- d) Any person who initiated the allegations that serve as the basis for the disciplinary report, or who conducted an investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not serve on the Adjustment Committee hearing that disciplinary report. An offender who objects to a member of the Adjustment Committee based on a lack of impartiality must raise the matter at the beginning of the hearing. The Adjustment Committee shall document the basis of the objection and the decision in the Adjustment Committee summary.
- e) An offender may, upon written request and for good cause shown, be granted additional time to prepare his or her defense. If, at the time of the hearing, the Adjustment Committee determines that the offender was unable to prepare a defense, because of a language barrier or hearing impairment, the Adjustment Committee shall automatically grant a request for a continuance for language assistance. The committee shall then make the necessary arrangements for language assistance. Inability to prepare a defense due to a language barrier includes, but is not limited to, a request for witnesses.
- f) Any offender charged with a violation of any rules shall have the right to appear before and address the Adjustment Committee. Any refusal to appear shall be documented and provided to the Adjustment Committee. However, failure to appear before or address the Adjustment Committee may be adversely construed against the individual by the Adjustment Committee.
- 1) The offender may make any relevant statement or produce any relevant documents in his or her defense.
 - 2) Prior to the hearing, the offender may request that witnesses be interviewed. The request shall be in writing on the space provided in the disciplinary report and shall include an explanation of what the witnesses would state. If the offender fails to make the request in a timely manner before the hearing, the individual may be granted a continuance for good cause shown.
- g) The Adjustment Committee shall consider all material presented that is relevant to the issue of whether ~~or not~~ the offender committed the offense.

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- h) If the offender has been diagnosed as seriously mentally ill, the Adjustment Committee may request the reviewing mental health professional to appear before the Adjustment Committee to provide testimony relevant to his or her review.
- i) ~~h)~~ The Adjustment Committee shall consider any statements of witnesses with relevant knowledge of the incident who are reasonably available.
- 1) The Adjustment Committee or its Hearing Investigator may interview witnesses and prepare or review summaries of their testimony prior to or at or subsequent to the hearing.
 - 2) The offender does not have the right to confront or cross-examine any witnesses, but may submit questions for witnesses to the Adjustment Committee prior to the hearing. These questions shall be asked by the Adjustment Committee or its Hearing Investigator unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
 - 3) A means shall be provided in each living unit for offenders to submit witness request slips. The Adjustment Committee may disapprove witness requests that are not received prior to the hearing.
 - 4) Requests by offenders for witnesses may be denied if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied, a written reason shall be provided.
 - 5) At least one person who serves as an Adjustment Committee member shall hear the in-person testimony of the offender's witnesses whenwhere the offender makes a timely request for the witnesses or is granted a continuance to request witness testimony. In-person testimony of the offender's witnesses shall be defined as face-to-face contact or telephonic contact by the Adjustment Committee.
 - 6) If the Adjustment Committee makes a written determination that the in-person testimony by the witness requested by the offender would undermine authority or would present potential disruption of the operations of the facility or a threat to the safety of any person or institutional safety or correctional goals, the Adjustment Committee may

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elect to accept the testimony through other legally permissible means, including, but not limited to, a sworn written summary of an interview of the witness or a sworn statement.

- 7) A sworn written statement or sworn written summary of a witness' testimony is a reasonable alternative to in-person testimony if the witness' testimony will be accepted as credible and it involves verification of alleged facts, including, but not limited to, a witness who will testify to the authenticity of contents of a record or document, cell location, work assignment, writ status, staff work schedule, or identification.
- 8) When testimony is presented to the Adjustment Committee in the form of a written summary or statement, a copy of the written summary or statement shall be given to the accused offender unless the Adjustment Committee finds that disclosure presents a threat to the safety of any person.

~~l)j~~ The offender shall not have the right to either retained or appointed counsel. The offender may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is illiterate, has a hearing impairment or does not speak English, or when other circumstances exist that preclude the individual from adequately preparing his or her defense.

~~k)j~~ The Adjustment Committee shall decide whether ~~or not~~ the offender committed the offense based upon all relevant information and evidence.

- 1) The Adjustment Committee must be reasonably satisfied there is some evidence that the offender committed the offense for the individual to be found guilty.
- 2) Polygraph or voice stress analysis results may be considered, but may not be the sole basis for finding the offender guilty of the offense.

~~l)k~~ The Adjustment Committee shall take one of the following actions, based upon the evidence admitted:

- 1) Find that the offender did not commit the offense. In that case, the Adjustment Committee shall order that the disciplinary report be dismissed and expunged from the offender's record. A copy shall be

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maintained in an expungement file.

- 2) Find that further investigation is necessary to determine if the offender did or did not commit the offense and place the offender in investigative status.
- 3) Find that additional time is needed to obtain information relative to the charge. The hearing may be continued for a reasonable time. However, unless the offender is placed in investigative status, the individual may not be confined for more than 14 days ~~for adult offenders or 7 days for juvenile offenders~~ from the date of placement in temporary confinement.
- 4) Find that the offender did commit the offense or a lesser offense for which the elements were included in the original charge. The Adjustment Committee may recommend one or more of the following disciplinary actions:
 - A) Reprimand the offender.
 - B) Suspend or restrict one or more privileges of the offender for a specific period of time.
 - C) Reduce the offender's grade or level.
 - D) Change the offender's program.
 - E) Change the offender's housing assignment or transfer the individual to another correctional facility.
 - F) Revoke the offender's ~~statutory sentence credit~~~~statutory good time~~ or recommend an adjustment of provisionally awarded supplemental sentence credit~~good conduct credits~~.
 - G) Increase the offender's security classification.
 - H) Place the offender in segregation or confinement. If the offender has been diagnosed as seriously mentally ill, the Adjustment Committee shall consider the recommendation of the reviewing mental health professional for the term of segregation, including no

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~~period of segregation. A juvenile offender may not be confined for more than 7 consecutive days nor more than 15 days within a 30 day period except in cases of violence or attempted violence in accordance with Section 504.730. Credit shall be given for any period of pre-hearing and investigative status confinement.~~

- I) Require the offender to make restitution.
 - J) Revoke the offender from a transition center. If revocation is recommended, the Adjustment Committee may also recommend reduction in grade and placement in segregation.
 - K) Require forfeiture of items of contraband used in the offense or possessed in violation of this Part.
 - ~~L) Delay referral of a juvenile offender to the Prisoner Review Board for recommended parole.~~
- 5) This Part shall in no way be construed to restrict or limit the Department's ability to administratively change an offender's job, educational, program, or housing assignment, to restrict privileges, or to transfer the offender to another facility.
- m)l) A written record shall be prepared and signed by all members of the Adjustment Committee that contains:
- 1) A summary of oral and written statements and other evidence presented.
 - A) The Adjustment Committee may consider information from confidential sources if:
 - i) It finds that his or her identity must be withheld for reasons of security; and
 - ii) The information is reliable.
 - B) Reliability may be established by one of the following:
 - i) The investigating officer has indicated, in writing and by

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his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information;

- ii) Corroborating testimony such as statements from other sources or polygraph [or voice stress analysis](#) results; or
 - iii) A statement by a member of the Adjustment Committee or an oral or written statement to the Adjustment Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.
- C) If the identity of a source is being withheld for reasons of security, a statement to that effect and a statement that the [Adjustment](#) Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.
- 2) If the [Adjustment](#) Committee members find that the offender committed the offense, a statement as to their reasons for the finding. If exonerating evidence is presented and disregarded, the [Adjustment](#) Committee must state the basis for disregarding the evidence.
 - 3) The disposition of the charges, the disciplinary action recommended, and the reasons for recommending the disciplinary action.
- [n\)↔](#) If the safety or security of the facility or any person is jeopardized by certain references in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or security concerns.
- [o\)↔](#) If the offender is found guilty, the individual shall be informed of the opportunity to appeal through the grievance procedures in [20 Ill. Adm. Code 504](#). Subpart F.
- [p\)↔](#) A copy of the disciplinary report, ~~and~~ Adjustment Committee summary, [and, if applicable, the mental health review](#) shall be forwarded to the Chief

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Administrative Officer for review and approval, and a copy shall be filed in the offender's record. The offender shall be given a copy of the Adjustment Committee summary.

~~g)p)~~ The Chief Administrative Officer shall review all Adjustment Committee dispositions. The Director shall review all Adjustment Committee dispositions in which it is recommended that the offender lose ~~statutory sentence credit~~ ~~good time~~ or ~~provisionally awarded supplemental sentence credit~~ ~~good conduct credits~~. ~~The Deputy Director of the Juvenile Division shall review any Adjustment Committee disposition of a juvenile offender when the Committee has recommended a delay in referral of the offender to the Prisoner Review Board for more than 30 days.~~

- 1) The Director, Deputy Director, or Chief Administrative Officer may take the following actions:
 - A) Confirm the recommendation in whole or in part.
 - B) Order additional or new proceedings.
 - C) Suspend or overturn the recommendation.
 - D) Offer the offender a work assignment ~~that~~ ~~which~~, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.
- 2) The Director, Deputy Director, or Chief Administrative Officer shall not increase the sanctions recommended by the Adjustment Committee, but he or she may reduce them. The offender shall be sent a copy of any modification to the Adjustment Committee recommendations.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.90 New or Additional Proceedings

- a) The Director, Deputy Director, or Chief Administrative Officer shall remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:

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- 1) Inadequate notice, including failure to state the correct date of the offense on the disciplinary report or failure to provide the offender with 24-hour notice of the hearing, ~~unless and such~~ notice was ~~not~~ waived.
 - 2) Lack of impartiality of the Adjustment Committee.
 - 3) Improper exclusion of witnesses.
 - 4) Failure to provide exonerating information to the offender prior to the hearing.
- b) New or additional proceedings may be ordered in other circumstances, as determined by the Director, Deputy Director, or Chief Administrative Officer.
- 1) The offender shall be provided with notice of the rehearing within a reasonable time after the Chief Administrative Officer's decision or the facility's receipt of the decision.
 - 2) The rehearing shall commence within 14 calendar days ~~for an adult offender or 7 days for a juvenile offender~~ after the Chief Administrative Officer's decision or the facility's receipt of the decision, whenever possible.
 - 3) The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.
- c) The Director, Deputy Director, or Chief Administrative Officer may remand the decision to the Adjustment Committee for additional documentation, correction, or clarification of the Adjustment Committee summary, including the statement of reasons for excluding witnesses, the basis for the finding of guilt and imposition of sanctions, statement of reasons for deeming sources to be confidential, or the failure to specify reasons for finding a confidential source to be reliable.
- 1) The offender shall not have the right to a new hearing, but shall be notified of the decision.
 - 2) After the Adjustment Committee has amended its summary, it shall be forwarded to the Chief Administrative Officer and then to the Director in accordance with the procedures applicable to review of the original

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disposition.

- d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted unless the offender is charged with a different offense that provides for a greater penalty than provided for under the original charge or new evidence is produced ~~that~~~~which~~ was not available at the original hearing ~~and~~~~which~~ justifies the imposition of greater punishment. However, this does not prohibit the offender from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.100 Program Unit Hearing Procedures

- a) The Program Unit hearing shall be convened, but need not be concluded, within 14 calendar days ~~for adult offenders or 7 days for juvenile offenders~~ after the commission of the offense or its discovery, whenever possible, unless the offender is unable to participate in the hearing.
- b) The offender shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) Any person who initiated the allegations that serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial, shall not conduct a hearing on that report.
- d) The hearing may be continued to obtain additional information or upon the offender's written request and for good cause shown.
- e) The offender shall have the right to appear before and address the Program Unit Hearing Officer.
- f) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- g) The offender shall not have the right to retained or appointed counsel. The offender may request the assistance of a staff member in the preparation of his or

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her defense if the individual is illiterate, has a hearing impairment or does not speak English, or when other circumstances exist that preclude the individual from adequately preparing his or her defense.

- h) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 504.20(b) shall be considered when making this determination.
- 1) If approved by the Chief Administrative Officer, a hearing before the Adjustment Committee shall commence within 14 calendar days ~~for adult offenders or 7 days for juvenile offenders~~ after the approval, whenever possible.
 - 2) If not approved, the disciplinary report shall be referred back for a hearing before the Program Unit ~~that which~~ shall commence within 14 calendar days ~~for adult offenders or 7 days for juvenile offenders~~ after the decision not to approve the recommendation, whenever possible.
- i) The Program Unit Hearing Officer may recommend any of the actions authorized in Section 504.80(~~1k~~), ~~of this Part~~ except that the Officer may not recommend placement in segregation or confinement, revocation of sentence credit~~good time~~, revocation of transition center status, ~~delay in referral of a juvenile offender to the Prisoner Review Board for recommended parole~~, an increase in the offender's security classification, or transfer to another correctional facility.
- j) A record shall be signed by the Hearing Officer that contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
- k) The summary shall be processed in accordance with Sections 504.80(~~pe~~) and (~~qp~~) and 504.90-~~of this Part~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.115 Indeterminate and Long Term Segregation Placement ~~of Adult Offenders~~

- a) Within the first year of placement ~~of an adult offender~~ in indeterminate segregation, and no less frequently than once every 180 days thereafter, the

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Director, ~~Deputy Director~~, or ~~Assistant~~ Deputy Director shall personally review the ~~indeterminate~~ placement of offenders in indeterminate disciplinary segregation or the placement of offenders who have disciplinary segregation terms greater than one year. This review shall include a face-to-face interview with the offender by staff. The Director, ~~Deputy Director~~, or ~~Assistant~~ Deputy Director may continue the offender's~~offender on an indeterminate~~ segregation placement~~term~~ or establish a specific segregation release date.

- b) In determining whether to establish a specific segregation release date, the Director or Deputy Director may consider, among other matters:
- 1) The seriousness of the offense;
 - 2) The safety and security of the facility or any person;
 - 3) The offender's behavioral and disciplinary history;
 - 4) The offender's mental health;
 - ~~5)4)~~ Reports and recommendations concerning the offender;
 - ~~6)5)~~ The interview and any submissions of relevant material and information;
 - ~~7)6)~~ Institutional order; and
 - ~~8)7)~~ Other legitimate penological interests.
- c) A copy of the decision shall be provided to the offender and the facility record office.
- d) An offender in disciplinary segregation ~~for an indeterminate term~~ may seek a reduction in the segregation placement in accordance with Section 504.120.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.120 Reduction in Segregation Placement ~~of Adult Offenders~~

- a) An ~~adult~~ offender shall receive credit against the term of segregation placement for time spent in temporary confinement or in investigative status.

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- b) An offender may petition the Adjustment Committee no more often than every 90 days to reduce the segregation term based on his or her conduct while in segregation.
- c) The Adjustment Committee may either recommend reduction of the original segregation term imposed or deny the petition.
- d) The Adjustment Committee's recommendation shall be reviewed by the Chief Administrative Officer. ~~A copy of the decision shall be provided to the offender and the facility record office.~~
- e) The decision shall be provided to the offender in writing and, if denied, shall provide the factual basis for the denial.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.130 Demotion and Restoration in Grade

- a) Privileges shall be afforded to ~~adult~~ offenders assigned to correctional centers based upon their current grade, in the following manner:
 - 1) Offenders in "A" grade shall be eligible to receive all institutional privileges. Newly admitted offenders shall be placed in "A" grade.
 - 2) Offenders in "B" grade shall be eligible to receive ~~all~~ institutional privileges ~~limited to except for a day release program or a furlough other than a medical, critical illness or funeral furlough; yard; limited commissary, not to exceed \$30 per month; visits, excluding video visitation; and no more than two telephone calls per 30 day period.~~
 - 3) Offenders in "C" grade shall be ~~ineligible~~ eligible to receive ~~institutional~~ privileges, except yard, ~~restricted~~ commissary, and visits, ~~excluding video visitation; however, audio-visual privileges may be restored if directed by the treating mental health professional.~~ An offender may only purchase from the commissary personal hygiene items and other items approved by the Chief Administrative Officer, based on the ~~offender's~~ committed person's institutional status, ~~from the commissary~~ once each 30 day period while in "C" grade. The 30 day period shall commence on the date of

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placement into "C" grade.

- b) Grade reductions shall be effective on the date the Chief Administrative Officer renders a decision, unless otherwise specified.
- ~~cb~~) An offender who has been demoted to "B" or "C" grade as a result of a disciplinary infraction shall be automatically promoted to the next highest grade at the expiration of the time period specified by the Adjustment Committee.
- ~~de~~) An offender who has been demoted to "C" grade and automatically placed in "B" grade after expiration of the time period specified by the Adjustment Committee shall be required to spend the same time period in "B" grade as in "C" grade. Upon expiration of this time period, the offender shall be restored to "A" grade.
- ~~ed~~) An offender may petition the Adjustment Committee for restoration in grade based upon the individual's good conduct and institutional record no more often than every 90 days. The decision shall be provided to the offender in writing and, if denied, shall provide the factual basis for the denial. ~~A copy of the Committee's decision shall be provided to the offender.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.150 Restoration of ~~Good Time~~ and Credit

Time and credit that~~Good time which~~ has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: ~~SEGREGATION AND CONFINEMENT~~SEGREGATION, INVESTIGATIVE CONFINEMENT AND ADMINISTRATIVE DETENTION – ADULT**Section 504.600 Applicability**

This Subpart applies to the correctional facilities ~~for adult offenders~~ within the Department of Corrections.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 504.602 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.605 Responsibilities

- a) Unless otherwise specified, the Director, ~~Assistant~~ Deputy Director, or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director ~~Director~~, ~~Assistant~~ Deputy Director, or Chief Administrative Officer shall personally perform the duties. However, the Director, ~~Assistant~~ Deputy Director, or Chief Administrative Officer may designate another person or persons to perform the duties during periods of their temporary absence or in an emergency.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.610 Placement in Segregation Status

- a) In accordance with this Part, offenders may be confined in ~~designated segregation~~ areas on segregation status. Segregation status includes:
- 1) Temporary confinement pending a disciplinary hearing or investigation; ~~or~~
 - 2) Disciplinary segregation resulting from a disciplinary hearing. ~~;~~ ~~or~~

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3) ~~Administrative detention.~~

- b) ~~Offenders on segregation status shall be confined in segregation areas.~~
Segregation areas include the segregation unit or any cell, living area, or other area designated by the Chief Administrative Officer to house offenders who are in segregation status.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.620 Segregation Standards

Standards for living conditions in segregation areas shall include the following provisions:

- a) Double celling shall be permitted upon approval of the Chief Administrative Officer. Prior to assigning offenders to a double cell, a review shall be conducted to determine whether there are reasons why the offenders should not be double celled. Medical and mental health concerns shall be considered in making this determination.
- b) Minimally, each cell shall be furnished with:
- 1) A bed for each offender, securely fastened to the cell;
 - 2) Clean bedding, including a mattress, blanket, sheets, pillow, and pillow case for each offender;
 - 3) A wash basin with running water and flushable toilet facilities (controls may be located outside the cell); and
 - 4) Adequate lighting for reading and observation purposes.
- c) Segregation cells shall be located at or above ground level, provide visual access to natural light, and have heat and ventilation consistent with the climate.
- d) Each cell shall have a door and a food passage. Any solid cell door shall have a vision panel or shall be designed to allow light to enter and permit observation.
- e) The use of physical restraints to confine the offender's movements within the cell shall generally be prohibited.

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- f) Each cell shall be maintained in a sanitary condition and cleaning~~Cleaning~~ materials shall be made available on a regular basis.
- g) Personal health and hygiene needs of the offender shall be permitted as follows:
- 1) A shower and shave no less than three times~~one~~ per week.
 - 2) State issued toilet tissue, soap, towel, toothbrush, and toothpaste for daily use if the offender ~~is~~ has insufficient commissary funds to purchase these items.
 - 3) A weekly exchange of clean institutional clothes or availability of laundry services at least weekly.
 - 4) False teeth, eye glasses, and other essential items of personal hygiene and health shall be permitted unless they are a threat to safety or security.
- h) Offenders in segregation status shall be permitted personal property as approved by the Chief Administrative Officer, except for property prohibited by 20 Ill. Adm. Code 535.
- i) Offenders in segregation status shall be demoted to "C" grade. Privileges shall be in accordance with grade (Section 504.130).~~Commissary privileges comparable to those applicable to the general population shall be allowed, according to grade (Section 504.130), except for restrictions on certain items which may be ordered by the Chief Administrative Officer for safety and security reasons or for other legitimate penological reasons.~~
- j) Persons in segregation status shall receive nutritionally adequate food.
- k) Visits shall be permitted in accordance with 20 Ill. Adm. Code 525.Subpart A. Video visitation for offenders in segregation status shall be prohibited.
- l) Medical personnel shall visit the segregation unit daily to screen requests for medical attention, and a physician shall visit the unit on a weekly basis.
- m) A mental health professional shall conduct mental health rounds in the segregation unit, at minimum, once every seven calendar days.

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- ~~n~~m) A chaplain designated by the Chief Administrative Officer shall visit the segregation area once every seven calendar days ~~on a daily basis when a chaplain is present on institutional grounds, when possible, but not less than once a week.~~
- o) Each offender in segregation status shall be contacted by a correctional counselor at least once every 30 calendar days.
- p) Continued involvement in programs may be permitted on an individual basis on approval of the Chief Administrative Officer.
- q) Offenders shall be afforded the opportunity for exercise outside their cells in accordance with Section 504.670.
- ~~q)~~ ~~Offenders who are not in "C" grade shall be permitted to make one collect telephone call per month for a period of no more than 15 minutes.~~
- r) Offenders in segregation status shall have the same mail privileges as those provided for persons in the general population (20 Ill. Adm. Code 525.Subpart B). Electronic mail privileges for offenders in segregation status shall be prohibited.
- s) Offenders in segregation status shall be permitted reading materials and shall have access to materials from the facility library and legal library. Physical access to the library need not be provided.
- t) Any equipment, personal property, or material provided or allowed in the cell of an offender in segregation status, in accordance with this Subpart, may be removed or restricted as approved by the Chief Administrative Officer if the offender destroys, damages, or abuses it in a manner that jeopardizes the safety of any person or the facility or disrupts institutional safety or order.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.660 Administrative Detention (Renumbered)

(Source: Section 504.660 renumbered to Section 504.690 at 40 Ill. Reg. _____, effective _____)

Section 504.670 Recreation for Persons in Segregation Status

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- a) The Chief Administrative Officer shall determine the number of hours ~~pera~~ week offenders in segregation status may recreate outside their cells. Offenders in segregation status shall be afforded the opportunity to recreate outside their cells a minimum of five hours per week distributed in increments over no less than two days per week, unless otherwise specified by the settlement agreement approved in the case of *Rasho et al. v. Baldwin, et al.*, Case No. 07-1298 in USDC CDIL, or unless otherwise restricted by the Chief Administrative Officer in accordance with this Section.~~Unless restricted by the Chief Administrative Officer in accordance with this Section:~~
- ~~1) Offenders in segregation status for less than 90 consecutive days shall be afforded the opportunity to recreate outside their cells for a minimum of one hour per week.~~
 - ~~2) Offenders who have been in segregation status for 90 consecutive days or more shall be afforded the opportunity to recreate outside their cells for a minimum of five hours per week.~~
- b) Unless medically contraindicated, out of cell recreation may be temporarily restricted or suspended if the Chief Administrative Officer determines the activity to be a threat to the safety and security of the facility or any person. For example:
- 1) Offenders who are in segregation status and who are also under investigation may have their recreational opportunities restricted during the pendency of the investigation for a period not to exceed 90 days.
 - 2) Offenders may have their recreation restricted or limited due to a medical or mental health condition as determined necessary by a health care professional.
 - 3) Offenders who have been witnesses in criminal cases against other offenders, who are informants, or who otherwise require precautions to ensure their protection may have their recreational opportunities restricted.
 - 4) Offenders who are classified as high escape risks may have their recreational opportunities restricted.
- c) Offenders who are found guilty under ~~20 Ill. Adm. Code 504~~. Subpart A of:

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- 1) A violation of State or federal laws, or committing assault, dangerous contraband, dangerous disturbance, escape, sexual misconduct, arson, damage or misuse of property, or aiding or abetting, attempting, soliciting, or conspiring to commit any of those offenses while in segregation status may be:
 - A) Restricted from recreational opportunities for up to 90 days for the first offense; and
 - B) Restricted from recreational opportunities for ~~30 up to 90~~ days or indefinitely placed on limited recreation or both for the second and subsequent offenses.
- 2) Any other major rule infraction ~~that which~~ is yard-related and ~~which~~ was committed while the offender was in segregation status may be restricted for up to 90 days for the first offense and up to 90 days for each subsequent major offense.
- 3) A minor disciplinary offense ~~that which~~ is yard-related and ~~which~~ was committed while the offender was in segregation status may be restricted for up to 15 days for the first offense and up to 30 days for each subsequent offense.
- d) The period of restriction imposed under subsection (c) ~~of this Section~~ shall be served consecutive to the initial 90-day placement in segregation status and consecutive to any previously imposed recreational restrictions. This shall not limit the ability to restrict recreational opportunities for offenders who have not served 90 consecutive days in segregation.
- e) Restrictions on recreational opportunities shall be documented, including the ~~type of types~~, length ~~of~~, and reason for the restriction. A copy of the documentation shall be maintained by the facility, a copy shall be placed in the offender's master record file, and a copy shall be given to the offender.
- f) Whenever an offender's recreation is restricted for more than 90 consecutive days, the restriction and any health concerns must be personally reviewed and approved in writing by an Assistant Chief Administrative Officer or above.

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- g) Offenders whose recreational opportunities have been restricted or limited may grieve the determination in accordance with ~~20 Ill. Adm. Code 504~~.Subpart F.
- h) Recreational opportunities shall not be required during institutional lockdowns or during institutional emergencies, including, but not limited to, riots, strikes, fires, work stoppages, power outages, and natural disasters.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.680 Release from Disciplinary Segregation

The Department shall make every attempt to ensure offenders are not released directly to the community from disciplinary segregation status. In the event such a release is imminent, within 180 days prior to release:

- a) The Deputy Director shall determine if the offender may transition through a less secure placement option or if continued placement in disciplinary segregation status is appropriate.
- b) If the Deputy Director determines continued placement in disciplinary segregation status is appropriate, a transition and stabilization plan shall be developed and appropriate programming, based on safety and security concerns, shall be provided.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 504.690 Administrative Detention

Administrative detention is a nondisciplinary status of confinement ~~thatwhich~~ removes an offender from general population or restricts the individual's access to general population.

- a) The Chief Administrative Officer may, with the approval of the Director, ~~Deputy Director~~, or ~~Assistant~~ Deputy Director, place an offender in administrative detention for up to 90 days.
- b) In determining whether to place an offender in administrative detention, the Chief Administrative Officer may consider, among other matters:
 - 1) The seriousness of the offense;

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- 2) The safety and security of the facility or any person;
 - 3) The offender's behavioral and disciplinary history;
 - 4) Reports and recommendations concerning the offender;
 - 5) The interview and any submissions of relevant material and information;
 - 6) Institutional order; and
 - 7) Other legitimate penological interests.
- c) The Chief Administrative Officer shall review the record of each offender in administrative detention every 90 days to determine whether continued placement is appropriate.
- 1) The offender need not be interviewed during these reviews.
 - 2) The Chief Administrative Officer shall document the decision in writing.
- d) Living conditions in administrative detention shall meet, at minimum, the standards set forth in Section 504.620.
- e) Telephone privileges shall be afforded in accordance with 20 Ill. Adm. Code 525.150.
- f) Recreation standards for administrative detention shall be determined by the Chief Administrative Officer and shall afford the opportunity for recreation outside the cell no less than amounts established for other statuses of confinement.

(Source: Section 504.690 renumbered from Section 504.660 and amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: CONFINEMENT PROCEDURES – JUVENILE

Section 504.700 Applicability (Repealed)

~~This Subpart applies to juvenile offenders within the Department of Corrections.~~

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(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 504.710 Definitions (Repealed)

~~"Chief Administrative Officer" means the highest ranking official of a correctional facility.~~

~~"Confinement" means an extended period of restriction in a room, isolated from other offenders.~~

~~"Department" means the Department of Corrections.~~

~~"Director" means the Director of the Department of Corrections.~~

~~"Offender" means a person committed to the Department or to the custody of the Department.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 504.715 Responsibilities (Repealed)

a) ~~Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.~~

b) ~~No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 504.720 Placement in Confinement (Repealed)

a) ~~Confinement may be imposed only under the following conditions:~~

1) ~~When an offender has committed or is under investigation for commission~~

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~~of a rule violation, as defined in Section 504.220;~~

- ~~2) When the behavior of the offender poses a serious threat to his or her own safety, the safety of others, or the security of the facility; or~~
- ~~3) When an offender is awaiting transfer to a more secure setting.~~
- b) ~~Offenders may be confined in their rooms or living areas or in any other area designated by the Chief Administrative Officer.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 504.730 Confinement Procedures (Repealed)

- a) ~~An offender confined to his or her room for 24 hours or more shall be interviewed daily by his or her counselor or any other staff member approved by the Chief Administrative Officer.~~
- b) ~~Confinement may not exceed 7 consecutive days or 15 days in any 30-day period except in cases of violence or attempted violence against another person, assault or attempted assault of a person, or damage or attempted damage of property. Under such circumstances, an additional period of confinement may be ordered by the Chief Administrative Officer.~~
- e) ~~Medical staff and the shift supervisor shall be notified of all confinement placements. Any medical complaint registered by the offender while in confinement shall be reported immediately to the medical staff, if on duty, or to the shift supervisor who shall contact a member of the medical staff immediately.~~
- d) ~~Visual checks shall be made of all offenders in confinement no less than every 15 minutes and shall be documented.~~
- e) ~~Use of physical restraints on offenders in confinement must comply with 20 Ill. Adm. Code 501.Subpart B.~~
- f) ~~Offenders in confinement shall be provided time outside the room for daily showers, personal grooming, and recreation.~~
- 1) ~~Offenders confined for more than 24 hours shall be provided a minimum~~

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~~of 2 hours outside the room for every 24-hour period, whenever possible.~~

- 2) ~~Time outside a confinement room may be restricted on orders of the Chief Administrative Officer when release of the offender poses a threat to the safety of the individual or others or to the security of the facility.~~
- g) ~~Offenders in confinement shall be permitted to have family, attorney, and clergy visits. Family and clergy visits may be restricted by order of the Chief Administrative Officer when the offender poses a threat to the physical safety of the individual or others or to the security of the facility.~~
- h) ~~Reading materials shall be provided to the offender for use in the room provided the materials are not abused. Offenders shall be provided access to writing materials daily, outside the room. Any abuse of reading or writing materials must be documented on a disciplinary report and may result in temporary restriction except for communication to counsel or the court.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

SUBPART F: GRIEVANCE PROCEDURES FOR OFFENDERS

Section 504.802 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Facility ADA Coordinator" means the person or persons designated by the Chief Administrative Officer to coordinate efforts of the facility in carrying out its responsibilities under Title II of the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 504.810 Filing of Grievances

- a) An offender ~~shall first attempt to resolve incidents, problems, or complaints other than complaints concerning disciplinary proceedings through his or her counselor. If an offender is unable to resolve the complaint informally or if the complaint concerns a disciplinary proceeding, the individual~~ may file a written grievance on a grievance form that shall be made available in all living units. Grievances shall be addressed to his or her institutional counselor; however, complaints concerning discipline or sexual abuse shall be sent by the offender directly to the Grievance Officer. A grievance must ~~shall~~ be filed with the counselor or Grievance Officer in accordance with the procedures in this Subpart, within 60 days after the discovery of the incident, occurrence, or problem that gives rise to the grievance. However, if an offender can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. Grievances related to allegations of sexual abuse shall not be subject to any filing time limit.
- b) The grievance procedure shall not be utilized for complaints regarding decisions that have been rendered by the Director, such as, but not limited to, facility placement, awards of supplemental sentence credit or transfer denials, or decisions that are outside the authority of the Department, such as parole decisions, clemency, or orders regarding length of sentence ~~or decisions that have been rendered by the Director.~~
- c) The original grievance form shall be ~~addressed to the Grievance Officer and shall be~~ deposited in the living unit mailbox or other designated repository. The grievance shall contain factual details regarding each aspect of the offender's complaint, including what happened, when, where, and the name of each person who is the subject of or who is otherwise involved in the complaint. This provision does not preclude an offender from filing a grievance when the names of individuals are not known, but the offender must include as much descriptive information about the individual as possible.
- d) Staff assistance shall be available as requested by those offenders who cannot prepare their grievances unaided as determined by institutional staff.
- 1) All offenders shall be entitled to file grievances regardless of their disciplinary status or classification.

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- 2) Each facility shall take reasonable steps to ensure that the grievance procedure is accessible to offenders who are impaired, disabled, or unable to communicate in the English language.
 - 3) If assistance writing the grievance form is provided, the name of the individual providing the assistance shall be documented on the form.
- ed) Offenders shall be informed of the grievance procedure at the admitting facility and may request further information regarding the procedure from their counselors.
- 1) The written procedure shall be available to all offenders.
 - 2) An offender unable to speak or read the English language may request that the procedure be explained in the individual's own language.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.820 Grievance Officer

- a) The Chief Administrative Officer shall appoint two or more employees who may serve as a Grievance Officer to attempt to resolve problems, complaints, and grievances that offenders have been unable to resolve through routine channels.
- b) No person who is directly involved in the subject matter of the grievance or who was a member of the Adjustment Committee that heard a disciplinary report concerning the grievance may serve as the Grievance Officer reviewing that particular case.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.830 Grievance Procedures

- a) Grievances shall be reviewed and a written response provided to the offender.~~A Grievance Officer shall review grievances at least weekly, provided that one or more grievances have been filed.~~ Grievances on issues that are deemed without merit may be returned as denied to the sender without further investigation. No merit grievances include grievances that:

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- 1) Have previously been addressed for which there is no additional information;~~or~~
 - 2) Are on issues that do not involve or affect the offender;~~;~~
 - 3) Are not filed timely, and for which good cause justification for the delay is not provided; or
 - 4) Are decisions previously rendered by the Director.
- b) Grievances ~~The Grievance Officer shall promptly submit a copy of any grievance~~ alleging discrimination based on disability or a request for an accommodation based upon disability shall be forwarded to the facility ADA Coordinator. If deemed an ADA issue, the ~~The~~ facility ADA Coordinator shall conduct thesuch investigation as deemed appropriate and make written recommendations to the Chief Administrative Officer for resolution of the grievance.
- c) Grievances identified as a Health Insurance Portability and Accountability Act (HIPAA) issue involving the privacy of medical records, access to medical records, restriction of medical records, or an error in medical records shall be forwarded to the facility Privacy Officer. The facility Privacy Officer shall conduct an investigation and make written recommendations to the Chief Administrative Officer for resolution of the grievance.
- de) An offender may be afforded an opportunity to appear before the Grievance Officer unless the grievance is deemed without merit. The Grievance Officer may call witnesses as deemed appropriate.
- ed) The Grievance Officer shall consider the grievance and report his or her findings and recommendations in writing to the Chief Administrative Officer within two months after receipt of the written grievance, when reasonably feasible under the circumstances. The Chief Administrative Officer shall review the findings and recommendation and advise the offender of his or her ~~the~~ decision in writing within 2 months after receipt of the written grievance, where reasonably feasible under the circumstances. Responses to duplicate grievances on issues that are currently being grieved may be combined in one response.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 504.840 Emergency Procedures

An offender may request a grievance be handled on an emergency basis by forwarding the grievance directly to the Chief Administrative Officer.

- a) ~~If the Chief Administrative Officer determines that~~ there is a substantial risk of imminent personal injury or other serious or irreparable harm to the offender, the grievance shall be handled on an emergency basis.
- b) ~~If the~~The Chief Administrative Officer ~~determines that the grievance shall be handled on an emergency basis, he or she~~ shall expedite processing of the grievance and respond to the offender, indicating what action shall be or has been taken.
- c) ~~If the Chief Administrative Officer determines that the grievance should not be handled on an emergency basis, the offender shall be notified in writing that he or she may resubmit the grievance as nonemergent, in accordance with the standard grievance process.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.850 Appeals

- a) If, after receiving the response of the Chief Administrative Officer, the offender still ~~believes~~feels that the problem, complaint or grievance has not been resolved to his or her satisfaction, he or she may appeal in writing to the Director. ~~The appeal must be received by the Chief Administrative Officer~~ within 30 days after the date of the decision. Copies of the Grievance Officer's report and the Chief Administrative Officer's decision should be attached.
- b) ~~The Director shall review the grievance and the responses of the Grievance Officer and Chief Administrative Officer and shall determine whether the grievance requires a hearing before the Administrative Review Board. If it is determined that the grievance is without merit or can be resolved without a hearing, the offender shall be advised of this disposition, in writing.~~
- be) An Administrative Review Board shall be appointed by the Director. ~~One member of the Board may be a citizen from the community. A Department member shall be designated as chairperson.~~

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- ~~c~~) The Administrative Review Board shall meet as frequently as necessary and may schedule hearings on grievances. Hearings may be conducted in person or via video or telephonic conference. The Board may call witnesses or examine records at its discretion.
- d) The Administrative Review Board shall submit to the Director a written report of its findings and recommendations.
- ~~e~~) ~~The Administrative Review Board shall submit to the Director a written report of its findings and recommendations.~~
- ~~e~~) The Director shall review the findings and recommendations of the Board and make a final determination of the grievance within ~~six~~6 months after receipt of the appealed grievance, ~~when~~where reasonably feasible under the circumstances. The offender shall be sent a copy of the Director's decision.
- ~~f~~) In those instances in which~~where~~ an offender is appealing a grievance determined by the Chief Administrative Officer to be of an emergency nature, the Administrative Review Board shall expedite processing of the grievance.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.870 Direct Review by Administrative Review Board

- a) Offenders shall submit grievances directly to the Administrative Review Board when grieving:
- 1) Decisions regarding protective custody placement, including continued placement in or release from protective custody.
 - 2) Decisions regarding the involuntary administration of psychotropic medication.
 - 3) Decisions regarding disciplinary proceedings that were made at a facility other than the facility where the offender is currently assigned.
 - 4) Other issues ~~except personal property issues~~ that pertain to a facility other than the facility where the offender is currently assigned, excluding

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personal property and medical issues.

- b) The Administrative Review Board shall review and process the grievance in accordance with Section 504.850.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART G: GRIEVANCE PROCEDURES FOR RELEASEES

Section 504.905 Definitions

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Facility ADA Coordinator" means the person or persons designated by the Director to coordinate efforts of the facility in carrying out its responsibilities under Title II of the Americans With Disabilities Act (42 USC 12101 et seq.).

"Parole ~~Commander~~Supervisor" means the supervisor of a parole office or a geographic area within the Department.

"Releasee" means any person committed to the Department who has been released under conditional supervision in Illinois due to parole or mandatory supervised release, but who has not yet been discharged from a correctional facility.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.910 Responsibilities

- a) Unless otherwise specified, the Director or Parole ~~Commander~~Supervisor may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Parole ~~Commander~~Supervisor shall personally perform the duties. However, the Director or Parole ~~Commander~~Supervisor may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.920 Filing of Grievances

- a) Releasees who have been unable to resolve complaints or problems through parole staff may file a written grievance with the Parole ~~Commander~~Supervisor. A grievance ~~must~~shall be filed within 60 days after the discovery of the incident, occurrence, or problem ~~that~~which gives rise to the grievance. However, if a releasee can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. Complaints or problems regarding the revocation of release status, clemency, or orders regarding the length of sentence or decisions that have been rendered by the Director are not reviewable under this procedure.
- b) The grievance shall contain factual details regarding each aspect of the releasee's complaint, including what happened, when, where, and the name of each person who is the subject of or who is otherwise involved in the complaint. This provision does not preclude a releasee from filing a grievance when the names of individuals are not known, but the offender must include as much descriptive information about the individual as possible.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.930 Review of Grievances

- a) The Parole ~~Commander~~Supervisor shall promptly submit a copy of any grievance alleging discrimination or a request for an accommodation based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct ~~an~~sueh investigation as deemed appropriate and make written recommendations to the Parole ~~Commander~~Supervisor for resolution of the grievance.
- b) The Parole ~~Commander~~Supervisor shall interview the releasee, unless the grievance is deemed without merit, and shall evaluate and respond to the grievance in writing within ~~two~~2 months, ~~when~~where reasonably feasible under the circumstances. Grievances on issues that are deemed without merit may be returned to the sender as denied without further review. No merit grievances include grievances that have previously been addressed for which there is no additional information or that are on issues that do not involve or affect the releasee. Copies of the grievance and response shall be retained in the releasee's

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case file.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.940 Appeals

- a) The releasee may, if not satisfied with the results of the grievance, submit a written appeal within 30 days after the date of the decision to:

Director
Department of Corrections
1301 Concordia Court, P.O. Box 19277
Springfield, Illinois 62794-9277

- b) The Director shall review the grievance and submit a written response to the releasee within ~~six~~6 months after receipt of the appealed grievance, ~~when~~where reasonably feasible under the circumstances.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 504.APPENDIX A Offense Numbers and Definitions

100. VIOLENT ASSAULT OF ANY PERSON

Causing a person, substance or ~~an~~ object to come into contact with another person in a deadly manner or in a manner that results in ~~or is likely to result in~~ serious bodily injury.

101. ARSON

Setting fire in any location whether public or private, including, but not limited to, any part of the facility, its grounds, or State vehicles.

102a. ASSAULT WITH INJURY~~ASSAULTING ANY PERSON~~

Causing a person, substances~~substances~~, or ~~an~~ object to come into contact with, and resulting in injury to, a staff member, contractual employee, official visitor, visitor or volunteer~~another person in an offensive, provocative, or injurious manner or fighting with a weapon.~~

102b. ASSAULT

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Causing a person, substance or object to come into contact with a staff member, contractual employee, official visitor, visitor or volunteer in an offensive or provocative manner; or fighting with a weapon.

102c. ASSAULT TO AN OFFENDER

Causing a person, substance or an object to come into contact with any offender in an offensive, provocative or injurious manner; or fighting with a weapon.

103. BRIBERY & EXTORTION

Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure. Giving or receiving money or anything of value to violate State or federal law or to commit any act prohibited under this Part.

104. DANGEROUS CONTRABAND

Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, cutting tools, tools which may be used to defeat security measures such as hacksaw blades, keys, and lock picks, any other dangerous or deadly weapon or substance of like character, or any object or instrument that is made to appear to be or could be used as a deadly or dangerous weapon or substance.

105. DANGEROUS DISTURBANCES

Causing, directing, or participating in any action or group activity that may threaten the control or security of a facility or seriously disrupt ~~activities~~ or endanger the operations of a facility, persons, or property, including the taking or holding of hostages by force or threat of force and engaging in prohibited group activities such as work stoppages or hunger strikes.

106. ~~ESCAPE OR RUNAWAY~~

Leaving~~For escape of a felon or runaway of a juvenile delinquent, leaving~~ or failing to return to lawful custody without authorization, including the failure to return from furlough, leave, or authorized absence within two~~2~~ hours after the designated time.

107. SEXUAL MISCONDUCT

Engaging in sexual intercourse, sexual conduct, or gesturing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal. However, private masturbation in the offender's living

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area, excluding a deliberate display of the act or to affront others, shall not be considered sexual misconduct.

108. SEXUAL ASSAULT

Causing unwilling contact between the sex organ of one person and the sex organ, mouth, or anus of another person or any intrusion of any part of the body of one person or object into the sex organ or anus of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

109. ELECTRONIC CONTRABAND

Possessing, selling, receiving, supplying to others, or using without authorization any electronic device, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, pagers, computers, and computer peripheral equipment.

110. IMPEDING OR INTERFERING WITH AN INVESTIGATION

Obstructing, impeding, or refusing to provide information relevant to an investigation in an attempt to undermine or alter the course of the investigation.

111. SECURITY THREAT GROUP OR UNAUTHORIZED ORGANIZATIONAL LEADERSHIP ACTIVITY

Knowingly accepting or assuming any leadership position or a position of authority over other offenders in any security threat group or unauthorized organization; or pressuring, recruiting, organizing, authorizing or directing others to engage in security threat group or unauthorized organizational activities, meetings or criminal acts on behalf of an organization not approved pursuant to 20 Ill. Adm. Code 445 or 450.

201. CONCEALMENT OF IDENTITY

Wearing a disguise or a mask, impersonating another, or otherwise concealing one's identity.

202. DAMAGE OR MISUSE OF PROPERTY

Destroying, damaging, removing, altering, tampering with, or otherwise misusing property belonging to the State, another person, or entity, including the obstruction of locks or security devices, destroying or tampering with bar codes or identification cards, or the use of another person's identification card.

203. DRUGS AND DRUG PARAPHERNALIA

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Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, unauthorized controlled medication, controlled substance, unidentifiable medication or marijuana; or being under the influence of any of the above substances; or refusing to be tested for drug or alcohol use, including failure to provide a specimen within two hours after the request; or destroying or tampering with drug or alcohol tests or testing equipment. ~~This offense includes medication misuse, for example, the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.~~

204. FORGERY

Forging, counterfeiting; or reproducing without authorization any document, article of identification, money, security; or official paper.

205. SECURITY THREAT GROUP OR UNAUTHORIZED ORGANIZATIONAL ACTIVITY

Engaging, ~~pressuring, or authorizing others to engage~~ in security threat group or unauthorized organizational activities, meetings; or criminal acts; displaying, wearing, possessing; or using security threat group or unauthorized organizational insignia or materials; or giving security threat group or unauthorized organizational signs. ~~Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization that has not been approved pursuant to 20 Ill. Adm. Code 445 or 450.~~

206. INTIMIDATION OR THREATS

Expressing by words, actions; or other behavior an intent to cause harm to~~injure~~ any person or property that creates the reasonable belief that physical, monetary; or economic harm to that person or to another will result; or any unauthorized contact or attempt to contact staff outside of official Department business.

~~207. POSSESSION OF MONEY~~

~~Possessing or causing to be brought into the facility any coin, currency, or other negotiable instrument without authorization or for residents of transition centers, failure to promptly submit all income to center staff, including wages, tips, gifts, or any check for social security, disability, veteran's benefits, grants, scholarships, or loans.~~

208. DANGEROUS COMMUNICATIONS

Engaging in verbal or written communication that is likely to encourage violence against persons or that is likely to disrupt or endanger the safety and security of the facility, including, but not limited to, escape plans and manufacture of weapons.

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209. **DANGEROUS WRITTEN MATERIAL**
Possessing or causing to be brought into the facility written material that presents a serious threat to the safety and security of persons or the facility, including, but not limited to, written material relating to methods of escape and the ~~manufacturing~~manufacture of weapons.
210. **IMPAIRMENT OF SURVEILLANCE**
Using curtains, coverings, or any other matter or object in an unauthorized manner that obstructs or otherwise impairs the line of vision into an offender's cell or room or ~~that which~~ obstructs or otherwise impairs any viewing panel or surveillance equipment, both audio and visual, within the facility.
211. **POSSESSION OR SOLICITATION OF UNAUTHORIZED PERSONAL INFORMATION**
Possessing or soliciting unauthorized personal information regarding another offender, releasee, employee, ~~or~~ former employee or volunteer, including, but not limited to, personnel files, master files, medical or mental health records, photographs, social security numbers, home addresses, financial information, or telephone numbers, except as authorized by a court order or as approved in writing by the Chief Administrative Officer.
212. **FRIVOLOUS LAWSUIT**
A pleading, motion, or other paper filed by the offender for which the court, in accordance with 730 ILCS 5/3-6-3, has found to be frivolous.
213. **FAILURE TO REVEAL ASSETS**
~~Failing~~For adult offenders and juvenile offenders tried as adults, failing to fully cooperate in revealing financial assets on the form provided, including tangible and intangible property and real and personal property; providing false or inaccurate information regarding financial assets or ~~dependents~~dependants on the forms provided; or refusing to cooperate in revealing financial assets on the form provided.
214. **FIGHTING**
Fighting with another person in a manner that is not likely to cause serious bodily injury to one or the other and that does not involve the use of a weapon.
215. **DISOBEYING A DIRECT ORDER ESSENTIAL TO SAFETY AND SECURITY**
Willfully refusing, or neglecting to comply with, an order when continued refusal results in a use of force to maintain the safety and security of a facility. This shall include, but

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not be limited to, refusing to submit to a search, refusing to submit to the application of mechanical restraints, refusing a designated housing assignment, or refusing to leave an area.

301. **FIGHTING**

~~Fighting with another person in a manner that is not likely to cause serious bodily injury to one or the other and that does not involve the use of a weapon.~~

302. **GAMBLING**

Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device. This shall include participating in any lottery.

303. **GIVING FALSE INFORMATION TO AN EMPLOYEE**

Lying or knowingly providing false information to an employee, either orally or in writing.

304. **INSOLENCE**

Talking, touching, gesturing, or other behavior that harasses, annoys, or shows disrespect.

305. **THEFT**

Taking property belonging to another person or entity or the facility without the owner's authorization.

306. **TRANSFER OF FUNDS**

Causing money to be transferred from one trust fund to another or through an outside source to the account of another offender or entering into contracts or credit agreements without written approval from the Chief Administrative Officer.

307. **UNAUTHORIZED MOVEMENT**

Being anywhere without authorization or being absent from where required to be or returning late or not traveling directly to or from any authorized destination without prior staff approval.

308. **CONTRABAND OR UNAUTHORIZED PROPERTY**

Possessing, giving, loaning, receiving, or using property that an offender has no authorization to have or to receive and that was not issued to the individual through regular procedures, including the unauthorized possession of food or clothing or the possession of property in excess of that ~~which is~~ authorized by the facility; or property

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that has been altered from its original state. This offense includes prescribed medication misuse, such as, but not limited to, prescribed medication that is expired, loose or altered from its original state.

309. PETITIONS, POSTINGS, AND BUSINESS VENTURES

Writing, signing, or circulating a petition without authorization; unauthorized distributing or posting of any printed or written materials, including surveys; engaging in an unauthorized business venture; or representing oneself as a corporation or official of a corporation without authorization.

310. ABUSE OF PRIVILEGES

Violating any rule regarding visits, mail, the library, yard, commissary, telephone, authorized electronic communication or recreational activities. This includes unauthorized telephone usage, three-party calls, call forwarding, corresponding or communicating, by any means, with a victim, a victim's family member, or any other person after the offender has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the offender. However, if the conduct also constitutes a violation of federal or State law, a committed person may also be charged under #501.

311. FAILURE TO SUBMIT TO MEDICAL OR FORENSIC TESTS

Willfully refusing to submit to, or cooperate with, testing, examinations, or the provision of samples required by court order, State law, or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.

312. POSSESSION OF MONEY

Possessing or causing to be brought into the facility any coin, currency or other negotiable instrument without authorization or for residents of transition centers, failure to promptly submit all income to center staff, including wages, tips, gifts or any check for social security, disability, veteran's benefits, grants, scholarships or loans.

313. DISOBEYING A DIRECT ORDER

Willfully refusing or neglecting to comply with an order, including the refusal to participate in educational testing; to accept a work, educational or housing assignment; or to perform a work assignment.

402. HEALTH, SMOKING, OR SAFETY VIOLATIONS

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Smoking ~~in an unauthorized area~~; tattooing or body piercing, including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of any person, cell, living or work area, or other place in the facility or its grounds.

403. ~~DISOBEYING A DIRECT ORDER~~

~~Willfully refusing or neglecting to comply with an order, including the refusal to participate in educational testing; to accept a work, educational, or housing assignment; or to perform a work assignment.~~

404. VIOLATION OF RULES

Willfully disobeying any rule of the facility. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified in the disciplinary report.

405. FAILURE TO REPORT

Failure to report for a work, educational, or program assignment or for transport.

406. TRADING OR TRAFFICKING

Trading or trafficking with any person.

501. VIOLATING STATE OR FEDERAL LAWS

Committing any act that would constitute a violation of State or federal law. If the specific offense is stated elsewhere in this Part, an offender may not be charged with this offense except as otherwise provided in this Section. The State or federal offense must be specified in the disciplinary report.

601. AIDING AND ABETTING, ATTEMPT, SOLICITATION, OR CONSPIRACY

Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense. The underlying offense must be specified in the disciplinary report.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF CORRECTIONS

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Section 504. TABLE A Maximum Penalties ~~for Adult Offenders~~

Offense	Maximum Penalties for Adult Offenders			
	Loss or Restriction of Privileges	B or C Grade	Sentence Credit Good Time Revocation	Segregation
100. Violent Assault of any Person	1 year	1 year	1 year	Indeterminate
101. Arson	1 year	1 year	1 year	6 months 1 year
102a. Assault with Injury Assaulting any Person	1 year	1 year	1 year	1 year
102b. Assault	1 year	1 year	6 months	3 months
102c. Assault of an Offender	6 months	6 months	6 months	3 months
103. Bribery & Extortion	1 year	1 year	1 year	6 months 1 year
104. Dangerous Contraband	1 year	1 year	1 year	1 year
105. Dangerous Disturbance	1 year	1 year	1 year	6 months 1 year
106. Escape or Runaway	1 year	1 year	1 year	1 year
107. Sexual Misconduct	6 months 1 year	6 months 1 year	6 months 1 year	6 months 1 year
108. Sexual Assault	1 year	1 year	1 year	Indeterminate
109. Electronic Contraband	1 year	1 year	1 year	6 months 1 year
110. Impeding or Interfering with an Investigation	1 year	1 year	1 year	1 year
111. Security Threat Group or Unauthorized Organizational Leadership Activity	1 year	1 year	1 year	1 year
201. Concealment of Identity	6 months	6 months	6 months	3 6 months

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Offense	Maximum Penalties for Adult Offenders			
	Loss or Restriction of Privileges	B or C Grade	<u>Sentence</u> <u>Credit</u> <u>Good</u> <u>Time</u> Revocation	Segregation
202. Damage or Misuse of Property	6 months	6 months	6 months	<u>3</u> 6 months
203. Drugs and Drug Paraphernalia	6 months	6 months	6 months	6 months
204. Forgery	<u>3</u> 4 months	<u>3</u> 4 months	<u>3</u> 4 months	<u>3</u> 4 months
205. Security Threat Group or Unauthorized Organizational Activity	<u>6 months</u> <u>1-year</u>	<u>6 months</u> <u>1-year</u>	<u>6 months</u> <u>1-year</u>	<u>3 months</u> <u>1-year</u>
206. Intimidation or Threats	6 months	6 months	6 months	<u>3</u> 6 months
207. Possession of Money	6 months	6 months	6 months	6 months
208. Dangerous Communications	6 months	6 months	6 months	6 months
209. Dangerous Written Material	6 months	6 months	6 months	6 months
210. Impairment of Surveillance	6 months	6 months	6 months	<u>3</u> 6 months
211. Possession or Solicitation of Unauthorized Personal Information	6 months	6 months	6 months	<u>3</u> 6 months
212. Frivolous Lawsuit	0 days	0 days	6 months	0 days
213. Failure to <u>To</u> Reveal Assets	<u>0 days</u> 6 months	<u>0 days</u> 6 months	6 months	<u>0 days</u> 6 months
<u>214. Fighting</u>	<u>6 months</u>	<u>6 months</u>	<u>3 months</u>	<u>3 months</u>
<u>215. Disobeying a Direct Order Essential to Safety and Security</u>	<u>6 months</u>	<u>6 months</u>	<u>3 months</u>	<u>3 months</u>
301. Fighting	1-month	1-month	1-month	1-month

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Offense	Maximum Penalties for Adult Offenders			
	Loss or Restriction of Privileges	B or C Grade	<u>Sentence</u> <u>Credit</u> <u>Good</u> <u>Time</u> <u>Revocation</u>	Segregation
302. Gambling	3 2 months	3 2 months	3 months 1 month	0 days 1 month
303. Giving False Information to an Employee	3 months	3 months	3 months	0 days 3 months
304. Insolence	3 months	3 months	3 months 1 month	0 days 1 month
305. Theft	6 months	6 months	3 months	0 days 3 months
306. Transfer of Funds	3 months	3 months	3 months	0 days 3 months
307. Unauthorized Movement	3 2 months	3 2 months	1 month 2 months	0 days 2 months
308. Contraband or Unauthorized Property	6 3 months	6 3 months	3 months	0 days 3 months
309. Petitions, Postings, and Business Ventures	3 6 months	3 6 months	1 month 3 months	0 days 3 months
310. Abuse of Privileges	3 months	3 months	3 months	0 days 3 months
311. Failure to Submit to Medical or Forensic Tests	3 months	3 months	3 months	0 days 3 months
<u>312. Possession of Money</u>	<u>3 months</u>	<u>3 months</u>	<u>3 months</u>	<u>0 days</u>
<u>313. Disobeying a Direct Order</u>	<u>6 months</u>	<u>6 months</u>	<u>6 months</u>	<u>0 days</u>
402. Health, Smoking, or Safety Violations	3 months	3 months	1 month 3 months	0 days 3 months
403. Disobeying a Direct Order	3 months	3 months	3 months	3 months
404. Violation of Rules	1 month	1 month	1 month	0 days 1 month
405. Failure to Report	1 month	1 month	1 month	0 days 1 month
406. Trading or Trafficking	2 months	2 months	1 month	0 days 1 month

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Offense	Maximum Penalties for Adult Offenders			
	Loss or Restriction of Privileges	B or C Grade	Sentence Credit Good Time Revocation	Segregation
501. Violating State or Federal Laws	1 year	1 year	1 year	1 year
601. Aiding and Abetting, Attempt, Solicitation, or Conspiracy	Same as underlying offense	Same as underlying offense	Same as underlying offense	1/2 Same as underlying offense

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section 504. TABLE B Maximum Penalties for Juvenile Offenders (Repealed)

Offense	Maximum Penalties for Juvenile Offenders			
	Loss or Restriction of Privileges	Confinement	Good Time Revocation	Delay in Recommendation to PRB
100. Violent Assault of any Person	1 year	1 month	1 year	1 year
101. Arson	1 year	1 month	1 year	1 year
102. Assaulting any Person	1 year	1 month	1 year	1 year
103. Bribery & Extortion	6 months	1 month	1 year	1 year
104. Dangerous Contraband	2 months	1 month	1 year	1 year
105. Dangerous Disturbance	6 months	1 month	1 year	1 year
106. Escape or Runaway	1 year	1 month	1 year	1 year
107. Sexual Misconduct	6 months	1 month	1 year	1 year
108. Sexual Assault	1 year	1 month	1 year	1 year
109. Electronic Contraband	6 months	1 month	1 year	1 year
110. Impeding or Interfering with an Investigation	6 months	1 month	6 months	6 months
201. Concealment of Identity	6 months	1 month	1 month	1 month
202. Damage or Misuse of Property	1 month	1 month	1 month	1 month
203. Drugs and Drug Paraphernalia	2 months	1 month	3 months	3 months
204. Forgery	1 month	1 month	1 month	1 month

ILLINOIS DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Offense	Maximum Penalties for Juvenile Offenders			
	Loss or Restriction of Privileges	Confinement	Good Time Revocation	Delay in Recommendation to PRB
205. Security Threat Group or Unauthorized Organizational Activity	2 months	1 month	6 months	6 months
206. Intimidation or Threats	1 month	1 month	1 month	1 month
207. Possession of Money	4 months	1 month	1 month	1 month
208. Dangerous Communications	2 months	1 month	6 months	6 months
209. Dangerous Written Material	2 months	1 month	6 months	6 months
210. Impairment of Surveillance	2 months	1 month	6 months	6 months
211. Possession or Solicitation of Unauthorized Personal Information	2 months	1 month	6 months	6 months
212. Frivolous Lawsuit	0 days	0 days	6 months	0 days
213. Failure To Reveal Assets	2 months	1 month	6 months	6 months
301. Fighting	2 months	1 month	2 months	2 months
302. Gambling	1 month	2 days	1 month	1 month
303. Giving False Information to an Employee	1 month	7 days	6 months	6 months
304. Insolence	1 month	7 days	1 month	1 month
305. Theft	2 months	5 days	3 months	3 months

ILLINOIS DEPARTMENT OF CORRECTIONS

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Offense	Maximum Penalties for Juvenile Offenders			
	Loss or Restriction of Privileges	Confinement	Good Time Revocation	Delay in Recommendation to PRB
306. Transfer of Funds	3 months	5 days	3 months	3 months
307. Unauthorized Movement	1 month	5 days	1 month	1 month
308. Contraband or Unauthorized Property	2 months	5 days	2 months	2 months
309. Petitions, Postings, and Business Ventures	2 months	0 days	0 days	2 months
310. Abuse of Privileges	2 months	3 days	0 days	2 months
311. Failure to Submit to Medical or Forensic Tests	2 months	3 days	0 days	2 months
402. Health, Smoking, or Safety Violations	1 month	2 days	1 month	1 month
403. Disobeying a Direct Order	1 month	3 days	15 days	15 days
404. Violation of Rules	1 month	2 days	0 days	1 month
405. Failure to Report	1 month	3 days	15 days	15 days
406. Trading or Trafficking	1 month	3 days	15 days	15 days
501. Violating State or Federal Laws	2 months	1 month	1 year	1 year
601. Aiding and Abetting, Attempt, Solicitation, or Conspiracy	Same as underlying offense	Same as underlying offense	Same as underlying offense	Same as underlying offense

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Salvage Permits For Deer
- 2) Code Citation: 17 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
750.10	Amendment
750.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: allow more timely recording of deer killed by motor vehicles, remove the mandate that a roadkill must have a salvage tag, clarify when a salvage tag is needed, and clarify that those requesting possession of roadkill or other salvage deer are not delinquent in child support.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agenda's because: The Department did not anticipate the need for this rulemaking at the time the agendas were published.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 750
SALVAGE PERMITS FOR DEER

Section

750.10	Deer Killed by a Motor Vehicle
750.20	Deer Killed by Other Methods
750.30	Additional Regulations

AUTHORITY: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10646; amended at 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. 13519, effective August 10, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8387, effective July 7, 1999; amended at 26 Ill. Reg. 4204, effective March 11, 2002; amended at 34 Ill. Reg. 7713, effective May 20, 2010; amended at 40 Ill. Reg. _____, effective _____.

Section 750.10 Deer Killed by a Motor Vehicle

A whitetail deer that is killed as a result of a collision with a motor vehicle may only be legally possessed by an individual if the following criteria are met:

- a) Only citizens of the State of Illinois who are not delinquent in child support may possess or transport whitetail deer that have been killed as a result of a collision with a motor vehicle. The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing the deer. There is no limit to the number of deer that may be possessed.
- b) Individuals who claim a deer killed in a vehicle collision shall report the possession of the road-kill deer to the Department of Natural Resources within 24 hours via the Department's website at www.dnr.illinois.gov ~~www.dnr.state.il.us or~~

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~~report the possession of the road kill deer by telephoning (217)782-6431 no later than 4:30 p.m. on the next business day.~~ The individual claiming the deer must provide the following information:

- 1) date the deer was claimed;
 - 2) sex of the deer;
 - 3) if a male deer with antlers, how many points (antler projections measuring 1 inch or greater in length);
 - 4) if antlers are present, are they in velvet;
 - 5) if the deer is a fawn, are spots still present on the hide;
 - 6) is the deer hide all white or mostly white;
 - 7) location of the kill; and
 - 8) ~~if a tag is needed so the deer can be taken to a taxidermist or hide tanner;~~
~~and~~
 - 9) full name, including middle initial, date of birth, customer ID number or Social Security Number, mailing address and telephone number.
- c) After making a report to the Department, the individual making the report will receive a Report ID from the Department.
- d) Individuals who claim a deer killed in a vehicle collision shall keep ~~at~~ the record of their report of the road-kill deer until deer parts are consumed or are no longer possessed by any person. The record must include the individual's Report ID. Upon request of a peace officer, individuals shall furnish the Report ID of any deer in their possession until they obtain a tag for taking the deer to a taxidermist or tannery or the deer and its parts are consumed or are no longer possessed by any person.
- ed) A salvage tag is not required for road-kill ~~Road-kill~~ deer. If a deer is taken to a will only require a tag if they are to be delivered to a commercial business for the purpose of taxidermy or tanning. The tag shall remain attached to the antler of

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~~any road kill deer that has at least one antler three inches or greater in length. In cases in which the deer does not have at least one antler that is three inches or greater in length, the tag shall be attached to the hide of the deer. The salvage tag shall remain attached to the deer as long as the head/antler or hide remains in a green or unprocessed state, or when in a commercial business for the purpose of taxidermy, or tanning or meat processing, the taxidermist, tannery or meat processor shall document the Report ID and a label attached to the deer must include the Report ID.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 750.20 Deer Killed by Other Methods

A whitetail deer that is killed by methods other than a collision with a vehicle may be legally possessed by an individual if the following criteria are met:

- a) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision or legally taken by hunting methods, shall not move, transport or take possession of the deer or deer parts until permission is obtained from a Conservation Police Officer or the DNR Regional Law Enforcement Office. Permission will be granted to transport if it is determined by an investigation that the person requesting possession is not delinquent in child support and did not illegally kill or injure the deer and the deer is not needed for evidentiary purposes.
- b) A salvage tag will be issued for the deer only after the person seeking to possess the deer has provided all information/materials required by Section 750.10(a) and (b) and any additional information requested by the DNR Regional Law Enforcement Office (e.g., photos of the antlers). When retained, the head/antler or hide shall be properly tagged with the salvage tag obtained from the Office of Law Enforcement~~an irremovable tag obtained from the Regional Law Enforcement Office~~. The tag shall remain attached to the antler of the deer that has at least one antler three inches or greater in length. In cases in which the deer does not have at least one antler that is three inches or greater in length, the tag shall be attached to the hide/leg of the deer carcass. The salvage tag shall remain attached to the deer until its parts are consumed or are no longer possessed by any person~~as long as the head/antler or hide/carcass remains in a green or unprocessed state, or when in a commercial business for the purpose of taxidermy, tanning or other processing. This tag can be discarded only after the deer has been preserved~~

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~~or processed for consumption and is at the legal residence of the person who
legally took possession of the salvaged deer.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.100 Adopted Action:
Amendment
- 4) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650]
- 5) Effective Date of Rule: June 17, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule, 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*: 40 Ill. Reg. 5732; April 8, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act (225 ILCS 650/16), the Department is proposing an amendment to the federal meat and poultry products in section rules:

FSIS is requiring "all official establishments and retail stores that grind raw beef products for sale in commerce maintain the following records: The establishment numbers of

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NOTICE OF ADOPTED AMENDMENT

establishments supplying material used to prepare each lot of raw ground beef product; all supplier lot numbers and production dates; the names of the supplied materials, including beef components and any materials carried over from one production lot to the next; the date and time each lot of raw ground beef product is produced; and the date and time when grinding equipment and other related food-contact surfaces are cleaned and sanitized. These requirements also apply to raw beef products that are ground at an individual customer's request when new source materials are used." The effective date of the federal rule is June 20, 2016.

- 16) Information and questions regarding this adopted rule shall be directed to:

Susan Baatz
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

Telephone: 217/524-6905
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice
125.148	Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights
125.149	Label Approval

SUBPART B: MEAT INSPECTION

Section

DEPARTMENT OF AGRICULTURE

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125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

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NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at

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15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective

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March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; preemptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; preemptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; preemptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012; preemptory amendment at 36 Ill. Reg. 17930, effective December 21, 2012; preemptory amendment at 37 Ill. Reg. 875, effective January 28, 2013; preemptory amendment at 37 Ill. Reg. 6870, effective May 6, 2013; preemptory amendment at 38 Ill. Reg. 4176, effective February 1, 2014; preemptory amendment at 38 Ill. Reg. 20825, effective October 20, 2014; preemptory amendment at 39 Ill. Reg. 502, effective December 22, 2014; amended at 40 Ill. Reg. 2739, effective January 22, 2016; amended at 40 Ill. Reg. 8696, effective June 17, 2016.

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SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.100 Records and Reports**

- a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (2004; 69 FR 1874, effective January 12, 2004; 74 FR 31829, effective July 6, 2009; 77 FR 26929, effective May 8, 2012; 78 FR 66826, effective January 6, 2014; [80 FR 79231, effective June 20, 2016](#)).
- b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.
- c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).
- d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.
- e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Amended at 40 Ill. Reg. 8696, effective June 17, 2016)

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- 1) Heading of Part: Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities
- 2) Code Citation: 8 Ill. Adm. Code 215
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
215.10	Amendment
215.15	Amendment
215.16	New Section
215.20	Amendment
215.25	Amendment
215.30	Amendment
215.35	Amendment
215.40	Amendment
215.45	Amendment
215.50	Amendment
215.55	Amendment
215.60	Amendment
215.65	Amendment
215.85	Amendment
215.95	Amendment
215.110	Amendment
215.120	Renumbered/New Section
215.125	Renumbered
215.265	Amendment
- 4) Statutory Authority: 505 ILCS 80/14
- 5) Effective Date of Rules: July 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of proposal published in the *Illinois Register*: 39 Ill. Reg. 9065; July 10, 2015

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10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Section 215.10 clarified that this standard does not apply to "any facility manufacturing anhydrous ammonia and associated storage vessels on site".

Section 215.10(d) deleted sentence and replaced with "Compliance with the requirements of this Subpart shall be achieved through repairs and modifications on or before December 31, 2020."

Added Section 215.16 which created an incorporation section by bringing all reference sections together and assembling information into one place instead of throughout the Part for ease of access. Removed obsolete definitions in Section 215.15 and referenced text in the Part, as it is now redundant. Also, updated and added some new incorporations as well.

Section 215.20(b) replaced with "Persons involved with the loading or unloading of anhydrous ammonia as defined in this Subpart, into permanent storage vessels from cargo tanks shall satisfy the safety requirements of this Section if they meet USDOT transportation regulations and are not subject to the requirements of a certified competent attendant."

Section 215.20(c) added the following "Persons at commercial facilities that hold a current USDOT Special Permit issued by the Pipeline and Hazardous Materials Safety Administration pertaining to loading and unloading operations are not subject to the requirements of a certified competent attendant."

Section 215.25(a) added sentence to end of the first paragraph, "If a storage tank is currently being used and does not have a U1-A form or a build sheet or a legible data plate, it must be taken out of service by January 1, 2030."

Sections 215.25(f) replaced sentence with the following "Railroad car tanks permanently mounted and used for storage of anhydrous ammonia shall be removed from service no later than December 1, 2025." and added the following :g) "Compliance with the requirements of this Subpart shall be achieved through repairs and modifications on or before December 31, 2020." h) "Any storage vessel that does not have a legible data plate or supporting documentation of the information on the data plate shall be removed from service if it is decommissioned from the current site."

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Section 215.30(e) added a sentence "Notwithstanding the other provisions of this Section, the Department shall not require evidence of a county zoning permit or approval of the municipal governing body in the case of replacement of anhydrous ammonia storage vessel(s) of equal or lesser static volume."

Section 215.55(p) replaced "December 1" with "December 31" and removed added text "Each facility shall adhere to this subsection no later than December 1, 2016."

Section 215.65(i)(4) replaced "This requirement shall be effective for existing installations on December 1, 2017" with "All systems in operation on or before July 1, 2016 shall be in compliance no later than December 31, 2017. Any piping system installed after July 1, 2016 shall comply prior to initiation of any operations."

Section 215.65(v)(6) added "At least one caution sign at the bulk heads shall be permanently displayed instructing the cargo tank driver to chock the cargo tanks wheels prior to loading or unloading. The signs shall be of metal or other comparable material, at least 8½ inches high by 11 inches wide, and shall state:

CAUTION

DRIVER MUST CHOCK WHEELS

The signs shall have a yellow background and the letters shall be at least 1½ inches in height."

Section 215.85(m) replaced "All new on-site structures shall be a minimum of 15 feet in all directions from the aforementioned storage tanks" with "All on-site structures constructed after July 1, 2016, shall be a minimum of 15 feet in all directions from the aforementioned storage tanks."

Section 215.120(c) replaced text with "When nurse tanks are utilized to supply an application device, some means of break-away protection shall be provided including but not limited to the following:

- 1) The nurse tank hose that crosses the hitching point and attaches to the application device requires installation of the appropriate equipment to protect against an accidental unhitching event. Deployment of the equipment designed to achieve

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this protection shall be installed and maintained in accordance with the manufacturer's instructions.

- 2) Multiple breakaway coupling devices mounted on a tool bar shall not interfere with one another in a turn or an unhitching event.
- 3) When nurse tanks are pulled in tandem a breakaway coupling device or other means of protection shall be installed at each point where the hose crosses a hitching point. Deployment of the equipment designed to achieve this protection shall be installed and maintained in accordance with the manufacturer's instructions. Compliance with this subsection shall be achieved on or before December 31, 2020.

Section 215.120 added (g): "The hose length from the towed implement mechanically secure point to the break-away coupler on the towing implement shall have sufficient length to allow break-away couplers to articulate freely but prevent the hose from contact with the nurse tank tongue. This shall be achieved without securing the hose mechanically through the use of chains, elastomeric straps, wire ties or other means, by December 31, 2020."

The rulemaking contains other numerous non-substantive changes concerning grammar, formatting and punctuation throughout the rules.

- 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 rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Revision to the rules to incorporate innovation in safety equipment for storage vessels, inclusion of anhydrous ammonia application equipment, low pressure nitrogen equipment and be consistent with new language proposed by the Compressed Gas Association.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Baatz
Illinois Department of Agriculture

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P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/524-6905
fax 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER e: FERTILIZERS

PART 215

ANHYDROUS AMMONIA, LOW PRESSURE NITROGEN SOLUTIONS,
EQUIPMENT, CONTAINERS, AND STORAGE FACILITIESSUBPART A: ANHYDROUS AMMONIA, EQUIPMENT,
CONTAINERS, AND STORAGE FACILITIES

Section	Scope
215.10	Scope
215.15	Definitions
215.16	Incorporated and Referenced Materials
215.20	Safety
215.25	Basic Rules
215.30	Location of Storage Tanks
215.35	Markings of Non-Refrigerated Containers and Systems other than DOT Containers
215.40	Tank Container Appurtenances
215.45	Piping, Tubing and Fittings
215.50	Hose Specifications
215.55	Safety Relief Devices
215.60	Filling Densities
215.65	Transfer of Liquids
215.70	Liquid Level Gauging Devices
215.75	Painting of Containers
215.80	Electrical Equipment and Wiring
215.85	Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground Non-Refrigerated Storage
215.90	Refrigerated Storage
215.95	Tank Car Operations
215.100	Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground or Underground Non-Refrigerated Storage (Repealed)
215.105	Systems Mounted on Farm Wagons (Implements of Husbandry) for the Transportation of Anhydrous Ammonia (Repealed)
215.110	Systems Mounted on Implements of Husbandry Farm Wagons (Nurse Tanks) for the Transportation of Anhydrous Ammonia

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- 215.115 Systems Mounted on Equipment for the Application of Anhydrous Ammonia
215.120 [Equipment for the Application of Anhydrous Ammonia](#)
[215.125](#) Administrative Hearings

SUBPART B: NITROGEN FERTILIZER SOLUTIONS

Section

- 215.200 General
215.205 Definitions
215.210 Application of Rules
215.215 Requirement of Construction and Original Test of Containers
215.220 Capacity of Containers
215.225 Container Valves and Accessories
215.230 Piping, Tubing and Fittings
215.235 Hose Specifications
215.240 Safety Devices
215.245 Transfer of Liquids
215.250 Tank Car Loading and Unloading Points and Operations
215.255 Liquid Level Gauging Devices
215.260 Indicating Devices
215.265 Storage Installations for Nitrogen Fertilizer Solutions
215.270 Systems Mounted on Trucks, Semi-trailers and Trailers for Transportation of Nitrogen Fertilizer Solutions
215.275 Systems Mounted on Vehicles and Implements of Husbandry for the Transportation of Nitrogen Fertilizer Solutions
215.280 Systems Mounted on Vehicles and Implements of Husbandry for the Application of Nitrogen Fertilizer Solutions
215.285 Administrative Hearings
- 215.TABLE A Rate of Discharge
215.TABLE B Guide for Selection of Materials for Refrigerated Ammonia Storage Tanks
215.TABLE C Minimum Material Requirements for Shells and Bottoms of Refrigerated Storage Tanks for Various Temperatures and Thicknesses
215.TABLE D Repair Welding
215.TABLE E Safety Pressure Relief Valves

AUTHORITY: Implementing and authorized by Section 14 of the Illinois Fertilizer Act of 1961 [505 ILCS 80/14].

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SOURCE: Rules and Regulations Relating to Anhydrous Ammonia, Low Pressure, Nitrogen Solutions, Equipment, Containers and Storage Facilities, filed May 15, 1967, effective May 15, 1967; Rules and Regulations Relating to the Handling of Nitrogen Fertilizer Solutions; filed September 7, 1967, effective September 7, 1967; amended March 31, 1975, effective April 10, 1975; amended March 2, 1976, effective March, 2, 1976; amended December 21, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10513, effective October 1, 1981; part repealed, new part adopted at 6 Ill. Reg. 2990, effective March 5, 1982; amended at 27 Ill. Reg. 9922, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 10423, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18536, effective November 25, 2003; amended at 40 Ill. Reg. 8704, effective July 1, 2016.

SUBPART A: ANHYDROUS AMMONIA, EQUIPMENT,
CONTAINERS, AND STORAGE FACILITIES**Section 215.10 Scope**

- a) This standard is intended to apply to the design, construction, repair, alteration, location, installation and operation of agricultural anhydrous ammonia systems, including refrigerated ammonia storage systems, noncommercial (including on-farm) storage and handling systems, and ethanol plants.
- b) This standard does not apply to:
 - 1) any facility manufacturing anhydrous ammonia and associated storage vessels on site~~ammonia manufacturing plants;~~
 - 2) refrigeration systems where ammonia is used solely as a refrigerant;
 - 3) ammonia transportation pipelines; ~~and~~
 - 4) ammonia barges and tankers; and-
 - 5) anhydrous ammonia used in power generation plants.
- c) Railroad car tanks permanently mounted and used for the storage of anhydrous ammonia shall be removed from service no later than December 1, 2025.
- d) Compliance with the requirements of this Subpart shall be achieved through repairs and modifications on or before December 31, 2020.

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- e) Any storage vessel that does not have a legible data plate or supporting documentation of the information on the data plate shall be removed from service if it is decommissioned from the current site.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.15 Definitions

"Actuation device" means a mechanical device that is manually activated to cause the closing of emergency shutoff valves or internal valves stopping the flow of the product in the system.

"Alteration" means a change in any item described in the original manufacturer's data report that affects the pressure-containing capability of the container. Rerating a container by increasing maximum allowable working pressure or by increasing or decreasing allowable working temperature shall be considered an alteration.

"Ammonia or anhydrous ammonia" means the compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula, NH_3 . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82% nitrogen to 18% hydrogen. Ammonia may exist in either gaseous, liquid or solid state. It is not to be confused with aqua ammonia (ammonium hydroxide) which is a solution of ammonia in water.

~~"ANSI" refers to American National Standards Institute, 1430 Broadway, New York NY, and their publication "Safety Requirements for the Storage and Handling of Anhydrous Ammonia".~~

"Approved" means listed by a recognized testing laboratory; or recommended by the manufacturer as suitable for use with anhydrous ammonia and so marked or documented; or accepted by the authority having jurisdiction.

~~"API ASME Code" refers to the "Code for Unfired Pressure Vessels for Petroleum Liquids and Gases of the American Petroleum Institute and the American Society of Mechanical Engineers" (API ASME). The API ASME Code, as a joint publication and interpretation service, was discontinued as of~~

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~~December 31, 1956, and construction of containers to the API ASME Code has not been authorized since July 1, 1961.~~

"Appurtenance" refers to all devices such as pressure relief devices, liquid level gauging devices, valves, pressure gauges, pressure regulators, fittings, metering or devices designed to be attached to an ammonia container.

~~"ASME Code" refers to either paragraph U 68, U 69, U 200 or U 201 of Section VIII of the "Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers", 1949 edition, or Section VIII, Division I of the "Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers", 1950 edition through the current edition, including addenda, and applicable Code Case Interpretations.~~

~~"ASTM" refers to the "American Society for Testing and Materials", 1916 Race Street, Philadelphia PA 19103.~~

"Back check" means a device that allows liquid or vapor in the vessel, equipment or systems to flow in only one direction.

"Capacity" means the total volume of the container measured in standard U.S. gallons unless otherwise specified.

"Cargo tank" is a bulk packaging that is:

a tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings and closures;

permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but which, by reason of its size, construction or attachment to a motor vehicle is loaded or unloaded without being removed from the motor vehicle; and

not fabricated under a specification for cylinders, portable tanks, tank cars or multi-unit tank car tanks.

"Cargo tank motor vehicle" means a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle.

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"~~Certified competent~~Competent attendant" means a person who has full knowledge of the characteristics of anhydrous ammonia, its safe handling, and safety rules for transfer and application, and has successfully completed an anhydrous ammonia training program conducted by the Department or an equivalent training program approved by the Department. Refresher training shall be at least every three years and documentation of completed training shall be maintained.

"Certified welder" means any welder that is employed by a company that holds an R stamp certificate of authentication.

"Chemical splash goggles" or "goggles" means flexible fitting chemical-protective goggles with a hooded indirect ventilation system to provide primary protection of the eyes and eye sockets from the splash of hazardous liquids. Direct vented goggles do not comply with this definition.

~~"Code" means the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Sec. VIII of the ASME Boiler Construction Code), including editions through 1981 or the Joint Code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) including editions through 1981.~~

"Commercial" means buying and selling anhydrous ammonia and/or selling the associated services for compensation.

"Container" means all tanks, except cylinders, as defined in Section 215.15, used for the transportation or storage of anhydrous ammonia.

"Cylinder" means a pressure vessel designed for pressures higher than 40 ~~psig~~psia and having a circular ~~cross-section~~cross-section. It does not include a portable tank, multi-unit tank car tank, cargo tank or tank car.

"Decommission" means to stop using a pressurized vessel and remove it from service.

"Department" means the Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield IL 62794.

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"Design pressure" is identical to the term "Maximum Allowable Working Pressure" used in the ASME Code.

"Emergency shower" means a shower unit permanently connected to a source of clean water that enables the user to have water cascading over the entire body.

"Emergency shutoff valve" or "ESV" means a shutoff valve incorporating a manual means of closure. All approved ESVs shall incorporate a reliable actuation system that will close all of the emergency shutoff valves and/or internal valves of the piping system on the first attempt in the event of an emergency or of testing from a remote location. An emergency shutoff valve shall remain closed except during periods of operation.

"Excess flow valve" means a valve that is designed to close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and hose, being protected by an excess flow valve shall have a greater capacity than the rated flow of the protected valve, so the valve will likely close in case of failure of the delivery system at any point in the line or fittings.

"Eye wash unit" means a device used to irrigate and flush the eyes with clean water. Depending upon the requirements set forth in this standard, the device may be a plumbed unit permanently connected to a source of clean water, or it may be a self-contained unit not permanently installed that must be refilled or replaced after use.

"Filling density" means the percent ratio of the weight of the ammonia permitted in a container to the weight of water at 60°F (15.6°C) that the container will hold when full. One pound of water = 27.74 cubic inches (455 ml) at 60°F (15.6°C). For determining the water capacity of the tank in pounds, the weight of one gallon (231 cubic inches) (3.785 L) of water at 60°F (15.6°C) in air shall be 8.328 lb (3.778 kg).

~~"Gas mask" means an air purifying device with full face piece approved by NIOSH under the provisions of 30 CFR Part II, Subpart 1, for use in ammonia contaminated atmosphere in compliance with 29 CFR 1910.134 and selected in accordance with ANSI Z88.2, Respiratory Protection. A gas mask of the air-purifying type must be used only in an atmosphere containing 19.5% to 22.0% oxygen by volume.~~

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"Grower" means any individual who produces an agricultural commodity on property he or she owns or controls. Grower training is voluntary.

"Hitching point" means the point where a mechanical connection is made between the nurse tank and the tool bar, towing vehicle or another nurse tank.

"Hydrostatic relief valve" means a pressure relief device for liquid service designed to prevent excessive pressure due to thermal expansion when a pipe or hose is filled with liquid such as between block valves or blinds.

"Immediately Dangerous to Life or Health" or "(IDLH)" means the maximum concentration from which unprotected persons are able to escape within 30 minutes without escape-impairing symptoms or irreversible health effects. The IDLH for ammonia is 300 ppm by volume in accordance with the NIOSH Pocket Guide to Chemical Hazards.

"Implement of husbandry", for the purpose of this Part, means a system that includes a nurse tank with a capacity of 3000 gallons or less or an application device used for transporting and/or applying anhydrous ammonia exclusively for agricultural purposes.~~"Implement of husbandry" means a farm wagon type tank vehicle of not over 3000 gallons capacity, used as a nurse tank supplying the anhydrous ammonia to a field applicator, and moved on highways only for transporting anhydrous ammonia from a local source of supply to farms or fields or from one farm or field to another.~~

"Institutional occupancy" means a location where people may be unable to vacate voluntarily and shall be deemed to include nursing homes, hospitals, jails and, schools ~~and recreational parks~~.

"Internal valve" means a storage container primary shutoff valve that can be closed remotely and incorporates an internal excess flow valve with the seat and seat disc located within the container in a manner to remain in place in the event of external damage to the valve and/or associated piping. An internal valve shall incorporate a reliable actuation system that will close all of the emergency shutoff valves and/or internal valves of the piping system on the first attempt in the event of an emergency or of testing from a remote location. An emergency valve shall remain closed except during periods of operation.

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"Load" or "loading" means the transfer of anhydrous ammonia, at a commercial facility or noncommercial facility, from facility storage to transportation equipment, application equipment or field nursing transportation equipment.

"Material suitable for use" includes iron, steel and certain non-ferrous alloys that are compatible for use in anhydrous ammonia service. Copper, brass, zinc and certain alloys, especially those containing copper, are not suitable for anhydrous ammonia service.

"Mechanical secure point" means a connection point affixed to the nurse tank or running gear for the attachment of the nurse tank hoses. The mechanically secure point provides resistance allowing the breakaway coupler to operate in the event of detachment of the nurse tank from the towing implement.

~~"National Board Inspection Code" refers to the manual published by the National Board of Boiler and Pressure Vessel Inspectors that provides the rules and guidelines for inspection by a commissioned inspector of the repair, alteration and rerating of containers after being placed into service.~~

"New facility" means an approved location or a facility that has not been previously approved for the storage and handling of anhydrous ammonia.

"Noncommercial facility" means a site, including the land and structures, and the equipment fixed on the land and structures, designed and used for the storage and handling of anhydrous ammonia used in the associated not-for-hire operations.

"Nonmobile" means not readily capable of moving or being moved from place to place.

"Permanent storage installation" means a system employing a stationary (fixed) container used exclusively for storage or supply.

"Personal protective equipment" means adequate clothing and equipment used to ensure personal safety in the workplace.

"Positive pressure self-contaminated breathing apparatus" or "(SCBA)" means a full face piece respirator approved by NIOSH/MSHA for respiratory protection for both entry into or escape from oxygen-deficient atmospheres or a concentration of gases or vapors that are immediately dangerous to life or health

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where the supply of air is carried by the wearer. The air pressure inside the face piece is positive in relation to the air pressure of the outside atmosphere during exhalation and inhalation.

"Pressure relief valve" is a device designed to open to prevent an increase in internal vapor pressure in the container in excess of a specified value due to an emergency or abnormal condition and to close and prevent further flow after normal conditions have been restored.

"Private assembly" means a location where people gather together but is not generally open to the public.

"Protective gloves, boots and suits" are items made of rubber or other material impervious to ammonia. Gloves refer to gauntlet-style of sufficient length to allow for cuffing and that provide thermal protection suitable for ammonia exposure.

"psia" means pounds per square inch absolute.

"psig" means pounds per square inch gauge.

"Public assembly" is a location that includes, but is not limited to, churches, manufacturing companies, cemeteries currently in operation, land managed for recreational or conservation purposes, museums, camps, parks, retail and wholesale facilities, and shopping centers. Examples of public assembly include places that operate less than 52 weeks per year, such as businesses or other places that experience seasonal shutdowns and parks, camps and recreational areas that experience seasonal shutdowns or reduced attendance during a portion of the calendar year, provided that these places are frequented by at least 50 persons at least once per week during the portions of the year when seasonal shutdowns or reductions in attendance do not occur. ~~"Public assembly" is a location that is generally open to the public and where people gather together, including but not limited to churches, public halls, libraries, clubs and businesses.~~

"Reinstallation" means the removal of a storage vessel from the originally approved site to a different site.

"Repair" means the work necessary to restore a container, cylinder or system to a safe and satisfactory operating condition provided there is, in all cases, no

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deviation from the original design. Repairs include the addition or replacement of pressure nonpressure parts, which do not change the design temperature or pressure of the container, cylinder or system.

"Respirator" means an air-purifying device with full face piece and either chin-style or front- or back-mounted canisters with associated connections approved by NIOSH for use in ammonia contaminated atmosphere in compliance with 29 CFR 1910.134 and selected in accordance with ANSI Z88.2. A respirator of the air-purifying type must be used only in an atmosphere containing 19.5% to 22.0% oxygen by volume.

"System" means an assembly of equipment consisting essentially of the containers, hoses, appurtenances, pumps, compressors and interconnecting piping.

"Tank" means a vessel designed and constructed for the storage and handling of anhydrous ammonia.

"Tool bar" means an implement of husbandry for the field application of ammonia that is used in conjunction with nurse tanks. For purposes of this definition, chisel plows, field cultivators or other conventional tillage equipment that has been manufactured or retrofitted with any ammonia valves, gauges, hoses, application knives, metering devices, safety devices or tool bar refrigeration units for the purpose of ammonia application are considered to be tool bars.

"Tool bar breakaway device" means a self-closing device designed to disconnect anhydrous ammonia hoses upon detachment from the nurse tanks.

"Tool bar refrigeration unit" means a unitized system of ammonia pipe, valves and gauges, with ammonia monitoring, handling, metering and manifold-dispensing devices that are used to process pressurized ammonia into refrigerated ammonia for more accurate metering and distribution during field application.

"Transportation regulations" refers to the Hazardous Materials Transportation Regulations of the Federal USDOT. (See the "Code of Federal Regulations", 49 CFR 100-180, Transportation, including "Specifications for Shipping Containers").

"Unload" or "unloading" means the transfer of anhydrous ammonia at commercial or noncommercial facilities from the transport vehicle into facility storage.

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"Un 1005" means the placard number assigned to anhydrous ammonia by the United Nations Committee of Experts on the Transportation of Dangerous Goods.

"Wet hose" is an anhydrous hose with shutoff valves at each end that is capable of containing liquid product at all times.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.16 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
- 1) Private and Professional Association Standards:
- A) The American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York NY 10036
- ANSI Z88.2 Practices for Respiratory Protection (2015)
- B) The American Petroleum Institute (API or API-ASME), 15 Inverness Way East, Englewood CO 80112
- i) Code for Unfired Pressure Vessels for Petroleum Liquids and Gases of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME) (sometimes known as the API-ASME Code) (The API-ASME Code, as a joint publication and interpretation service, was discontinued after 1956, and construction of containers to the API-ASME Code has not been authorized since 1961.)
- ii) API 510 – Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair and Alteration (2014) (After discontinuance of the API-ASME Code (see subsection (a)(1)(B)(i)), a need was seen to assure uniform maintenance and inspection practices continued, which led to the issuance of API 510 beginning in 1958 (available as stated in subsection (a)(1)(B)(i)).

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- iii) The Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Sec. VIII of the ASME Boiler Construction Code), including editions through 1981, or the Joint Code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code), including editions through 1981
 - iv) API 12-C – Specification for Welded Oil Storage Tanks (1958)
 - v) API Standard 620 (2013) (including addendum 1, 2014), Design and Construction of Large, Welded, Low-Pressure Storage Tanks (including Tables 2.02, R.2.2, R.2.3 or R.2.4 and Appendix R)
- C) The American Society of Agricultural and Biological Engineers (ASABE/ASAE), 2950 Niles Road, St. Joseph MI 49085
- i) ASABE/ASAE S276.5 (2003)
 - ii) ASABE/ASAE S338.2 (2006) Field Equipment for Agriculture-Safety Chain for Towed Equipment
- D) The American Society of Mechanical Engineers (ASME), Two Park Avenue, New York NY 10016-5990
- i) ASME B31.3 Process Piping (2014)
 - ii) ASME B31.5 Refrigeration Piping and Heat Transfer Components (2013)
 - iii) U-68 and U-69 ASME Code Containers refer to the ASME Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (1949), Section VIII, paragraphs U-68 and U-69
 - iv) UG-125 through UG-136 refer to the ASME Boiler and Pressure Vessel Code of the American Society of

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Mechanical Engineers (1949), Section VIII, Division 1, paragraphs UG-125 through UG-136

- v) U-200 or U-201 refers to the ASME Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (1949), Section VIII, paragraphs U-200 or U-201
 - vi) UW-12 is a table in Section VIII, Division 1, of ASME BPBC – viii-1 (2015)
- E) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, PO Box C700, West Conshohocken PA 19428-2959
- i) ASTM A47 – Standard Specification for Ferritic Malleable Iron Castings (2014)
 - ii) ASTM A53 – Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless (2012)
 - iii) ASTM A395 – Standard Specification for Ferritic Ductile Iron Pressure-Retaining Castings for Use at Elevated Temperatures (2014)
 - iv) Section IX, Welding Qualifications refers to the ASME Boiler and Pressure Vessel Code, IX, Qualification Standard for Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators, Welding and Brazing Qualifications (2010)
- F) The Association for Rubber Product Manufacturers (ARPM), 7321 Shadeland Station Way, Suite 285, Indianapolis IN 46256
- ARPM IP-14, Specifications for Anhydrous Ammonia Hose (2003, reaffirmed 2009)
- G) The Compressed Gas Association (CGA), 14501 George Carter Way, Suite 103, Chantilly VA 20151

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- i) [CGA G-2 – Anhydrous Ammonia \(1995\)](#)
 - ii) [CGA G-2.1 – Safety Requirements for the Storage and Handling of Anhydrous Ammonia \(2014\)](#)
 - iii) [CGA P-7 – Standard for Requalification of Cargo Tank Hose Used in the Transfer of Carbon Dioxide Refrigerated Liquid \(2007\)](#)
- H) [The National Board of Boiler and Pressure Vessel Inspectors \(NBBI\), 1055 Crupper Avenue, Columbus OH 43229-1183](#)
- [National Board Inspection Code \(2015\)](#)
- I) [The National Fire Protection Association \(NFPA\), 25 West 43rd Street, 4th Floor, New York NY 10036](#)
- [NFPA 70: National Electrical Code \(2014\)](#)
- J) [The Underwriters Laboratory \(UL\), 47173 Benicia Street, Fremont CA 94538](#)
- [UL-132, Standard on Safety Relief Valves for Anhydrous Ammonia and LP Gas \(2015\)](#)
- 2) [Federal Regulations](#)
- A) [29 CFR 1910.134 \(2016\)](#)
 - B) [49 CFR 105-180 \(2015\)](#)
 - i) [subchapter A, sections 105-110, Hazardous Materials and Oil Transportation](#)
 - ii) [subchapter B, section 130, Oil Transportation](#)
 - iii) [subchapter C, sections 171-180, Hazardous Materials Regulations](#)

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- [49 CFR 173.315\(m\)\(1\)\(v\) \(2015\) Compressed gases in cargo tanks and portable tanks](#)
- [49 CFR 177.834\(a\) through \(j\) \(2016\), Loading and unloading](#)
- [49 CFR 177. 840 \(2015\), Class 2 \(gasses\) materials](#)

3) [Federal Government Publications](#)

[The National Institute for Occupational Safety and Health \(NIOSH\), NIOSH Pocket Guide to Chemical Hazards, GPO stock number 017-033-00500-1, available from the Government Printing Office, Washington DC 20402-9325](#)

b) [All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the dates specified and do not include any amendments or editions subsequent to the date specified.](#)

c) [The following State statutes and administrative rules are referenced in this Part:](#)

1) [State of Illinois Statutes](#)

[Weights and Measures Act \[225 ILCS 470\]](#)

2) [Illinois Department of Agriculture Rules](#)

A) [8 Ill. Adm. Code 1, Administrative Rules \(Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure\)](#)

B) [8 Ill. Adm. Code 600, Weights and Measures Act](#)

C) [8 Ill. Adm. Code 255, Agrichemical Containment](#)

(Source: Added at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.20 Safety

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- a) Any person at a commercial or noncommercial site who makes or breaks a connection on anhydrous ammonia equipment pertaining to the loading and unloading, as defined in this Subpart, or who maintains or repairs anhydrous ammonia vessels or associated equipment shall be a certified competent attendant~~A competent attendant must be on site any time ammonia is handled, transferred or transported.~~
- b) Persons involved with the loading or unloading of anhydrous ammonia as defined in this Subpart, into permanent storage vessels from cargo tanks shall satisfy the safety requirements of this Section if they meet USDOT transportation regulations and are not subject to the requirements of a certified competent attendant.
- c) Persons at commercial facilities that hold a current USDOT Special Permit issued by the Pipeline and Hazardous Material Safety Administration pertaining to loading and unloading operations are not subject to the requirements of a certified competent attendant.
- d) Any individual who conducts anhydrous ammonia safety training to certify individuals as certified competent attendants shall:
- 1) Train with a Department approved equivalent training program and associated materials;
 - 2) Submit a roster of the attendees with the name, company name, company address and date of the training; and
 - 3) Attend a Department sponsored training program annually.
- e) Grower Training – Grower training shall be offered through programs approved by the Department. All participation in grower training shall be on a voluntary basis. Grower training programs shall be approved every three years.
- f) All permanent storage installations shall have on hand, at minimum, the following equipment for safety and emergency ~~and rescue~~ purposes:
- 1) One full-faced respirator with one spare ammonia canister that has not exceeded its expiration date in a readily accessible location. A self-contained breathing apparatus (SCBA) can meet this requirement only when the facility is trained in accordance with OSHA for rescue or

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~~emergency response to a release as defined by OSHA One full faced gas mask, jointly approved by NIOSH and MSHA, with one spare in date ammonia canister in a readily accessible location, or a self contained breathing apparatus (SCBA).~~

- 2) One pair of protective gloves impervious to anhydrous ammonia.
- 3) One pair of protective boots impervious to anhydrous ammonia.
- 4) One protective slicker and/or protective pants and jacket, all impervious to anhydrous ammonia.
- ~~5) An easily accessible emergency shower and a plumbed eyewash unit or at least 150 gal of clean water in an open top container.~~
- ~~56) Chemical splash goggles.~~
- 6) An easily accessible emergency shower and a plumbed eyewash unit or at least 150 gallons of clean potable or potable quality water in a single open top container that is readily accessible.

ge) Each cargo tank transferring agricultural anhydrous ammonia, except an implement of husbandry, shall carry:

- 1) At least 5 gallons of clean water in a container designed to provide ready access to the water for flushing any area of the body contacted by ammonia.
- 2) One pair of protective gloves impervious to ammonia.
- 3) One full-faced ~~respirator gas mask, jointly approved by NIOSH and MSHA,~~ with one spare ~~in date~~ ammonia canister, in a readily accessible location, that has not exceeded its expiration.
- 4) Chemical splash goggles.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.25 Basic Rules

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This Section applies to all Sections of this Part unless otherwise noted.

- a) These provisions shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, 1965, 1968, 1971, 1974, 1977, 1980, 1983, 1986, 1989, 1992, 1995 and 1998 editions of the ASME Code or any revisions thereof in effect at the time of fabrication. Reinstalled stationary pressure vessels with a design capacity greater than 3000 gallons shall comply with CGA G-2.1, Section 5.1. If a storage tank is currently being used and does not have a U-1A form or a build sheet or a legible data plate, it must be taken out of service by January 1, 2030.
- 1) Containers in use or operation on or after July 1, 2016, and any storage vessel that is not in service within the State of Illinois, or any storage vessel greater than 3000 gallons to be reinstalled, shall comply with one or more of the following:
- A) The storage vessel has been stress relieved during fabrication in accordance with the Code in effect at the time of fabrication; or
- B) The storage vessel has cold-formed heads that have been heat stress relieved; or
- C) The storage vessel has been fabricated with hot-formed heads.
- 2) Welded attachments to pads may be made after post-weld heat treatment. However, implements of husbandry do not require post-weld heat treatment if they are fabricated with hot-formed heads or with cold-formed heads that have been stress relieved.
- b) Requirements for new construction and original test, repair, and alterations of containers (including USDOT portable tanks), other than refrigerated storage tanks must comply with the following:
- 1) Containers used with systems covered in Sections 215.85, 215.110, and 215.115 shall be made of steel or other material compatible with ammonia and tested in accordance with the currently incorporated ~~current~~ ASME Code (see Section 215.16). An exception to the ASME Code

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requirements is that construction under Table UW 12 at a basic joint efficiency of under 80% is not authorized.

- 2) Containers designed and constructed in accordance with the ASME Code, other than refrigerated storage containers, shall comply with the following additional requirements:
 - A) The entire container shall be postweld heat treated after completion of all welds to the shells and heads. The method employed shall be as prescribed in the ASME Code, except that the provisions for extended time at a lower temperature for postweld heat treatment shall not be permitted. Welded attachments to pads may be made after postweld heat treatment. Exception: implements of husbandry will not require postweld heat treatment if they are fabricated with hot-formed heads or with cold-formed heads that have been stress relieved.
 - B) Steels used in fabricating pressure containing parts of a container shall not exceed a specified tensile strength of 70,000 psi. Exception: implements of husbandry may be fabricated from steel having a specified tensile strength of 75,000 psi.
 - C) Containers shall be inspected by a person who holds a valid National Board Commission. Exception: refrigerated storage tanks with a design pressure of 15 psig or less and containers covered in Section 215.90.
 - D) Repair or alteration of pressure-containing parts of a container shall be performed in compliance with the applicable provisions of the current edition of the National Board Inspection Code. Where specific procedures are not given, it is intended that, subject to acceptance of the inspector, all repair or alteration shall conform as much as possible to the ASME Code section and edition to which the container was constructed.
- c) Except for pneumatic testing, all containers shall only be pressured with ammonia vapor except for dual usage involving the storage of liquid propane. Any device used for the introduction of atmospheric air into any part of anhydrous ammonia storage, transportation or application systems is prohibited. Any introduction of

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any substance other than anhydrous ammonia into the closed loop anhydrous ammonia system shall be approved by the Department prior to implementation, except when required to comply with the ASME Code or USDOT regulations.

- d) Any firm that completes any repair or alteration to a pressure vessel or any piping and associated appurtenances shall be performed by a firm that holds a valid certificate of authorization, commonly referred to as an R stamp holder.
- e) A written record of all inspections and maintenance shall be kept at the facility for a period of 5 years or until sold or removed from service.
- f) Railroad car tanks permanently mounted and used for storage of anhydrous ammonia shall be removed from a service no later than December 1, 2025.
- g) Compliance with the requirements of this Subpart shall be achieved through repairs and modifications on or before December 31, 2020.
- h) Any storage vessel that does not have a legible data plate or supporting documentation of the information on the data plate shall be removed from service if it is decommissioned from the current site.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.30 Location of Storage Tanks

- a) Tanks shall be located outside of buildings unless the building is especially constructed for the safe handling and storage of anhydrous ammonia. Permanent storage shall be located outside of densely populated areas and subject to the approval of the Department as follows: If located within the corporate limits of a village, town, or city, written approval of the municipality's governing body or a county zoning permit shall be submitted to the Department before tentative approval to begin construction of a permanent storage facility will be given. The intended storage must be completed and approved by the Department within one year from the date written tentative approval was given. Final approval will be given if the facility and equipment complies with this Part.
- b) Containers shall be located at least 50 feet from a dug well or other source of potable water.

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- c) Nurse tank load out risers and containers for newly approved sites after July 1, 2003 shall be a minimum distance of 200 feet from the property line. Installation of additional load out risers or containers at sites approved prior to July 1, 2003 shall be a minimum distance of 75 feet from the property line.
- d) Container locations shall comply with the following distance requirements:

~~Minimum distances (feet) from container to:~~

Nominal capacity of containers (gallons)	<u>Minimum Distance (feet) from Container</u>		
	Railroad mainline property	Place of private or public assembly	Institutional occupancy
001- 30003,000	100	200	750
over 30003,001	100	400	<u>10001,000</u>

- e) Offices or buildings integral to the ~~agrichemical~~ agri-chemical business are exempt from the minimum distance requirement. Excluded from the distance requirement are those installations installed prior to July 1, 2003. The Department will ~~approve~~permit replacement storage tanks to be installed. A replacement tank may be of a larger capacity. Replacement tanks must meet all requirements of this Part with the exception of subsection (d). The provisions concerning replacement of tanks applies specifically to installations installed prior to July 1, 2003. Notwithstanding the other provisions of this Section, the Department shall not require evidence of a county zoning permit or approval of the municipal governing body in the case of replacement of anhydrous ammonia storage vessels of equal or lesser static volume.
- f) A nurse tank of not more than ~~30003,000~~ gallons or less than ~~10001,000~~ gallons water capacity may be used as temporary storage in instances where anhydrous ammonia is used in the manufacturing of liquid or suspension fertilizers provided that written approval of the municipality's governing board or a county zoning permit shall be submitted to the Department before site approval will be given. Approval will be given based upon compliance with the requirement of this subsection (f). The distance of the temporary storage nurse tank shall not be less than 50 feet from the property line or source of drinking water, not less than 200 feet from existing places of private or public assembly, or not less than 750 feet from any place of institutional occupancy. The draw bar must be securely fastened to an anchoring device so as to render the nurse tank immovable while

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being used in the manufacturing of fertilizer. During the time the site is unattended, all liquid and vapor valves must be plugged or capped.

- g) Container storage areas shall be accessible to emergency vehicles and personnel.
- h) Storage container areas shall be maintained clear of dry grass and weeds and other combustible materials.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.35 Markings of Non-Refrigerated Containers and Systems other than DOT Containers

- a) Each system nameplate shall be made of a non-corroding metal permanently attached to the system by continuous welding around its perimeter and located so as to be readily accessible for inspection. Nameplates shall be maintained in legible condition and include markings as prescribed.
- b) Each container or system covered in Sections 215.85, 215.90, 215.110 or 215.115 shall be marked as follows:
 - 1) With a mark identifying compliance with and other markings required by ~~the rules of~~ the Code under which the container is constructed, with the capacity of the container in pounds or gallons (U.S. Standards), with the working pressure in psig for which the container is designed, and with the thickness of the shell and heads.
 - 2) With the name and address of the supplier of the system or the trade name of the system and the date of manufacture. This information shall appear on the system nameplate for aboveground containers.
 - 3) With markings indicating the maximum level to which the container may be filled with liquid at temperatures between 20°F and 100°F, except on containers provided with fixed maximum level indicators or that are filled by weighing. Markings shall be in increments of not more than 20°F and shall appear on the system nameplate or on the liquid level gauging device on both underground and aboveground containers. Refrigerated storage tanks shall be exempt from these requirements but shall be marked to show the maximum permissible liquid level (see Section 215.60).

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- 4) With the overall length and outside diameter of the container.
- c) All main operating valves on permanently installed storage containers having a capacity of over ~~3000~~2000 water gallons shall be identified to show whether the valve is in liquid or vapor service. The method of identification shall be by label or color code as follows:
 - 1) Label: The label LIQUID (or LIQUID VALVE) or VAPOR (or VAPOR VALVE), as appropriate, shall be placed on or within 12 inches of the valve by means of a stencil tag or decal; or
 - 2) Color Code: Liquid valves shall be painted orange and vapor valves shall be painted yellow. The legend ORANGE – LIQUID or YELLOW – VAPOR shall be displayed in a conspicuous place at each operating point utilized for loading or unloading at each permanent storage location~~in at least one conspicuous place at each permanent storage location~~. The legend shall have letters at least two inches high and shall be placed against a contrasting background.
- d) Containers manufactured after January 1, 2003 shall bear a National Board of Boiler and Pressure Vessel Inspectors stamp indicating registration of the container with that organization.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.40 Tank~~Container~~ Appurtenances

- a) All tanks and appurtenances of each system shall be approved by the Department prior to initiation of operations, including the receipt of anhydrous ammonia.
- b) All appurtenances shall be designed for no less than the maximum working pressure of the portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.
- c) All connections to containers except connections for pressure relief devices, thermometer well, liquid level gauging devices, or connections fitted with No. 54 (0.055 inches) drill size orifice or those plugged shall have shutoff valves located

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as close to the container as practical.

- d) Excess flow valves or approved systems shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The piping, including valves and fittings in the same flow path as the excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve or approved system.
- e) Liquid level gauging devices that require bleeding of the product to the atmosphere and that are so constructed that outward flow will not exceed that passed by a No. 54 (0.055 inches) drill size opening need not be equipped with excess flow valves.
- f) An opening in a container to which a pressure gauge connection is made need not be equipped with an excess flow valve if the opening is not larger than No. 54 (0.055 inches) drill size.
- g) Each facility shall provide the minimum protection at each non-refrigerated storage tank opening utilized for the transfer of product as follows:
 - 1) The installation of an:
 - A) internal valve in the tank with a manual shutoff valve located immediately outside of the opening; or
 - B) approved excess flow valve or a back check valve inside of the tank, a manual shutoff valve located immediately outside of the opening and an approved emergency shutoff valve (ESV) located within 3 feet of the opening side of the manual shutoff valve.
 - 2) Approved ESVs or internal valves shall incorporate a reliable actuation system that will close all of the ESVs or internal valves of the piping system on the first attempt in the event of emergency or of testing from a remote location. A minimum of 2 remote actuation devices shall be located no less than 25 feet reasonably opposed to each other.
 - 3) If using a pressure source for activation of the ESVs or internal valves, nitrogen, compressed air or carbon dioxide is deemed acceptable. If using compressed air as a pressure source, the air shall be clean and kept at a moisture level that will not prevent the system from operating. Propane or

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other flammable materials shall be prohibited for use to activate an ESV or an internal valve.

- 4) ESVs and internal valves shall be tested annually for the functions required. A record of each test result shall be kept at the facility for a minimum of 5 years.

~~An excess flow or back pressure check valve, when required in this Section, shall be installed directly in the container opening or a point outside where the line enters the container. In the latter case the installation shall be made in such a manner that any undue strain beyond the excess flow or back pressure check valve shall not cause breakage between the valve and the container.~~

- h) Excess flow valves shall be designed with a by-pass, not to exceed a No. 60 (0.040 inches) drill size opening, to allow equalization of pressure.
- ~~i) Shutoff valves with an integral excess flow valve shall be designed for proper installation in a container opening so that the excess flow valve will close in the event that the valve body, extending above the coupling, is sheared or broken off.~~
- ij) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.
- jk) Each filling connection on non-refrigerated containers shall have a positive shutoff valve in conjunction with either an approved internal back-pressure check valve or an approved internal excess flow valve. Vapor connections on non-refrigerated containers shall have a positive shutoff valve together with an approved internal excess flow.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.45 Piping, Tubing and Fittings

- a) All piping, tubing, and fittings shall be made of steel or other material suitable for anhydrous ammonia service. Brass, copper, or galvanized steel pipe or tubing shall not be used. Cast iron fittings shall not be used. Those parts of valves that are subjected to gas pressure shall be made of steel, ductile (nodular) iron, or malleable iron. Ductile iron shall meet the requirements of ASTM A395 and malleable iron the requirements of ASTM A47.

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- b) All piping, tubing, and fittings shall be designed for a pressure no less than the maximum pressure to which they will be subjected in service.
- c) All piping shall be supported to prevent damage to the pipes. Provisions shall be made for expansion, contraction, jarring, vibration, and settling. All refrigeration system piping shall conform to the Refrigeration Piping Code (~~ASME~~ANSI B31.5) as it applies to anhydrous ammonia.
- d) Piping used on non-refrigerated systems shall be at least ASTM A53 Grade B seamless or electric resistance welded pipe. Pipe joints shall be threaded, welded, or flanged. Pipe shall be at least Schedule 40 when joints are welded or welded and flanged. Pipe shall be at least Schedule 80 when joints are threaded. Threaded nipples shall be seamless. Welding shall be done by a certified welder. ~~welder certified in accordance with the ASME Code, Section IX, "Welding Qualifications". Tubing joints shall be made up with flared, flareless, or compression type fittings complying with ANSI/SAE J513f, ANSI/ASME B31.3, or ANSI/ASME B31.5.~~
- e) Metal, flexible connections may be used for permanent installations to provide for expansion, contraction, jarring, vibrating, and settling. In no case shall the angle of the connection exceed 15 degrees. ~~The~~Such connection used for non-refrigerated installations shall have a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig.
- ~~f) Cast iron fittings shall not be used. Those parts of valves that are subjected to gas pressure shall be made of steel, ductile (nodular) iron, or malleable iron. Ductile iron shall meet the requirements of ANSI/ASTM A395 and malleable iron the requirements of ANSI/ASTM A47.~~
- ~~fg) Adequate provisions shall be made to protect all exposed piping from physical damage that might result from impact by moving machinery, automobiles or trucks, or any other equipment at the facility. Underground piping is allowable.~~
- ~~gh) Joint compounds shall be resistant to ammonia at the maximum pressure and temperature to which they may be subjected in service.~~
- ~~hi) After assembly, all piping, fittings, and tubing shall be tested and proved to be free from leaks at a pressure no less than the normal operating pressure of the~~

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system.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.50 Hose Specifications

- a) Hose used in ammonia service and subject to container pressure shall conform to ~~ARPM~~the American National Standard RMA IP-14, "Specifications for Anhydrous Ammonia Hose". Dual usage hoses for propane and anhydrous ammonia shall be prohibited.
- b) Hose subject to container pressure shall be designed for a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 psig.
- c) Hose and hose connections located on the low-pressure side of flow control, or pressure-reducing valves on devices discharging to atmospheric pressure, shall be designed for the maximum low-side working pressure. All connections shall be designed, constructed, and installed so that there will be no leakage when connected. Shutoff valves on the end of liquid and vapor transfer hoses shall be equipped with bleed valves to enable the operator to bleed off pressure prior to disconnecting the hoses except when using minimum loss valve.
- d) ~~When a~~Where liquid transfer hose is not drained of liquid upon completion of transfer operations, ~~that such~~ hose shall be equipped with an approved shutoff valve at the discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose.
- e) On all hose 0.5 inch O.D. and larger used in ammonia service and subject to container pressure, there shall be etched, cast, or impressed at 5 ft. intervals on the outer hose cover the following information:

Anhydrous Ammonia
XXX psig (Maximum Working Pressure)
Manufacturer's Name or Trademark
Year of Manufacture
- f) Hose in service shall be requalified periodically in accordance with requirements

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specified in CGA P-7, ~~Standard for Requalification of Cargo Tank Hose Used in the Transfer of Carbon Dioxide Refrigerated Liquid.~~

- g) Hoses used for transferring material (both liquid and vapor) to and from nurse tanks shall be restricted to a 30 feet maximum length and shall be ~~secured~~cracked when not in use to prevent undue damage to hose.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.55 Safety Relief Devices

- a) Every container used in systems covered by Sections 215.85, 215.110, and 215.115 without permanent supply piping to another source of excess pressure shall be protected from excess pressure by one or more pressure relief valves of the spring loaded type conforming with applicable requirements of ASME UG-125(c)(3), UL-132, ~~Standard on Safety Relief Valves for Anhydrous Ammonia and LP Gas~~, or other equivalent pressure relief valve standard.
- b) Pressure relief valves shall be in direct communication with the vapor space of the container. All pressure relief discharge openings shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of water. Provision shall be made for draining condensate that may accumulate.
- c) The discharge from pressure relief valves shall be vented away from the container, upward, and unobstructed to the atmosphere.
- d) Container relief device pressure shall be set to discharge at no more than 125% maximum allowable working pressure for containers built by the 1949 ASME Code Sections U-68 and U-69, and no more than 100% for those built by all subsequent ASME Codes. Set pressure tolerance is +10% to 0% for non-refrigerated containers.
- e) Pressure relief valves used on containers covered by Sections 215.85, 215.110, and 215.115 shall be constructed to discharge at not less than the rates required in Appendix B before the pressure is in excess of 121% of the maximum allowable working pressure of the container. Relief protection for any other reason shall use ASME UG-125 through UG-136.
- f) Pressure relief valves shall be so arranged that the possibility of tampering will be

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minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for sealing the adjustment.

- g) Shutoff valves shall not be installed between the pressure relief valves and the containers or systems covered by Sections 215.85, 215.110, and 215.115.
- h) Relief valves shall be installed in a manifold that has a required rate of discharge and so installed to allow either of the pressure relief valves to be closed off but does not allow both pressure relief valves to be closed off at the same time, or other suitable device so that they can be replaced while the container remains pressurized. Containers designed with internal pressure relief systems are exempt from this requirement.
- i) Each pressure relief valve used with systems covered by Sections 215.85, 215.110, and 215.115 shall be plainly and permanently marked as follows:
 - 1) With the letters "AA" or the symbol "NH₃";
 - 2) The pressure in psig at which the valve is set to start-to-discharge;
 - 3) The rate of discharge of the valve in cubic feet per minute of air at 60°F and atmospheric pressure;
 - 4) Year of manufacture; and
 - 5) The manufacturer's name and catalog number.
- j) Piping or connections on either the upstream or downstream side shall not restrict the flow capacity of the relief valve.
- k) The manufacturer or supplier of a pressure relief valve manifold shall publish complete data showing the flow rating through the combined assembly of the manifold with pressure relief valves installed. The manifold flow rating shall be determined by testing the manifold with all but one valve discharging. If one or more openings have restrictions not present in the remaining openings, the restricted opening or openings, or those having the lowest flow, shall be used to establish the flow rate marked on the manifold nameplate. The marking shall be similar to that required in Section 215.55 for individual valves.

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- l) A hydrostatic relief valve, venting into the atmosphere at a safe location, shall be installed in each section of piping (including hose) in which liquid can be isolated between shutoff valves to relieve pressure that could develop from the trapped liquid. If an equivalent pressure relieving device is used, the maximum accumulative pressure possible within the system shall not exceed the limits of the system.~~installed between each pair of shutoff valves in an ammonia line where the liquid may be trapped, except when the hose or line is protected by an internal equalizing valve with a differential pressure so designed as to not exceed 50 psig. Refrigerated ammonia terminals may utilize hydrostatic relief valves with set points less than 350 psig and not in excess of 500 psig for piping systems.~~
- m) The discharge opening from any pressure relief valve shall not terminate inside any building or below the highest roof line of ~~the~~any such building.
- n) A pressure relief device shall be subject to a systematic, periodic, visual external inspection at least annually to determine that it:
- 1) Meets the applicable requirements specified in this Section;
 - 2) Is free of evidence of tampering, damage, corrosion, or foreign matter that might prevent proper operation;
 - 3) Is free of leakage when subject to pressures below the minimum allowable start-to-discharge setting;
 - 4) Has a properly installed rain cap or other device to avoid entry of moisture or other matter into the relief valve outlet; and
 - 5) Has an open weep hole to permit moisture to escape.
- o) Any deficiency as may be found in subsection (n) shall require immediate corrective action, replacement, or repair of the pressure relief device as may be appropriate.
- p) ~~No As of July 1, 2004 no~~ container pressure relief device shall be used over 5 years ~~after installation and in no instance no more than 7 years~~ past the manufactured date. Records shall be maintained that identify each container and indicate the date of installation for the pressure relief devices. If no date is specified, a pressure relief valve shall be replaced no later than five years

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following the date of its manufacture or last repair unless it has first been disassembled, inspected, repaired, and tested by the manufacturer, or by a qualified repair organization, in a manner such that the valve's condition and performance is certified as being equivalent to the standards for the original valve. The data regarding repairs or reassembly shall be indicated by stamping the body or attaching a tag pertaining to the valve with the month and year to replace or ~~recertify~~certify. All facilities shall be in compliance with this subsection no later than December 31, 2020.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.60 Filling Densities

- a) Filling density is limited to 85% capacity by volume at 60°F.
- b) The filling densities for non-refrigerated containers shall not exceed the following:
 - 1) Uninsulated aboveground 56%;
 - 2) Insulated aboveground 57%.
- c) US Department of Transportation containers shall be filled in accordance with ~~Hazardous Materials Transportation Regulations~~, 49 CFR 173.315(m)(5).
- d) If containers ~~other than refrigerated containers~~ are to be filled according to liquid level by any gauging method other than a fixed length dip tube gauge, each container shall have a thermometer well and thermometer so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F basis.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.65 Transfer of Liquids

- a) If it is found necessary to dispose of anhydrous ammonia, it shall be discharged into a vessel containing water sufficient to absorb it. Sufficient water shall be at least ten parts of water per one part anhydrous ammonia. The anhydrous ammonia shall be injected into the water as near the bottom of the vessel as

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practical. Provision must be made to prevent bleeding of transport and railroad tank car liquid lines or hoses into the atmosphere when disconnecting. This shall be done through the use of a wet hose with a shutoff valve at each end of the hose, by bleeding into water at no greater rate than one gallon of anhydrous ammonia to 10 gallons of ammonia-free water to prevent discharge of fumes into the atmosphere, or with a recovery system.

- b) A certified competent attendant shall supervise the transfer of liquids from the time the connections are first made until the railroad tank car is finally disconnected or the transport truck is completely unloaded and finally disconnected. Any time the site is unattended, the railroad tank car shall not be connected to the unloading riser. During the transfer operations of the transport, chock blocks shall be so placed as to prevent rolling of the vehicle.
- c) Containers shall be filled or used only upon authorization of owners.
- d) Containers shall be gauged and charged only in the open air or in a building especially provided for that purpose.
- e) Pumps used for transferring anhydrous ammonia shall be recommended for anhydrous ammonia service by the manufacturer or documented for such service by the owner/operator using recognized and accepted good engineering methods.
 - 1) Liquid pumps may be piston, rotary, centrifugal or regenerative type for 250 psig working pressure.
 - 2) Positive displacement pumps shall be equipped with a pressure actuated by-pass valve on the discharge side of the pump. This valve shall operate to limit the pressure developed by the pump to the maximum for which the pump is rated. Piping or tubing sized to carry the full capacity of the pump at the actuation pressure of this valve shall connect the discharge of this valve with the container from which ammonia is being pumped. If this line is capable of being closed off by a valve, an additional by-pass device shall be incorporated in the pump to by-pass back to the suction port. The pressure actuated by-pass valve and the return piping or tubing shall be installed in accordance with the pump manufacturer's recommendations or documented for such service by the owner/operator using recognized and generally accepted good engineering methods.

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- 3) A pressure gauge graduated from at least 0 to 400 psig shall be installed before the relief valve line on the discharge side of the pump.
- 4) Centrifugal or regenerative pumps do not require a bypass valve, but the installation shall incorporate a line from the discharge side of the pump to the vapor space of the supplying tank and a shutoff valve shall be installed in this line.
- f) Plant piping shall contain shutoff valves located as close as practical to the pump connections.
- g) Compressors used for transferring or refrigerating ammonia shall be recommended for ammonia service by the manufacturer or documented for [that such](#) service by the owner/operator using recognized and generally accepted good engineering methods.
 - 1) Compressors, except those used for refrigeration, shall be designed for at least 250 psig working pressure. Crank cases of compressors not designed to withstand system pressure shall be protected with a suitable pressure relief valve.
 - 2) Plant piping shall contain shutoff valves located as close as practical to compressor connections.
 - 3) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve. The discharging pressure of this valve shall not exceed 300 psig and shall be installed so that it will be vented in a safe location if discharged.
 - 4) Compressors, except those used in refrigeration, shall have pressure gauges graduated from 0-400 psig at suction and discharge.
 - 5) Adequate means, such as a drainable liquid trap, shall be provided on the compressor suction to minimize the entry of the liquid into the compressor.
- h) ~~Piping shall be designed not to restrict flow rates to the extent that protective devices will not function. Loading and unloading systems shall be protected by backflow check valves or properly rated excess flow valves to prevent the~~

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~~emptying of the storage containers in the event of severance of the hose.~~

- i) Dedicated lines for loading and separate dedicated lines for unloading are recommended. Minimum protection shall be provided as follows:
- 1) Loading systems shall be protected by properly rated excess flow valves or approved systems to prevent the emptying of the storage containers in the event of severance of the hose or swivel type piping.
 - 2) The liquid unloading line shall be protected by a back check valve located within 5 lineal feet of pipe from the bulkhead.
 - 3) The minimum protection for all bypass lines shall consist of an excess flow valve and a manual shutoff valve. The bypass shall be located at the highest elevation of the storage tank.
 - 4) System piping shall be designed to prevent the introduction of debris that could impede the action of valves and other components of the piping system. All systems in operation on or before July 1, 2016 shall be in compliance no later than December 1, 2017. Any piping system installed after July 1, 2016 shall comply prior to initiation of any operations.
- ji) Transport trucks shall not be utilized for bulk storage of anhydrous ammonia. It must be transferred into permanent storage of a capacity equal to or greater than the transport truck.
- kj) Railway tank cars must be transferred into permanent storage of a capacity equal to 50% of the railway tank car.
- lk) All storage tank system liquid and vapor valves must be closed and locked during the time the plant is unattended. Either hose end lock boxes or locking caps or chains may be used on the risers. In lieu of locking the valves, a security fence with two gates on opposite sides shall be installed and kept locked during the time the plant is unattended.
- ml) The transfer of anhydrous ammonia from a tank car or transport to any other unit for the purpose of converting anhydrous ammonia to aqueous ammonia shall only be done upon a railway spur owned or leased to the operator of the transferring facility where the railway tank car can be retained for an indefinite period and

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where an aqueous converter is installed at a site. The transfer must be done in one continuous operation. The requirements of Section 215.30 must be met before the site and facility will be approved by the Department. Approved anhydrous ammonia installations designed for converting aqueous ammonia must have sufficient permanent storage to permit continuous and uninterrupted unloading from railway tank cars or trucks.

- ~~n~~) Provision must be made to prevent bleeding of transport and rail car liquid lines or hoses into the atmosphere when disconnecting. This shall be done through the use of a wet hose with a shutoff valve at each end of the hose, by bleeding into water at no greater rate than one gallon of anhydrous ammonia to ~~10~~ ~~ten~~ gallons of ammonia-free water to prevent discharge of fumes into the atmosphere, or with ~~an approved~~ recovery ~~vapor~~ system.
- ~~o~~) A certified statement shall be filed on forms furnished by the Department stating that all the requirements of this Section, safety equipment, and requirements of this Part have been met. This statement must be filed with the Department before final approval of the facility will be given by the Department. No operation shall begin until final approval has been issued.
- ~~p~~) The filling of mobile containers with a capacity of ~~3000~~~~3,000~~ gallons or less with anhydrous ammonia is permissible only at a permanent storage facility approved by the Department for this purpose. Anhydrous ammonia may be transferred from a cargo tank motor vehicle with a maximum capacity of ~~6000~~~~6,000~~ gallons into containers of ~~3000~~~~3,000~~ gallons capacity or less mounted on farm vehicles or containers of ~~6000~~~~6,000~~ gallons mounted on motor-driven applicators. This transfer operation is limited to rural areas and only on the premises of the consignee. This transfer operation must meet all safety requirements of Section 215.20. Department approved anhydrous ammonia meters or on board scales shall be employed for this operation. Meters or on board scales shall conform with the Weights and Measures Act [225 ILCS 470] and 8 Ill. Adm. Code 600. The selling price quotation, actual billing, and reporting to the Department shall be done in pounds or tons.
- ~~q~~) All stationary storage installations with systems for filling nurse tanks or cargo vessels with container capacity of 6000 water gallons or less shall have all vapor and liquid risers protected against any break resulting from a pull-away. Each vapor and liquid hose shall be protected with an individually properly rated excess flow valve, a manual control valve, and a break-away or shear fitting designed to

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conform with good engineering practices.

- rp) Meters used for the measurement of liquid anhydrous ammonia shall be recommended for ammonia service by the manufacturer and approved by the Department. When dual purpose meters are used and when changing from LPG to anhydrous ammonia or vice versa, it is necessary to adjust the coefficient of the expansion scale to the proper setting for the product being metered. This adjustment will require the removal of the Illinois Weights and Measures Seal. Section 42 of the Weights and Measures Act requires that the person who breaks such seal be registered pursuant to that Act.
- sq) Liquid meters shall be designed for a minimum working pressure of 250 psig.
- tf) The metering system shall incorporate devices that will prevent the inadvertent measurement of vapor.
- us) Transferring of anhydrous ammonia from a DOT cargo tank motor vehicle must comply with ~~Sections 177.834(a) to (j) and 177.840 of the Illinois Hazardous Materials~~ Transportation Regulations (see Section 215.16).
- v) Bulkheads shall provide protection during unloading events and shall be accomplished with the following good engineering practices:
- 1) All valves shall be protected from any possible pull-away incidents while connected between the mobile container and the transfer station in such a manner that any break resulting from a pull-away will occur on the hose or swivel-type piping side of the connection while retaining intact the valves and piping on the plant side of the connection;
 - 2) Installation of reinforced concrete and structural steel bulkheads or equivalent anchorage, strong enough not to break and sufficiently massive not to be uprooted by the motor vehicle;
 - 3) A manual shutoff valve shall be installed on the liquid and vapor line and located at the bulkhead;
 - 4) The use of approved breakaway devices, specifically designed for this purpose;

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- 5) Bulkhead protection shall not be attached to the container piers; and
- 6) At least one caution sign at the bulk heads shall be permanently displayed instructing the cargo tank driver to chock the cargo tanks wheels prior to loading or unloading. The signs shall be of metal or other comparable material, at least 8½ inches high by 11 inches wide, and shall state:

CAUTION
DRIVER MUST CHOCK WHEELS

The signs shall have a yellow background and the letters shall be at least 1½ inches in height.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.85 Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground Non-Refrigerated Storage

- a) This Section applies to stationary, pier-mounted, skid-mounted, aboveground non-refrigerated storage installations using containers other than those constructed in accordance with DOT specifications. Section 215.25 applies to this Section unless otherwise noted. Underground storage tanks are prohibited.
- b) The minimum design pressure for non-refrigerated containers shall be 250 psig. U-68 and U-69 ASME Code containers with a design pressure of 200 psig are acceptable for reinstallation if re-certified to 250 psig in accordance with ~~National Board Inspection Code procedures.~~ CGA G-2, 1 Basic Rules 5.1.
- c) All vapor and liquid connections, except for pressure relief valves and those specifically exempted in Section 215.40, shall be equipped with approved excess flow valves (back-pressure check valves are acceptable for filling connections); ~~or, in lieu thereof,~~ may be fitted with approved quick-closing internal valves that, except during operating periods, shall remain closed.
- d) Each storage container shall be provided with a pressure gauge graduated from 0 psig to 400 psig. Gauges shall be designated for use in ammonia service.
- e) All containers shall be equipped with a suitable vapor equalizing connection.

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- f) All containers shall be equipped with a fixed maximum liquid level gauge.
- g) Every container shall be provided with one or more pressure relief valves of spring-loaded or equivalent type that shall comply with the following specifications:
- 1) Relief valves shall be installed in a manifold or other suitable device so that they can be replaced while the container remains pressurized. Internal relief valves are exempt from this requirement.
 - 2) The discharge from pressure relief valves shall be vented away from the container, upward and unobstructed to the open air to an area such that persons, property, and the environment will not be harmed. Vent pipes shall not be restrictive or smaller in size than the pressure relief valve outlet connection. All pressure relief valves shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of water. Suitable provision shall be made for draining condensate that may accumulate.
 - 3) If desired, vent pipes from two or more pressure relief devices located on the same unit, or similar lines from one or more different units, may be run into a common header, provided the cross-sectional area of the header is at least equal to the sum of the cross-sectional areas of the individual vent pipes.
- h) Internal relief valves shall not be used on any tank manufactured after July 1, 2003.
- i) Containers shall be provided with substantial reinforced concrete footings and foundations or structural steel supports mounted on reinforced concrete foundations. In either case, the reinforced concrete foundations or footings shall extend below the established frost line and shall be of sufficient width and thickness to support the total weight of the containers and contents adequately. Where required by local codes, seismic loads shall be considered in the design of the footings and foundations. The foundation shall maintain the lowest point of the tank not less than 36 inches above the ground. Floating type foundations shall also be acceptable providing the foundations are designed to adequately support tank, contents, and piping. (See Section 215.45.) Skid-mounted units shall include all piping and pumps or compressors as one unit. If the design of [thesueh](#)

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a unit precludes a minimum of 24 inches ground-to-tank clearance, bottom-side inlet, outlet valves and piping are prohibited. Skid-mounted anhydrous ammonia storage tanks must be installed on permanent concrete footings or adequate floating reinforced concrete slabs.

- j) Horizontal aboveground containers shall be mounted on foundations in such a manner as to permit expansion and contraction. Every container shall be supported so as to prevent the concentration of excessive loads. If supports of the saddle type are employed, the bearing afforded by the saddles shall extend over at least one-third of the circumference of the shell. Suitable means for preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.
- k) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.
- l) All anhydrous ammonia storage locations shall have a permanent working platform installed at each nurse tank or applicator loading location. The working platform shall be designed to allow for connecting and disconnecting of transfer hoses without standing on equipment being loaded. **Note:** This Section does not apply to nurse tanks or applicators with a working surface designed for loading purposes.
- m) ~~All on-site structures constructed after July 1, 2016, shall be a minimum of 15 feet in all directions from the aforementioned storage tanks. Effective September 1, 2004, all stationary storage installations with systems for filling nurse tanks or cargo vessels with container capacity of 5000 water gallons or less shall have all vapor and liquid risers protected against any break resulting from a pull-away. Each vapor and liquid hose shall be protected with an individually properly rated excess flow, a manual control valve, and a break-away or shear fitting designed to conform with good engineering practices.~~
- n) The horizontal distance between aboveground containers of over ~~3000~~2000 gallon capacity shall be at least 5 feet.
- o) Each container or group of containers shall be marked on at least two sides that are visible with the words ANHYDROUS AMMONIA or CAUTION – AMMONIA in sharply contrasting colors with letters not less than 4.0 inches high. Two diamond type, non-flammable gas, UN 1005, ~~USDOT~~Department of

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~~Transportation~~ placards may be displayed with letters not less than 4.0 inches high.

- p) Containers and appurtenances shall be located or protected by suitable barriers so as to avoid damage by trucks or other vehicles. Main container shutoff valves shall be kept closed and locked when the installation is unattended.
- q) Storage containers need not be electrically grounded. When an electrical system exists, such as for lights or pump motors, the electrical system shall be installed and grounded in a manner as required by the National Electrical Code or local ordinance.
- r) A sign with letters of a minimum height of two inches giving the name and telephone number, including area code, of owner, manager or agent of the anhydrous ammonia storage location shall appear at the site entrances to the property or apart from the storage tanks.
- s) Railroad tank cars shall not be utilized for permanent anhydrous ammonia storage. Railroad tank cars that are currently in use for ammonia storage shall not be reinstalled for ammonia use once the container has been removed from the original saddle. All railroad tank cars used for permanent storage shall be removed from service pursuant to Section 215.10(c).

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.95 Tank Car Operations

- a) Anhydrous ammonia tank cars shall be transferred only at permanent storage locations into permanent storage containers.
- b) Transfer operations shall be performed by a certified competent attendant.
- c) Rail track at tank car transfer positions shall be essentially level.
- d) Brakes shall be set and the wheels blocked in both directions on all tank cars being loaded or unloaded.
- e) Caution signs shall be so placed on the track or car to give necessary warning to persons approaching the car from the open end or ends of the siding. The signs

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must be of metal or other comparable material at least 12 inches high by 15 inches wide in size, and bear the words, STOP – TANK CAR CONNECTED or STOP – MEN AT WORK, the word STOP being in letters at least 4 inches high. Other words should be in letters at least 2 inches high. The letters must be white on blue background. A car so protected must not be coupled or moved. The signs must remain in place until the tank car valves have been closed and the transfer lines have been disconnected.

- f) A standard derail must be properly set and secured in the derailing position between the [railroad tank](#) car being loaded or unloaded and other cars being moved on the same track.
- g) After a transfer, all valves shall be closed and transfer lines disconnected. Caps or plugs on [railroad](#) tank car sample valves, liquid valves, vapor valves, and gauging device valves shall be replaced and made wrench tight. Slip tube gauging devices shall be secured and gauge housings screwed in place. Protective housing covers must be secured and pinned and proper seals put in place when required. Leaks from any source on a tank car shall be stopped before a car may be released to the carrier.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.110 Systems Mounted on ~~Implements of Husbandry~~ [Farm Wagons \(Nurse Tanks\)](#) for the Transportation of Anhydrous Ammonia

All of Section 215.25 shall apply to this Section unless otherwise stated.

- a) This Section applies to containers of ~~3000~~^{3,000} gallons water capacity or less and related equipment mounted on ~~nurse tanks~~^{farm wagons (implements of husbandry)} that are used for the transportation of ammonia. ~~Section 215.25 applies to this Section unless otherwise noted.~~
 - 1) Any nurse tank that does not have a legible data plate and has not been recertified in conformance with Transportation Regulations (see Section 215.16) shall be removed from service.
 - 2) Any container or combination of containers on a single running gear, greater than 3000 gallons, that are used for the transportation of anhydrous

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ammonia and to supply the application device shall be prohibited. This shall exclude cargo tanks used for transportation only.

- b) Containers shall be constructed in accordance with Section 215.25. The shell or head thickness of any container shall not be less than $\frac{3}{16}$ of an inch. All containers over 500 gallons capacity should be equipped with semi-rigid baffle plates.
- c) A suitable "stop" or "stops" shall be mounted on the farm wagon or on the container in such a way that the container shall not be dislodged from its mounting due to the farm wagon coming to a sudden stop. Back slippage shall also be prevented by proper methods.
- d) A suitable "hold-down" device shall be provided that will anchor the container to the farm wagon at one or more places on each side of the container.
- e) When ~~multiple~~ dual containers are mounted on a running gear, four-wheel farm wagons the weight shall be distributed appropriately over the~~evenly over both~~ axles. Multiple containers mounted on the same running gear must be of the same capacity. All manual shutoff valves shall be located behind the steel bulkhead or permanently affixed in a secure point to provide equivalent protection of the piping from that point to the front of the tank.~~Dual containers mounted on the same running gear must be of the same capacity.~~
- f) When the cradle and the container are not welded together, suitable material shall be used between them to reduce abrasion.
- g) All containers shall be equipped with a fixed maximum liquid level gauge.
- h) All containers shall be equipped with a pressure gauge having a dial graduated from 0 psi to 400 psi.
- i) The filling connection of each container shall comply with the requirements of Section 215.40(jk).
- j) All containers shall be equipped with an approved vapor-equalizing valve unless equipped for spray loading.

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- k) All vapor and liquid connections, except pressure relief valves and those specifically exempt in Section 215.40(e) and (f) shall be equipped with approved excess flow valves or may be fitted with quick-closing internal valves that shall remain closed except during operating periods. Every tank withdrawal valve shall be protected by an excess flow valve matched to the designed flow rate. Flow capacity of the excess flow valve shall not exceed 45 GPM for 1¼" connections and 60 GPM for 1½" connections. When using an open yoke type excess flow withdrawal valve in a tank opening, the opening shall not be reduced with bushings to accommodate the withdrawal valve. Each valve shall be removed and inspected at an interval not to exceed 5 years. Records of the maintenance and inspections shall be kept at the facility for review. All valves shall be in compliance no later than December 31, 2020.
- l) Fittings shall be protected from physical damage by means of a rigid guard designed to withstand static loading in any direction equal to twice the weight of the container and lading using a safety factor of 4 based upon the ultimate strength of the material used. If the guard encloses the pressure relief valve, the valve shall be properly vented through the guard.
- m) If a liquid withdrawal line is installed in the bottom of a container, the connections ~~to that line~~^{thereto}, including hose, shall not be lower than the lowest horizontal edge of the farm wagon axle. The hose shall be drained and depressurized prior to the container being moved or towed on a public road.
- n) Provision shall be made to secure both ends of the hose in transit.
- o) All containers shall be painted white or a light reflecting color.
- p) All containers shall be marked as follows: ~~Marking of container~~
- 1) Placard: Four diamond type, nonflammable gas, UN 1005, USDOT~~Department of Transportation~~ placards shall be displayed (one on each side and one on each end).
 - 2) Marking: The words ANHYDROUS AMMONIA shall appear on each side and each end in letters no less than two inches high.
 - 3) Each container shall be marked with the words INHALATION HAZARD in two inch letters on two opposing sides.

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- 4) The words LIQUID or VAPOR shall be placed on or within 12 inches of the appropriate valve by means of stencil, tag, decal, or color coding with a legible legend ORANGE LIQUID and YELLOW VAPOR on the tank.
- 5) The container need not be marked or placarded on one end if that end contains valves, fittings, regulators, or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.
- q) ~~Nurse tanks~~~~Farm wagons~~ operating on public roads shall be provided with a slow-moving vehicle (SMV) emblem consisting of a fluorescent orange triangle with a red reflective border. On and after September 1, 2004, the specifications of the SMV shall be the type recommended by ~~the American Society of Agricultural Engineers specification~~ ASAE S276.5 ~~NOV 97~~.
- r) All ~~nurse tanks~~~~farm wagons~~ shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable hitch pins with clips and safety chains permanently attached to the farm wagon.
- s) A ~~nurse tank~~~~farm wagon~~ shall be constructed so that it will follow substantially in the path of the towing vehicle and will prevent the towed farm wagon from whipping or swerving dangerously from side to side. ~~Farm wagons require safety chains with a combined breaking strength of at least the weight of the laden nurse tank.~~
 - 1) Nurse tanks require two safety chains with a combined breaking strength of at least the weight of the laden nurse tank.
 - 2) All nurse tanks shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable hitch pins and safety chains that meet the requirements of ASAE S338.2, Safety Chain for Towed Equipment. Reliable keepers for the hitch pin shall be used to prevent its loss. The hitch pin and keeper shall be permanently attached to the nurse tank towbar.
- t) A ~~nurse tank~~~~farm wagon~~ shall not be towed or parked in public places such as school yards, malls, or hospital grounds.

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- u) Each person operating, repairing appurtenances to, or inspecting a nurse tank must comply with the following requirements:
- 1) Any person required to handle, transfer, transport, or otherwise work with ammonia shall be a certified competent attendant~~trained~~ to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency; and
 - 2) Any person making, breaking, or testing any ammonia connection, transferring ammonia, or performing maintenance or repair on an ammonia system under pressure shall wear protective gloves impervious to ammonia and chemical splash goggles. A full face shield may be worn over the goggles; however, a face shield shall not be worn as a substitute for a primary eye protection device (~~goggles~~); and-
 - 3) Training for growers shall be voluntary as described in Section 215.20(e).
- v) For first aid purposes each nurse tank shall be equipped with at least 5 gallons of clean water in a container mounted on top or side of the tank designed to provide ready access to the water for flushing any area of the body contacted by ammonia.
- w) Prior to the addition of a chemical additive, its compatibility with system components shall be verified by the manufacturer of the additive.
- x) Storage of Containers: When a nurse tank containing 10% or more of anhydrous ammonia is at an unattended approved storage site, the manually controlled valves shall be plugged or capped or locked or the nurse tank shall be stored inside a locked, fenced enclosure. Nurse tanks shall be stored no less than 50 feet from the edge of the adjacent road, 200 feet from place of private or public assembly and 750 feet from place of institutional occupancy. All pressure and liquid gauges must be in working order.
- y) A back check valve shall be installed on each inlet of each fitting (including, but not limited to, tees and crosses) to prevent the back feed of anhydrous ammonia from an undamaged line to a damaged/severed line.
- z) Excess flow valves shall be designed to close automatically at the rated flows of vapor or liquid as specified by the manufacturer. Excess flow valves shall be selected based on the piping, including valves, fittings and hoses being protected

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by an excess flow valve, and shall have a greater capacity than the rated flow of the excess flow valve, so the valve will likely close in case of delivery system failure at any point in the line or fittings. Any installation of a device that may cause a reduction in pressure to impede the operation of the excess flow valve is prohibited.

- aa) All liquid and vapor service valves shall be protected by a threaded cap that must be affixed to the valve housing.

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.120 Equipment for the Application of Anhydrous Ammonia

- a) No liquid transfer hose shall be joined between any nurse tank unit and any tool bar during transport upon a public right-of-way.
- b) The following requirements apply when liquid transfer hoses are permanently attached to nurse tank units or tool bars:
- 1) Only the end of the liquid transfer hose, that is attached to a male acme-threaded fitting of the tool bar breakaway device shall be equipped with a straight-type hose end valve with a bleeder valve on its coupling side.
 - 2) The hose end valve specified in subsection (b)(1) shall not be attached to a container fill valve of the same nurse tank unit.
 - 3) A dummy acme adapter or parking plug shall be provided on the nurse tank or tool bar. The dummy acme adapter or parking plug shall be affixed into a position that prevents either end of the hose from being kinked or stowed under undue strain. The hose end valve of the liquid transfer hose shall be connected to the dummy acme adapter or parking plug at all times, except when the transfer hose is used for field application or other active transfer of ammonia through the hose end valve.
- c) When nurse tanks are utilized to supply an application device, some means of break-away protection shall be provided, including, but not limited to, the following:
- 1) The nurse tank hose that crosses the hitching point and attaches to the

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- application device requires installation of the appropriate equipment to protect against an accidental unhitching event. Deployment of the equipment designed to achieve this protection shall be installed and maintained in accordance with the manufacturer's instructions.
- 2) Multiple breakaway coupling devices mounted on a tool bar shall not interfere with one another in a turn or an unhitching event.
- 3) When nurse tanks are pulled in tandem, a breakaway coupling device or other means of protection shall be installed at each point where the hose crosses a hitching point. Deployment of the equipment designed to achieve this protection shall be installed and maintained in accordance with the manufacturer's instructions. Compliance with this subsection (c)(3) shall be achieved on or before December 31, 2020.
- d) The manufacturer of a tool bar refrigeration unit shall provide with each unit documentation of recommended operation and maintenance procedures for any refrigeration unit manufactured after July 1, 2016.
- 1) The tool bar refrigeration unit shall be installed, maintained and operated in accordance with the manufacturer's specifications and limitations of use.
- 2) A manual shutoff valve shall be installed directly upon the inlet of the heat exchanger so that the operator may close the shutoff valve to prevent any backflow of refrigerated ammonia through the delivery line from the heat exchanger unit while connecting, disconnecting or otherwise servicing the tool bar breakaway device.
- e) Hose and hose connections located on the low-pressure side of flow control, or pressure-reducing valves on devices discharging to atmospheric pressure, shall be designed for the maximum low-side working pressure. EVA hoses for tool bars shall be inspected for leaks and documented prior to each application season. The hoses shall not exceed the service life specified by the tubing manufacturer and shall comply with the properly rated operating pressure specified by the equipment manufacturer.
- f) Any application device designed to tow two nurse tanks with a total static capacity greater than 4000 gallons shall employ the following:

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- 1) The device shall include two separate distribution systems on the tool bar, one for each nurse tank.
- 2) The device and/or nurse tanks shall have enhanced protection systems that include the capability for emergency shutoff with immediate response. In addition, other systems may be deployed pending approval by the Department.
- g) The hose length from the towed implement mechanically secure point to the break-away coupler on the towing implement shall have sufficient length to allow break-away couplers to articulate freely but prevent the hose from contact with the nurse tank tongue. This shall be achieved without securing the hose mechanically through the use of chains, elastomeric straps, wire ties or other means, by December 31, 2020.

(Source: Section 215.120 renumbered to Section 215.125 and new Section 215.120 added at 40 Ill. Reg. 8704, effective July 1, 2016)

Section 215.125 Administrative Hearings

Decisions of the Department in implementing this Part are subject to the Illinois Administrative Procedure Act [5 ILCS 100] and the Department's rules pertaining to administrative hearings (8 Ill. Adm. Code 1).

(Source: Section 215.125 renumbered from Section 215.120 at 40 Ill. Reg. 8704, effective July 1, 2016)

SUBPART B: NITROGEN FERTILIZER SOLUTIONS

Section 215.265 Storage Installations for Nitrogen Fertilizer Solutions

- a) Location of Storage Containers. Permanent storage shall be located outside of densely populated areas. If located within the corporate limits of a village, town or city, written approval of the municipality's governing body shall be submitted to the Department, accompanied by a plot plan, drawn to scale, prior to installing said equipment. Storage tanks installed outside of corporate limits after the effective date of these rules shall not be less than 10 feet from the lot line of the property ~~that~~^{which} has been or may be built on or not less than 400 feet from any

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school, hospital or other existing places of public and private assembly. A copy of the county's zoning permit or municipality's approval and plot plan shall be submitted to the Department prior to site inspection. The Department will approve sites based upon compliance with this Subpart~~rule~~.

b) Installation of Storage Containers:

1) All installation shall be permitted and shall comply with the requirements of 8 Ill. Adm. Code 255.

2) Aboveground containers shall rest on the ground or on foundations in such a manner as to permit expansion and contraction. Every container shall be supported so as to prevent the concentration of excessive loads on the supporting portion of the shell. That portion of the container in contact with the foundation or the ground shall be protected against corrosion in accordance with the~~The~~ Code.

3) Wherever high flood water might occur, the container shall be securely anchored or placed on a pier of a height above the normal high water mark.

c) Protection of Storage Containers and Accessories:

1) Containers need not be electrically grounded. When~~Where~~ an electrical system exists, such as for lighting or pump motors, the electrical system shall be installed and grounded as recommended by the National Electrical Code (~~as adopted this 1st day of~~ January 1, 1982).

2) Storage container sites shall be kept free of debris and weeds.

3) Information Sign. A sign with letters of a minimum height of 2 inches shall be displayed in a conspicuous place stating the name, address and telephone number of the owner, manager or local agent of the storage location.

d) Safety Equipment. All stationary, pressure-vented storage plants shall have on hand as a minimum the following equipment:

1) A respirator~~A gas mask, approved by the U.S. Bureau of Mines (30 CFR~~

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~~Part II, Section 14f).~~

- 2) One pair of rubber or plastic gloves.
 - 3) Readily accessible shower or at least 75 gallons of clean water in an open top container.
 - 4) Tight-fitting, vent-type chemical goggles or a full face shield.
- e) Transfer of Nitrogen Fertilizer Solutions-
- 1) In the handling and transfer of nitrogen fertilizer solutions at the storage site, a closed system or an equally effective system ~~that~~^{which} will control objectionable free vapors shall be provided.
 - 2) Transfer of nitrogen fertilizer solutions from trucks, semi-trailer or trailers in excess of ~~30003,000~~-gallon capacity shall be made only at sites approved by the Department (~~8 Ill. Adm. Code Section 215.255265~~) or at the site of application.
- f) Filling Volume. The filling volume of pressure-vented nitrogen fertilizer solution storage containers shall not exceed 95 percent.
- ~~g) Abandoned Systems. The owner of an abandoned storage system shall be responsible for its proper maintenance and the safe disposal of the solutions.~~

(Source: Amended at 40 Ill. Reg. 8704, effective July 1, 2016)

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1800.110	Amendment
1800.260	Amendment
1800.270	Amendment
1800.430	Amendment
1800.555	Amendment
- 4) Statutory Authority: Authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78(a)(3) of that Act [230 ILCS 40/78(a)(3)]
- 5) Effective Date of Rules: June 14, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 14809; November 13, 2015 and 40 Ill. Reg. 2884; February 16, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 1800.110, added a new definition of "video gaming manager".

Section 1800.110. This definition is required because of the prohibition on video gaming terminal play by video gaming managers contained in new subsection c) of Section 1800.430. Section 1800.110 was not in the proposed rulemaking but has been added to the adoption rulemaking due to a definition being added.

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All prohibitions on VGT play contained in the rulemaking shall apply only to play of the machines for recreational purposes (new subsection i) of Section 1800.260; new subsection 4) of Section 1800.270; new subsection c) of Section 1800.430).

Owners, PSICs, and video gaming managers of a licensed location are prohibited from recreational play of VGTs at that location (new subsection r) of Section 1800.270).

Terminal operator owners are prohibited from VGT play for recreational purposes upon any VGT owned or leased by the terminal operator (new subsection c) of Section 1800.430).

The requirements are deleted that:

VGT play at licensed establishments and licensed truck stops shall occur only during times when the establishments are open for business; and

VGT play at licensed veterans establishments and licensed fraternal establishments shall occur only during times when the establishments are generally open to their membership (new subsection r) of Section 1800.270).

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1800.440	New Section	40 Ill. Reg. 5753; April 8, 2016
1800.690	Amendment	40 Ill. Reg. 7275; May 13, 2016
1800.790	Amendment	39 Ill. Reg. 7275; May 13, 2016

- 15) Summary and Purpose of Rulemaking: The rulemaking does the following:

Provisions relating to video gaming play: The rulemaking is intended to ensure the integrity of video gaming play in Illinois by imposing restrictions on VGT play for recreational purposes for various categories of video gaming licensees. The rulemaking does the following:

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- Defines "video gaming manager."
- Prohibits VGT play for recreational purposes by licensed terminal handlers and licensed technicians.
- Prohibits VGT play for recreational purposes by an owner or PSIC of a terminal operator with respect to VGTs owned or leased by the terminal operator.
- Prohibits VGT play for recreational purposes by an owner, PSIC, or video gaming manager of a location with respect to VGTs within that location.

Provisions relating to license surrenders: 11 Ill. Admin. Code 1800.555 (Withdrawal of Applications) currently authorizes applicants for licensure to withdraw their applications without leave of the Board, if written notification is received before Board action on licensure, and unless the intended withdrawal is objected to by the Administrator. The rulemaking amends Rule 555 by authorizing the Administrator to approve surrenders of licenses as well as withdrawals. Analogously to withdrawals, a license granted by the Board may be surrendered under the rulemaking without leave of the Board if written notification of surrender is received, unless the intended surrender is objected to by the Administrator. The surrender provision will apply to all categories of licensure under the Act.

16) Information and questions regarding these adopted rules may be addressed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253

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

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

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SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
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LICENSED VIDEO GAMING LOCATIONS

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1800.810	Location and Placement of Video Gaming Terminals
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1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

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1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

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1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
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1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

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1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

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1800.1210 Definitions

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1800.1310 Public Requests for Information

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1800.1410 Ticket Payout Devices

1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section

1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section

1800.1610 Use of Gaming Device or Individual Game Performance Data

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AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Adjusted gross receipts" means the gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

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"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

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"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment" means a manual payment of currency by an authorized employee of a licensed video gaming location or an authorized employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 USC 501(c)(8) or (c)(10)).

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"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

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An investment company registered under section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10].

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have access to the inner workings of a video gaming terminal (i.e., the logic area

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maintained in a separately locked cabinet of the video gaming terminal that houses electronic components that have the potential to significantly influence the operation of the video gaming terminal).

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

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"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Person with significant interest or control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee, or elect a majority of its board of directors, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

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"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

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When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, and complying with all of the minimum standards for use agreements contained in Section 1800.320.

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"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming manager": An employee or owner or designated representative of a licensed video gaming location who manages, oversees or is responsible for video gaming operations at the location, and coordinates the video gaming operations with a terminal operator or the central communications system vendor.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 40 Ill. Reg. 8760, effective June 14, 2016)

SUBPART B: DUTIES OF LICENSEES

Section 1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers

In addition to all other duties and obligations required by the Act and this Part, each licensed technician and licensed terminal handler has an ongoing duty to comply with the following:

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of Section 35 of the Act;

ILLINOIS GAMING BOARD

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- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all specifications and technical requirements issued by the Board;
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment;
- f) For each video gaming terminal accessed by a licensed terminal handler, record in each video gaming terminal access log the time and date of access, the person, and his or her license number, who had access, and the nature of the service or repair made during the access;
- g) Pay a fee of \$10 to the Board for any necessary replacement of identification; ~~and~~
- h) Return identification to the Board upon resignation or termination of employment; ~~and-~~
- i) Not play any video gaming terminal for recreational purposes.

(Source: Amended at 40 Ill. Reg. 8760, effective June 14, 2016)

Section 1800.270 Duties of Licensed Video Gaming Locations

In addition to all other duties and obligations required by the Act and this Part, each licensed video gaming location has an ongoing duty to comply with the following:

- a) Provide a secure premise for the placement, operation and play of video gaming terminals;
- b) Permit no one to tamper with or interfere with the approved operation of any video gaming terminal;
- c) Ensure that all connections with the central communications system and associated video gaming equipment are at all times maintained and prevent any person from tampering or interfering with the approved, continuing operation of the central communications system;

ILLINOIS GAMING BOARD

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- d) Accept nothing of value from any video terminal operator or any agent or representative of any video terminal operator as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- e) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board; or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- g) Enter written use agreements with licensed video terminal operators that comply with this Part;
- h) Ensure that video gaming terminals are placed and remain in a designated, approved location;
- i) Prevent access to or play of video gaming terminals by persons who are under the age of 21 years or who are visibly intoxicated;
- j) Commit no violations of the laws of this State concerning the sale, dispensing or consumption on premises of alcoholic beverages that results in suspension or revocation of any liquor license held by or associated with a licensed video gaming location;
- k) Maintain at all times an approved method of payout for valid receipt tickets and redeem for cash each valid receipt ticket dispensed by a video gaming terminal that is within its redemption period;
- l) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- m) Promptly report to the terminal operator:

ILLINOIS GAMING BOARD

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- 1) all malfunctions of video gaming terminals and all out-of-service terminals; and
 - 2) any unlawful or unwarranted entry onto the property or into the licensed video gaming location involving or affecting play, mechanism or contents of video gaming terminals, redemption devices, or connected equipment;
- n) Promptly report to the Administrator (or his or her designee):
- 1) if a terminal operator fails to provide service and repair of video gaming terminals and associated equipment within 24 hours after notice to the terminal operator;
 - 2) any unauthorized or illegal video gaming terminals or any video gaming device that is in violation of Section 35 of the Video Gaming Act;
 - 3) any action taken on or related to any liquor license held by the licensed video gaming location; and
 - 4) any unlawful or unwarranted entry onto the property or into the licensed video gaming location involving or affecting play, mechanism or contents of video gaming terminals, redemption devices, or connected equipment;
- o) Install, post and display signs as required by the Board, including signs indicating that video gaming terminal play is limited to persons 21 years of age or older;
- p) Exercise control over the licensed video gaming location; ~~and~~
- q) Allow maintenance and/or service of video gaming terminals and associated video gaming equipment only by licensed technicians and licensed terminal handlers possessing valid identification issued by the Board; ~~and-~~
- r) Ensure that video gaming terminals at the location are not played for recreational purposes by an owner, person with significant influence or control, or video gaming manager of the location.

(Source: Amended at 40 Ill. Reg. 8760, effective June 14, 2016)

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SUBPART D: LICENSING QUALIFICATIONS

Section 1800.430 Persons with Significant Influence or Control

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit initial and annual disclosure information on forms provided by the Board.
- c) An owner or person with significant influence or control of a terminal operator shall not play any video gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.
- d) Persons with significant influence or control include, but are not limited, to the following:
 - 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;
 - 3) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation.

ILLINOIS GAMING BOARD

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(Source: Amended at 40 Ill. Reg. 8760, effective June 14, 2016)

SUBPART E: LICENSING PROCEDURES

Section 1800.555 Withdrawal of Applications and Surrender of Licenses

- a) An application for licensure under the Act may be withdrawn without leave of the Board if written notification of withdrawal is received prior to Board action on licensure under Section 1800.560 and unless the intended withdrawal is objected to by the Administrator.
- b) A license granted by the Board under the Act may be surrendered without leave of the Board if written notification of surrender is received, unless the intended surrender is objected to by the Administrator.
- cb) If the Administrator objects to withdrawal of an application for licensure or the surrender of a license issued under the Act, leave of the Board is required.
- de) If an application for licensure is withdrawn or a license is surrendered, the applicant may not reapply for a license within one year from the date withdrawal is granted or the date of surrender, without leave of the Board.

(Source: Amended at 40 Ill. Reg. 8760, effective June 14, 2016)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Illinois State Museum
- 2) Code Citation: 23 Ill. Adm. Code 3210
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
3210.10	New Section
3210.20	New Section
- 4) Statutory Authority: Implementing and authorized by Section 20-15 of the Department of Natural Resources Act [20 ILCS 801/20-15]
- 5) Effective Date of Rules: June 17, 2016
- 6) Does this rule contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: 40 Ill. Reg. 5161; March 25, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part to implements 20 ILCS 801/20, allowing the Department of Natural Resources to keep the Illinois State Museum and its branches open to the public, operate a research and collection center to research, preserve, and maintain access to the extensive State of Illinois collection.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

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

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
CHAPTER II: DEPARTMENT OF NATURAL RESOURCESPART 3210
ILLINOIS STATE MUSEUM

Section

3210.10	Purpose
3210.20	Entrance Fee

AUTHORITY: Implementing and authorized by Section 20-15 of the Department of Natural Resources Act [20 ILCS 801/20-15].

SOURCE: Adopted at 40 Ill. Reg. 8782, effective June 17, 2016.

Section 3210.10 Purpose

The purpose of this Part is to implement Article 20 (State Museum) of the Department of Natural Resources Act [20 ILCS 801/Art. 20], allowing the Department of Natural Resources to keep the Illinois State Museum and its branches open to the public and operate a research and collection center to research, preserve and maintain access to the extensive State of Illinois collection.

Section 3210.20 Entrance Fee

- a) Persons entering the Illinois State Museum in Springfield shall pay a fee of \$5.
- b) The following categories of individuals are exempt from the \$5 entrance fee:
 - 1) Children age 18 and under;
 - 2) Individuals age 65 and over; and
 - 3) Active duty members and veterans of the United States Armed Services.
- c) The Illinois State Museum may, at its discretion, waive or reduce the entrance fee:
 - 1) for persons attending or volunteering at special events held at the museum;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- 2) for members of the Illinois State Museum Society and members of the public entering the Museum for Museum Board business; and
- 3) when the Illinois State Museum determines the benefit of reduced or waived admission for a specific event or for a specific time period outweighs the potential loss in revenue.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Plumbers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
750.110	Amendment
750.125	Amendment
750.210	Amendment
750.300	Amendment
750.310	Amendment
750.500	Amendment
750.510	Amendment
750.530	Amendment
750.710	Amendment
750.730	Amendment
750.800	Amendment
750.910	Amendment
- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]
- 5) Effective Date of Rules: June 17, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 39 Ill. Reg. 14297; November 6, 2015
- 10) Has JCAR issued a State of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

DEPARTMENT OF PUBLIC HEALTH

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In Section 750.310, the Department further amended the language to provide that the Department would seek the advice of the Plumbing Code Advisory Council in the development of future licensing exams.

In Section 750.730(b)(2)(F), the Department added language to include the name of the licensed plumber as well as the license number of both the plumbing contractor and licensed plumber.

In Section 750.510, the Department restored original language regarding the supervision of continuing education courses.

In Section 750.800, the Department revised language to more clearly follow the requirements of the Plumbing Licensing Act to not prohibit local governments from enacting local ordinances relating to plumbing, and restored language regarding the review of plumbing programs of governmental units.

The following changes were made in response to comments and suggestions of JCAR:

In Section 750.310, the language was further amended the language to provide that the Department would also seek the advice of the Board of Plumbing Examiners in the development of future licensing exams.

In Section 750.310(a), language regarding the examination was reinstated.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the duties of the State Board of Plumbing Examiners, the provisions related to the administration of the Plumbing Licensing Examination, the plumbing education course requirements, the requirements to inspect plumbing and the duties and responsibilities of plumbers who inspect plumbing, amendments to the establishment of plumbing programs and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ordinances by governmental units and amendments to plumbing inspector violations. The amendments will align the Code with the Act and provide clarity to existing processes utilized by the Department.

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

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH

PART 750
PLUMBERS LICENSING CODE

SUBPART A: GENERAL PROVISIONS

- Section
750.100 Applicability (Repealed)
750.110 Definitions
750.115 Statutory Authority (Repealed)
750.120 Administrative Hearings
750.125 Referenced Materials

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

- Section
750.200 Organization of the State Board of Plumbing Examiners
750.205 Election of Officers (Repealed)
750.210 Duties of the State Board of Plumbing Examiners
750.215 Duties of Chairman (Repealed)
750.220 Records of the State Board of Plumbing Examiners
750.225 Duties of Vice-Chairman (Repealed)
750.235 Quorum (Repealed)
750.245 Meetings (Repealed)

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR
PLUMBING LICENSE EXAMINATION

- Section
750.300 Requirements for Admission to the Plumbing License Examination
750.310 Administration of the Plumbing License Examination
750.320 Plumbing License Examination Results
750.330 Course Credit (Repealed)

SUBPART D: PLUMBING PROGRAM FEES

Section

DEPARTMENT OF PUBLIC HEALTH

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750.400	Licensing of Plumbers
750.410	Licensing of Apprentice Plumbers
750.420	Documentation Required for Sponsors of Apprentices
750.430	Plumbers' and Apprentice Plumbers' License Records

SUBPART E: PROGRAMS OF INSTRUCTION
AND CONTINUING EDUCATION

Section	
750.500	Continuing Education Requirements for Licensed Plumbers
750.510	Department Approval of Continuing Education Sponsors and Courses
750.520	Continuing Education Course Records
750.530	Department Approval and Evaluation of Courses of Instruction in Plumbing
750.540	Topics for Approved Programs of Instruction in Plumbing and Approved Continuing Education Courses
750.550	Programs of Instruction and Practical Training in Plumbing Approved as Equivalent to Illinois Licensed Apprenticeship

SUBPART F: REQUIREMENTS FOR PLUMBING FIRMS

Section	
750.600	Organization of Plumbing Firms

SUBPART G: ~~CERTIFICATION OF~~ PLUMBING INSPECTORS

Section	
750.700	Purpose and Authority for Certification of Plumbing Inspectors
750.710	Certification of Plumbing Inspectors
750.720	Renewal of Plumbing Inspector Certification and Continuing Education Requirements for Certified Plumbing Inspectors
750.730	Responsibilities of Certified Plumbing Inspectors

SUBPART H: APPROVAL OF PLUMBING PROGRAMS
ESTABLISHED BY GOVERNMENTAL UNITS

Section	
750.800	Governmental Units Establishing Plumbing Programs

SUBPART I: VIOLATIONS OF PLUMBER'S LICENSE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

AND PLUMBING INSPECTOR'S CERTIFICATION

Section

750.900 Plumber's and Apprentice Plumber's License Violations

750.910 ~~Certified~~ Plumbing Inspector Violations

SUBPART J: CIVIL PENALTIES FOR UNLICENSED PLUMBERS

Section

750.1000 Civil Penalties for Unlicensed Plumbers

SUBPART K: ADMINISTRATIVE FEES

Section

750.1100 Plumbers' and Apprentice Plumbers' Examination and Licensure Fees

750.1110 Other Fees

AUTHORITY: Authorized by and implementing the Illinois Plumbing License Law [225 ILCS 320].

SOURCE: Adopted at 2 Ill. Reg. 40, p. 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870; Part repealed, new Part adopted at 13 Ill. Reg. 19564, effective December 1, 1989; emergency amendment at 16 Ill. Reg. 12785, effective July 30, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 417, effective December 28, 1992; recodified at 23 Ill. Reg. 14649; amended at 24 Ill. Reg. 12019, effective August 1, 2000; amended at 38 Ill. Reg. 19715, effective September 23, 2014; amended at 40 Ill. Reg. 8786, effective June 17, 2016.

SUBPART A: GENERAL PROVISIONS

Section 750.110 Definitions

For the purposes of this Part:

"Act" means the Illinois Plumbing License Law [225 ILCS 320].

"Agent" means an Illinois licensed plumber designated by a sponsor of an apprentice plumber as responsible for supervision of the apprentice plumber, with prior approval from the Department.

"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the

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provisions of the Act. (Section 2 of the Act)

"Approved apprenticeship program" means an apprenticeship program approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under this Part, including Joint Apprenticeship Committee (JAC) Programs. (Section 2 of the Act)

"Board" means the Illinois State Board of Plumbing Examiners. (Section 2 of the Act)

"Certification" means the act of obtaining or holding a certificate of competency in plumbing inspection from the Department, pursuant to this Part.

"Certified plumbing inspector" means any licensed plumber to whom the Department has issued a certificate of competency to inspect plumbing in Illinois.

~~"Conflict of interest" means for a licensed plumbing inspector, or his or her agent or employee, to perform plumbing work and later conduct a certified inspection of the same plumbing work.~~

"Continuing education credit hour" means that 50 minutes of classroom time, excluding breaks, is equivalent to one credit hour.

"Course" means any class, seminar or other program of instruction in plumbing that has been approved by the Department for the purpose of complying with continuing education requirements.

"Course sponsor" means the person or legal entity who is registered pursuant to this Part and who is responsible for conducting a continuing education course approved by the Department.

"Department" means the Illinois Department of Public Health, plumbing program. (Section 2 of the Act)

"Director" means the Director of the Illinois Department of Public Health. (Section 2 of the Act)

"Governmental unit" means a city, village, incorporated town, county or sanitary or water district.

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"Incompetence" means conduct in the performance of plumbing work that indicates a lack of ability to discharge the duties required to protect the health, safety and welfare of the public; failure to maintain competency in applying the standards set forth in the Illinois Plumbing Code; lack of knowledge of the fundamental principles of plumbing inspection or an inability to apply these principles; or failure to maintain competency in current plumbing inspection practices.

"Misconduct" means an act performed in the discharge of enforcement duties that jeopardizes the interests of the public, including violation of federal or State laws, local ordinances or administrative rules relating to the position, preparation of deficient or falsified reports, failure to submit information or reports required by law or contract when requested by the municipality or the Department, conduct that evidences a lack of trustworthiness, misrepresentation of qualifications such as education, experience or certification, illegal entry of premises, misuse of funds, or misrepresentation of authority.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of the Act and this Part to be licensed as a retired plumber and voluntarily surrenders his plumber's license to the Department, in exchange for a retired plumber's license. (Section 2 of the Act)

"Revoke" means to permanently remove the plumbing license of a licensed plumber for violations of the Illinois Plumbing License Law, Illinois Plumbing Code or this Part.

"Sponsor" means an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license. (Section 2 of the Act)

"Suspend" means to temporarily remove the plumbing license of a licensed plumber for violations of the Illinois Plumbing License Law, Illinois Plumbing Code or this Part.

"Telecommunications carrier" means a telecommunications carrier as defined in

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the Public Utilities Act. (Section 2 of the Act)

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

Section 750.125 Referenced Materials

The following materials are referenced in this Part:

- a) State Statute and Rules:
 - 1) Illinois Plumbing License Law [225 ILCS 320]
 - 2b) School Code [105 ILCS 5]
 - 3e) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 4d) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

- b) Federal Statute
Americans With Disabilities Act (42 USC 12101 et seq.)

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section 750.210 Duties of the State Board of Plumbing Examiners

The State Board of Plumbing Examiners shall perform the duties described, as provided in Section 7 of the Act. ~~Illinois Plumbing License Law, exercises its duties under the supervision of the Department by:~~

- a) ~~preparing subject matter for the plumbing license examination;~~
- b) ~~assisting the Department in administering the plumbing license examination;~~
- c) ~~grading completed plumbing license examinations and reporting the results to the Director;~~

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- ~~d) suggesting revisions to rules governing the plumbing license examination and hearings for suspension, revocation or reinstatement; and~~
- ~~e) submitting recommendations to the Director for the efficient administration of the Illinois Plumbing License Law.~~

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR
PLUMBING LICENSE EXAMINATION

Section 750.300 Requirements for Admission to the Plumbing License Examination

- a) To apply for admittance to the examination for a plumber's license, a person shall file an application for examination on forms provided by the Department.
 - 1) The application form may be obtained by downloading the application from the Department's website (<http://dph.illinois.gov/topics-services/environmental-health-protection/plumbing>) (<http://www.idph.state.il.us/envhealth/plumbing.htm>).
 - 2) The application shall be submitted to the Illinois Department of Public Health, 525 West Jefferson Street, 3rd Floor, Springfield, Illinois 62761.
 - 3) The Department will accept applications postmarked at least 30 days before the examination date. On each examination date, not more than 50 applicants (not more than 40 during winter months) will be examined. The examination will be scheduled at least once every three months. The Department and the Board may schedule additional examination dates as they deem necessary, based on the number of applicants.
 - 4) The Department and the Board will establish examination dates and locations. This information will be included with the examination application form.
- b) For each application the following materials must be received by the Department, postmarked at least 30 days before the examination date:
 - 1) A completed application form;

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- 2) A photograph of the face of the applicant at least 1½ inches by 2½ inches;
 - 3) Proof of eligibility as specified in subsection (e); and
 - 4) The required non-refundable application fee as specified in Section 750.1100.
- c) The applicant shall be a citizen of the United States or shall have declared his or her intent to become a citizen. (Notarized papers, such as "Intent to File for Citizenship", shall be submitted to the Department.)
- d) The applicant shall have completed at least a two year course of study in a high school, or an equivalent course of study, equal to 10 credit hours;
- e) To be eligible for the plumbing license examination, an applicant shall possess one of the following combinations of experience and education and shall provide proof of experience and education as follows:
- 1) Illinois licensed apprentice plumber:
 - A) Each applicant shall have served a minimum of four years as an Illinois licensed apprentice plumber.
 - B) Each applicant who has served an apprenticeship shall be able to establish that he or she received instruction through practical experience under the supervision of a licensed plumber.
 - C) The term of apprenticeship shall be not less than 1,400 hours per year, for a total of 5,600 hours in four years.
 - 2) Illinois licensed apprentice plumber with training or education:
 - A) Each applicant shall have served at least two years as an Illinois licensed apprentice plumber and have two years of approved courses in plumbing (see Section 750.540) for a total of 5,600 hours.
 - B) Proof of practical experience shall be provided as specified in

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subsection (e)(1)(B).

- C) A person who submits evidence of classroom or laboratory training in a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours at the rate of two credit hours for each classroom hour, not to exceed a maximum of 24 months' credit.
 - D) Evidence shall consist of transcripts, degrees, military service records or certificates of completion. If the course submitted by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course.
- 3) Licensed apprentice in another state or territory of the United States:
- A) Each applicant shall have the equivalent of four years as a licensed apprentice in another state or territory of the United States.
 - B) Proof of practical experience shall be provided as specified in subsection (e)(1)(B).
 - C) A person who submits evidence of experience in plumbing through an apprentice plumbing program in another state or territory of the United States, or a municipality in another state or territory, other than the State of Illinois shall be given credit on an hour-for-hour basis toward the minimum four years of apprenticeship required.
- 4) A person who has completed a course of study approved by the Department as equivalent to a four year apprenticeship served by an Illinois licensed apprentice plumber:
- A) An approved course of instruction in plumbing shall cover the subject areas and provide the number of hours of instruction and practical training specified in Section 750.550. An approved course of instruction shall total 2,800 hours of credit.
 - B) Evidence shall consist of transcripts, degrees or certificates of completion to verify completion of a course that has been

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evaluated and approved by the Department.

- 5) Licensed plumber in another state, municipality or territory of the United States with no apprentice plumber program:
 - A) Documents verifying licensure and plumbing experience and training will be considered on an hour-for-hour basis toward meeting the apprenticeship requirement of 1,400 hours per year. An applicant shall obtain documentation from the licensing state, municipality, or territory to verify to the Department that he/she was tested to obtain his/her license and that the test consisted of at least three areas – knowledge of plumbing design, practical or working skill evaluation, and knowledge of plumbing standards applicable to the licensing entity's jurisdiction (see Section 750.310).
 - B) A copy of the rules from the licensing entity pertaining to the licensing of plumbers shall accompany the examination application.
- 6) Licensed plumber in a foreign state:
 - A) Each applicant shall have at least two years of experience as an Illinois licensed apprentice plumber or two years of courses in plumbing, approved in accordance with Section 750.540.
 - B) Documentation of the applicant's license issued by a foreign state shall be submitted.

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

Section 750.310 Administration of the Plumbing License Examination

The examinations administered to applicants for a plumber's license shall be uniform and comprehensive and shall be administered in a manner prescribed in subsection (a), with the advice of the Plumbing Code Advisory Council and Board of Plumbing Examiners. The examinations shall test applicants' knowledge and qualifications in the planning and design of plumbing systems; their knowledge, qualifications, and practical manual skills in plumbing; and their knowledge of the Illinois Plumbing Code. The Department will provide reasonable

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accommodations for applicants with disabilities in accordance with the Americans With Disabilities Act. An applicant who may require an accommodation to take the examination due to a disability shall submit acceptable documentation of the disability and a proposal for accommodation to the Department at least 10 business days before the exam date. Acceptable documentation includes a current statement or documentation from a physician licensed to practice medicine in all its branches, or a licensed chiropractic physician, in Illinois verifying the disability and providing a specific proposal for accommodation as it relates to the disability. The statement shall be on the physician's letterhead and include the address, phone number and signature of the physician, date prepared, and the name of the applicant.

- a) The examination for a plumber's license shall consist of the following:
- 1) Knowledge Assessment~~Written questions~~ (true/false or multiple choice or fill in the blank). Questions will be based on the Illinois Plumbing Code. ~~All applicants shall be required to read the examination questions and write the answers unassisted.~~
 - 2) Construction Drawings~~Drawings or Plans charts~~. The applicant will be required to interpret construction drawings or plans, either on paper or electronically, and either complete those construction drawings or plans or answer questions sufficient to demonstrate knowledge of plumbing fixtures, piping techniques and Code compliance.~~complete charts that show plumbing fixtures and that require drainage and vent lines to be added.~~
 - 3) Practical Application Assessment.~~(shop)~~. Projects requiring the use of current plumbing techniques and materials will be completed as part of the examination. Materials will be selected from Appendix A, Table A of the Illinois Plumbing Code. The examinee will be provided a drawing and instructions for completion of each project to be assembled during the practical application assessment.~~copper, cast iron, lead and plastic to be assembled as indicated in the assignment will be assigned to each applicant. All three parts of the practical examination shall be completed before any part is eligible for grading.~~
- b) ~~An applicant who has a physical disability will be assisted with unloading, carrying, and reloading of tools or equipment; but the applicant shall take all parts of the examination unassisted.~~
- be) Each applicant will be responsible for providing his/her own tools and other

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required material. Each applicant will be advised in writing as to what to bring to the examination.

- ~~cd)~~ Only persons authorized by the Department ~~No persons other than the Board, Department staff, and those persons directly associated with the examinee for the transport of necessary equipment~~ are permitted in the examination area.
- ~~de)~~ Any applicant~~examinee~~ wearing a shirt, jacket, cap or any article of clothing bearing pictures, writing, inscriptions or logos of any kind will not be permitted into the examination. Safety glasses shall be worn at all times when in the shop.
- ~~ef)~~ An applicant~~Upon starting the examination, an examinee~~ will not be permitted to leave the examination area without permission.
- ~~fg)~~ The maximum grade value of each part of the examination shall be 100 points. An applicant~~examinee~~ must make an average of 75 or above on the examination and a grade of 61 or above on each part of the examination to pass.
- ~~gh)~~ An applicant~~examinee~~ who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a retake application form and fee. The application and fee shall be submitted in accordance with Section 750.300.
- ~~ih)~~ ~~An examinee who fails to pass the examination and applies to take the examination again shall retake all parts of the examination, even if the examinee passed one or more parts of the examination the first time it was taken.~~
- ~~hj)~~ An applicant~~examinee~~ who is observed cheating during the course of an examination shall be immediately expelled from the examination in progress and ~~shall appear before the Board of Plumbing Examiners and representatives of the Department on the day that the offense occurs. The Board shall recommend that applicant's~~ the examination will be declared void. ~~A written record of the meeting shall be made and become a part of the examinee's file. The Board shall make as a part of the record its recommendations concerning the examinee a part of the record and shall forward the recommendations to the Department.~~
- 1) The Department will send to the applicant observed cheating a notice of intent to deny the applicant's application for examination and bar the applicant from reapplying for examination for a period of not less than six

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~~months or suspend the applicant's license.~~ The applicant ~~may~~ shall request a hearing, in writing, to contest the Department's notice within the time specified in the notice. If the applicant does not request a hearing in writing within the time specified in the notice, the applicant's right to a hearing shall be waived.

- 2) All hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- 3) ~~The Department will advise the Board of its final decision concerning the examinee.~~

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

SUBPART E: PROGRAMS OF INSTRUCTION
AND CONTINUING EDUCATION

Section 750.500 Continuing Education Requirements for Licensed Plumbers

- a) Each licensed plumber shall, as a condition of each annual license renewal after the first license renewal, provide proof of completion of four hours of continuing education. Continuing education hours shall be completed in one or more courses offered by course sponsors approved by the Department pursuant to Section 750.510.
- b) A licensed plumber is not required to complete continuing education for the year in which ~~that~~ the person's plumbing license was initially issued.
- c) A licensed retired plumber is not required to complete continuing education unless the licensed retired plumber wishes to restore his or her license to the status of a licensed plumber. The Department will determine the number of continuing education hours required for a change in licensure, based on the length of time the plumber has been retired in accordance with subsection (a).
- d) Licensed plumbers who have been found to have committed repeated violations of the Illinois Plumbing Code shall complete a minimum of two hours of additional continuing education conducted by the Department, at a time and location to be determined by the Department.

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(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

Section 750.510 Department Approval of Continuing Education Sponsors and Courses

The Department ~~will~~shall maintain a list of approved continuing education course sponsors. Sponsors may include universities, colleges, professional trade associations, unions, vocational schools, firms, individuals, corporations, or any entity that meets the criteria provided by the Department ~~and the Board of Plumbing Examiners.~~

- a) Registration. Each continuing education course sponsor shall register with the Department before submitting course materials for approval by the Department. Registration shall be valid for three years from the date of issuance.
 - 1) Course sponsors shall register using a form provided by the Department and shall include:
 - A) the name, address, and phone and fax numbers of the applicant;
 - B) the names and addresses of any persons who have received or will receive any portion of revenues generated from the course;
 - C) the name, address and Illinois license number of the plumber supervising the continuing education course.
 - 2) The course sponsor shall report to the Department any change to the information submitted in the initial registration before conducting its next course~~within 30 days after such change takes effect.~~
- b) Continuing Education Course Approval~~education course approval.~~
 - 1) A separate application for approval must be submitted to the Department on forms provided by the Department for each course offered by a course sponsor.
 - 2) An application for approval of a continuing education course may be submitted only by sponsors registered with and approved by the Department.

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- 3) A continuing education course shall provide instruction in at least one of the subject areas specified in Section 750.540.
 - 4) A course application shall include a course syllabus containing the following information: name and assigned number of the course, name and registration number of the sponsor, name of the instructor or presenter, an outline of the course, the amount of time needed to present the course, and the course objectives.
 - 5) A syllabus is not required for seminars held at product shows, but the application for approval shall include the name and assigned number of the seminar, name and registration number of the sponsor, name of the instructor or presenter, the amount of time needed to present the seminar, and the objectives of the seminar.
 - 6) A course application shall include the qualifications of the instructor or presenter.
 - 7) The course sponsor shall report to the Department any change to the information submitted in the initial application for continuing education course approval before conducting its next course~~within 30 days after such change takes effect.~~
 - 8) Course approval is valid for three years from the date of issuance, unless changes in course information do not meet the approval criteria of this Section.
 - 9) Courses will be assigned a course number. The course number and the sponsor's number shall appear on all advertisements for the course.
 - 10) Seminars held at product shows may be approved for continuing education credit by the Department, based on the material presented and the length of the seminar. The sponsor or facilitator of the product show must be a registered course sponsor.
- c) The Department may deny, suspend or revoke approval of any course sponsor ~~and/or~~ may issue a fine to any course sponsor who:
- 1) Attempts to obtain or obtains registration or course approval through

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fraudulent means, including false statements and misrepresentation of facts, whether intentional or through negligence;

- 2) Does not provide complete and accurate information in either the initial registration or in any notification of changes to ~~that~~such information;
- 3) Does not provide the Department with changes to the information submitted in the initial registration before conducting its next course,
~~within 30 days after such changes take effect;~~
- 4) Advertises a course as being approved by the Department before ~~such~~ approval is received;
- 5) Does not maintain records as required in Section 750.520~~subsection (e) of this Section;~~
- 6) Does not report information to the Department as required in subsections (a) and (b) ~~of this Section.~~

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

Section 750.530 Department Approval and Evaluation of Courses of Instruction in Plumbing

- a) A college, university, trade school or vocational school that has established a program providing a course of instruction in plumbing may submit a letter to the Department requesting approval of its program or course of instruction.
 - 1) The request for approval shall include information on the curriculum offered by the program, qualifications of the instructors, and information indicating that the teaching facility to be used for the program provides both shop and classroom facilities.
 - 2) For a program to be approved, it shall provide instruction in plumbing that is supervised by a licensed plumber~~courses.~~
- b) The Department will evaluate a training program before making a determination to approve or deny a request for approval. Approval will be granted based on the information included in the request letter, including confirmation of the

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qualifications of the instructors, evidence that the program's courses provide instruction in the subject areas specified in Section 750.540, and determination that the teaching facility provides both shop and classroom facilities.

- c) Each instructor participating in a program of instruction in plumbing shall be considered qualified by meeting one of the criteria specified in subsections (c)(1) through (3). The instructor shall provide verification of the license or certificate. A copy of the instructor's educator license will establish verification.
- 1) An Illinois licensed plumber;
 - 2) An individual who possesses a provisional career and technical educator endorsement on an educator license, issued by the State Board of Education pursuant to Section 21B-20 of the School Code (see 23 Ill. Adm. Code 25.72), in a field related to plumbing (such as hydraulics, pneumatics, or water chemistry); or
 - 3) A representative of an industry or a manufacturing business related to plumbing, including, but not limited to, the copper industry, plastic pipe industry or cast iron industry. Courses that are taught by industry representatives shall be educational and shall not be sales oriented. Industry representatives shall be assisted by an Illinois licensed plumber during the presentation of a course of instruction.
- d) The Department may evaluate an approved program to determine the ongoing effectiveness of the training program. An evaluation will be conducted:
- 1) As the result of a complaint to the Department;
 - 2) Upon the failure of 25% of students from the program who complete the plumbing license examination; or
 - 3) As a result of changes in the curriculum.
- e) The program's curriculum will be evaluated for compliance with the list of topics for courses of instruction in plumbing in Section 750.540.
- f) The program's facilities will be evaluated for its suitability for training in the practice of plumbing in all its forms and the type of tools, condition of tools,

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safety devices, and ventilation for the discharge of heat, smoke, and fumes.

- g) The Department will notify the training program sponsor of all deficiencies determined in the evaluation.
- 1) The program sponsor shall contact the Department within 15 days after receiving the notice of deficiencies to arrange a plan of correction for the deficiencies. The program sponsor shall have not less than 30 and not more than 90 days from the date of the notice of deficiencies to remedy the deficiencies. The specific time period for correction will be stated in the notice of deficiencies.
 - 2) If the deficiencies are not remedied within the time frame specified in subsection ~~(g)(1)(a)~~, the Department will withdraw its approval in writing. Upon withdrawal of approval, the training program sponsor shall have the right to request a hearing. (See Section 750.120.)

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

SUBPART G: ~~CERTIFICATION OF~~ PLUMBING INSPECTORS**Section 750.710 Certification of Plumbing Inspectors**

~~All persons who inspect plumbing in the State shall meet the minimum requirements for certification established in this Part. No person shall inspect plumbing in the State without first obtaining certification from the Department. Licensed plumbers providing plumbing inspection services to a unit of local government authorized under the Plumbing Licensing Law may continue for a period of not more than six months from October 1, 2014 to provide inspection service, after which the certification requirements of this Part shall apply.~~ The Department will issue a plumbing inspector's certification to any licensed plumber who meets the qualifications for a plumbing inspector specified in this Section and who pays to the Department the required fees specified in Section 750.1100.

- a) The application form may be obtained by downloading the application from the Department's website (<http://dph.illinois.gov/sites/default/files/licensecertificate/plumbinginspectorcertificationexaminationapplication.pdf> (<http://www.idph.state.il.us/envhealth/plumbing.htm>)).
- b) The application shall be submitted to the Illinois Department of Public Health,

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525 West Jefferson Street, 3rd Floor, Springfield, Illinois 62761.

- c) To qualify for certification as a plumbing inspector, an applicant shall:
- 1) Be currently licensed by the Department as a plumber. An apprentice plumber's license or retired plumber's license shall not be used to fulfill this requirement.
 - 2) Have held an Illinois plumbing license for at least seven years. An apprentice plumber's license or retired plumber's license shall not be used to fulfill this requirement.
 - 3) Have passed the examination administered by the Department for certification of plumbing inspectors.
 - A) The Department will accept applications for the examination at any time during normal business hours.
 - B) The Department will schedule examinations when it has sufficient applicants, in the opinion of the Department, to establish an examination date and location. Applicants will also be allowed to take the examination at any time acceptable to the Department.

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

Section 750.730 ~~Responsibilities of Certified Plumbing Inspectors~~

- a) Any plumbing inspector certified pursuant to this Part may inspect any private or public property for the purpose of investigating conditions relating to the enforcement of the Illinois Plumbing Code and the Illinois Plumbing License Law.
- b) Any licensed plumber who inspects plumbing shall:
- 1) Not inspect any plumbing that the licensed plumber has directly or indirectly caused to be installed, modified or repaired.
 - 2) Provide, upon completion of a plumbing inspection, a written report, either in paper or electronic form, that sets forth the following:

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- A) The specific violation, if any, with citation to the applicable code;
 - B) the name address, phone number, Illinois plumbing license number and email of the inspector issuing the report;
 - C) the date of the inspection;
 - D) the date or dates by which the violation or violations must be cured;
 - E) the authority under which the inspection was conducted; and
 - F) the name, phone number, Illinois plumbing license number and email of the plumbing contractor and licensed plumber responsible for the work.
- 3) Cooperate with the Department in any investigation or inquiry it may conduct concerning plumbing.

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

SUBPART H: APPROVAL OF PLUMBING PROGRAMS
ESTABLISHED BY GOVERNMENTAL UNITS

Section 750.800 Governmental Units Establishing Plumbing Programs

- a) This Part does not prohibit governmental units from enacting a minimum code of standards for the design of plumbing materials and the operation and maintenance of plumbing systems, and ordinances or rules for the inspection of plumbing systems. Any ordinances ~~or rules~~ adopted by a governmental unit shall be at least as stringent as the Illinois Plumbing Code, as required by Section 36 of the Act. For purposes of this subsection (a) and subsection (b), the term "governmental unit" shall mean a city, town, village, township or county with a water supply system or sewage disposal system or both.
- b) ~~Before~~ If a governmental unit ~~adopts an ordinance~~ adopts ordinances that ~~is~~ are more stringent than the Illinois Plumbing Code, a copy of ~~that~~ such ordinance ~~or rule~~, including all amendments, shall be submitted to the Department for review.

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~~The Department shall review a proposed local ordinance within 45 business days after receipt of the ordinance and shall, within that time period, communicate any suggested changes, revisions or objections to the unit of local government. If such plan is approved by the Department, the ordinance shall prevail in lieu of the Illinois Plumbing Code. The Department shall issue written approval.~~

- c) Review of Plumbing Programs of Governmental Units. The Department shall conduct inquiries, make inspections and review the plumbing programs operated by governmental units. This shall be done by an Illinois licensed plumber who is employed by the Department.
- d) Governmental Units ~~Operating~~Establishing Plumbing Programs. ~~The~~Not less than once every three years, the Department ~~may~~shall evaluate each plumbing program operated by a governmental unit to determine whether that program is being operated under a rule or ordinance adopted in compliance with this Section. If the Department finds after investigation that a plumbing program is not being operated or enforced as required, the Director shall give written notice of the findings to the chief administrative officer of the governmental unit. If the Department finds, not less than 30 days after the notice, that the program is not being conducted as required by existing ordinances or rules, the Director shall give written notice of its findings to the chief administrative officer of the governmental unit. After an administrative hearing, as provided in Section 35 of the Act, the Department may seek to enjoin the governmental unit from performing plumbing inspections and administering a plumbing program until approval is granted by the Department.

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

SUBPART I: VIOLATIONS OF PLUMBER'S LICENSE
AND PLUMBING INSPECTOR'S CERTIFICATION

Section 750.910 ~~Certified~~ Plumbing Inspector Violations

The Department may take disciplinary action against a ~~certified~~ plumbing inspector for violations of the Act, this Part or the Illinois Plumbing Code. Pursuant to Section 20 of the Act, such action may include revocation, suspension, or denial of a plumbing license or plumbing inspector's certificate issued by the Department; and under Section 5(b.10) of the Act may include an Order of Correction to a telecommunications carrier for improper advertising. A violation, for the purposes of this Section, shall be considered to mean a finding of violation of a

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Section of the Act, or this Part, or the Illinois Plumbing Code by the Director in a final order issued pursuant to the Act and shall include the following acts:

- a) a ~~certified~~ plumbing inspector presenting, as his or her own, the license certificate of another person;
- b) submitting false information or misrepresenting facts to the Department for the purpose of obtaining certification or renewal of certification as a plumbing inspector;
- c) using or attempting to use a certificate that has been suspended or revoked;
- d) operating a business organization advertising itself as a certified plumbing inspection business after the termination of its only certified plumbing inspector without another member of the business organization obtaining certification from the Department;
- e) commencing or performing certified plumbing inspections for which a permit is required pursuant to the Illinois Plumbing Code without ~~the such~~ permit being in effect;
- f) willfully violating any State law or rule, or any municipal or county ordinance ~~or regulation~~, relating to uncertified or certified plumbing inspections or committing any other form of misconduct;
- g) being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of plumbing;
- h) violating any provision of the Act Illinois Plumbing License Law, this Part, the Illinois Plumbing Code, or any county or municipal plumbing ~~laws or ordinances~~ or failing to follow any directive or order of the Department;
- i) performing any act that assists a person or entity in engaging in the prohibited uncertified practice of inspecting plumbing, if the certified plumbing inspector knows or has reasonable grounds to know that the person or entity is uncertified; or
- j) knowingly assisting or conspiring with an uncertified person by allowing one's

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

plumbing inspector's certificate to be used by the uncertified person with intent to violate the requirements of Section 750.710. When a certified plumbing inspector allows his or her certificate to be used by one or more business organizations without participating in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the requirements of this Section.

(Source: Amended at 40 Ill. Reg. 8786, effective June 17, 2016)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Established Political Party Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 201
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
201.10	Amendment
201.20	Amendment
201.30	Amendment
201.40	Amendment
- 4) Statutory Authority: Sections 1A-8 (9), 5/7-12 and 5/8-9 and 5/10-6.2 of the Illinois Election Code [10 ILCS 5/1 et. seq]
- 5) Effective Date of Rules: June 20, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, 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*: 40 Ill. Reg. 5643; April 1, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made between the proposed and final versions of this rulemaking.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking fixes a Heading of Part titling error, updates the current address of the principal and permanent branch office of the

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

State Board of Elections, clarifies that no filings will be accepted after 5:00 p.m., and updates the rules to reflect the closure of the State Board of Election's former post office box.

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

Kenneth R. Menzel
General Counsel
State Board of Elections
2329 S. MacArthur Blvd.
Springfield IL 62704

217/782-0608

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 201
ESTABLISHED POLITICAL PARTY ~~AND~~
~~INDEPENDENT CANDIDATE~~ NOMINATING PETITIONS

Section

201.10	Filing Times at the Office of the State Board of Elections
201.20	Determination of Nominating Petition's Official Time of Filing
201.30	Filing Times for Objections and Withdrawals
201.40	Simultaneous Filings for the Same Office – Lottery

AUTHORITY: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/Arts. 7, 8 and 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14140, effective December 4, 1981; codified at 6 Ill. Reg. 7213; emergency amendment at 8 Ill. Reg. 24311, effective November 29, 1984, for a maximum of 150 days; amended at 30 Ill. Reg. 6343, effective April 3, 2006; amended at 40 Ill. Reg. 2836, effective January 25, 2016; amended at 40 Ill. Reg. 8812, effective June 20, 2016.

Section 201.10 Filing Times at the Office of the State Board of Elections

- a) ~~All petitions~~Petitions for nomination to public office, including independent candidate petitions, and all petitions for nomination to political party office required by law to be filed with the State Board of Elections relating to offices to be filled or for which party nominations are to be made at the general Primary Election, shall be filed at the principal office of the State Board of Elections at ~~2329 S. MacArthur Boulevard, 4020 South Spring Street~~, Springfield, Illinois 62704.
- b) During the statutory filing period, petitions will be received at the principal office of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. No nominating petitions will be accepted after 5:00 p.m.

(Source: Amended at 40 Ill. Reg. 8812, effective June 20, 2016)

Section 201.20 Determination of Nominating Petition's Official Time of Filing

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

All nominating petitions received in the office of the State Board of Elections shall be deemed to have been filed in the following order:

- a) Petitions received in the first regular mail delivery on the by mail after 12:00 midnight and on hand at the opening of the office at 8:00 a.m., Monday, first day of filing, shall be deemed filed as of 8:00 a.m. that date;
- b) All petitions filed by persons waiting in line as of 8:00 a.m. on the, Monday, first day of filing, shall be deemed filed as of 8:00 a.m. that date;
- c) Petitions filed in the office of the State Board of Elections thereafter shall be deemed to be filed as of the time they are actually received by the State Board of Elections.

(Source: Amended at 40 Ill. Reg. 8812, effective June 20, 2016)

Section 201.30 Filing Times for Objections and Withdrawals

- a) Objections to or withdrawals of nominating petitions filed with the State Board of Elections shall be received either in the principal office of the State Board of Elections in Springfield or at the permanent branch office at 100 West Randolph, Suite 14-100, Chicago, Illinois 60601 ~~at 100 W. Randolph, Suite 14-100, Chicago, Illinois 60601~~ within five business days after the last day of the statutory period during which those such petitions for nomination shall be filed.
- b) During the statutory period in which wherein objections and withdrawals shall be filed, objections and withdrawals will be received at the offices of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. No objections or withdrawals will be accepted after 5:00 p.m.

(Source: Amended at 40 Ill. Reg. 8812, effective June 20, 2016)

Section 201.40 Simultaneous Filings for the Same Office – Lottery

Simultaneous filings of candidate nominating petitions for the same office occur only at 8:00 a.m. on the first day of filing, and in the last hour of filing on the last day of filing. The lottery system to be used by the State Board of Elections, the election authority, or the local election official to break ties resulting from simultaneous filings must be approved by the State Board of

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Elections. The following system has been so approved:

- a) The names of all candidates who filed simultaneously for the same office shall be listed alphabetically and shall be numbered consecutively commencing with the number one, which shall be assigned to the candidate whose name is listed first on the alphabetical list; provided, however, that candidates filing a group petition for the same office shall be treated as one in the alphabetical listing using the name of the first candidate for that office to appear on the petitions as the name to be included in the alphabetical list. For example, if five candidates by the name of Downs, Brown, Edwards, Cook and Adams have filed simultaneously, they will be arranged alphabetically and assigned numbers as follows: Adams, one; Brown, two; Cook, three; Downs, four; and Edwards, five. However, if Cook and Adams filed a group petition and Cook's name appeared first on the petition, then the candidates would be arranged as follows: Brown, one; Cook and Adams, two; Downs, three; and Edwards, four.
- b) All ties will be broken by a single drawing. A number shall be placed in a container representing each number assigned to each candidate and group of candidates pursuant to the alphabetical listing procedure set forth in subsection (a). For example, if the largest number to be used for any office is five, then numbers one, two, three, four and five will be placed in a container. In this manner, sufficient numbers will be placed in the container to conduct a drawing for all offices at the same time.
- c) After the numbers are placed in the container they shall be drawn one at a time from the container after they have been thoroughly shaken and mixed. The candidate or group of candidates in the position on an alphabetical list corresponding to the first number drawn shall be certified ahead of the other candidates listed on the alphabetical list. The candidate or group of candidates in the position on the alphabetical list corresponding to the second number drawn will be certified second, and so forth until all numbers have been drawn. For example, when no group petitions were filed, if candidates Adams, Brown, Cook, Downs and Edwards filed simultaneously at 8:00 a.m. on the first day of filing, and the number three is the first drawn, then candidate Cook, who is listed in the third position on the alphabetical list, shall be certified first on the ballot. If the number one is drawn second, then candidate Adams, who is listed in the first position on the alphabetical list, shall be certified second on the ballot, and so on. For offices for which group petitions were filed, using the example set forth in this subsection (c) in which candidates Cook and Adams file a group petition for

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

the same office, and Cook's name appears first on the petition, and number three is drawn first, then candidate Downs would be listed first. If the number two is drawn second, then candidates Cook and Adams would be certified second and third, respectively. If the number four is drawn third, then candidate Edwards would be certified fourth, and so on. In districts with fewer names on the alphabetical list than are in the drawing, then all numbers in excess of the number of candidates or group of candidates that appear on the particular alphabetical list shall be disregarded. Thus, if five numbers are placed in the container, and only four candidates or groups of candidates are on a particular list, then the number five shall be disregarded. For example, if candidates Adams and Cook, filing separate petitions, are the only candidates listed on the alphabetical list and five numbers are chosen in the following order, 3, 5, 4, 2 and 1, then candidate Cook's name will appear in the certification prior to the name of candidate Adams. For simultaneous petitions filed in the last hour on the last day of filing, the drawing shall operate in the same manner as outlined in this Section, except that the candidate associated with the first drawn number shall be certified last on the ballot, the candidate associated with the second drawn number shall be certified second to last on the ballot, and so on until all numbers are drawn.

- ~~d)~~ ~~No nominating petitions will be accepted after 5:00 p.m.~~
- de) All candidates shall be certified in the order in which petitions have been filed with the State Board of Elections, election authority or the local election official. In cases in which candidates have filed simultaneously, they shall be certified (in the order determined by the lottery procedure outlined in this Section) prior to candidates who filed for the same office who filed their petitions at a later time, except in those situations in which the law requires rotation on a district-by-district basis.

(Source: Amended at 40 Ill. Reg. 8812, effective June 20, 2016)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: New Political Party and Independent Candidate Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 202
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
202.10	Amendment
202.20	Amendment
202.30	Amendment
202.50	Repealed
- 4) Statutory Authority: Sections 1A-8 (9), 5/7-12 and 5/8-9 and 5/10-6.2 of the Illinois Election Code [10 ILCS 5/1 et. seq]
- 5) Effective Date of Rules: June 20, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, 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*: 40 Ill. Reg. 5649; April 1, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes were made between the proposed and final versions of this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This rulemaking fixes a Heading of Part titling error, updates the current address of the principal office of the State Board of Elections, clarifies that no filings will be accepted after 5:00 p.m., updates the rules to reflect the closure of the State Board of Election's former post office box, and eliminates an unnecessary and outdated section.
- 16) Information and questions regarding these adopted rules shall be directed to:

Kenneth R. Menzel
General Counsel
State Board of Elections
2329 S. MacArthur Blvd.
Springfield IL 62704

217/782-0608

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 202
NEW POLITICAL PARTY AND INDEPENDENT CANDIDATE
NOMINATING PETITIONS

Section

202.10	Filing Times at the Office of the State Board of Elections
202.20	Determination of Nominating Petition's Official Time of Filing
202.30	Filing Times for Objections and Withdrawals
202.40	Simultaneous Filings for the Same Office – Lottery
202.50	Nominating Petitions Filed with County Clerks <u>(Repealed)</u>

AUTHORITY: Implementing Article 10 of the Election Code [10 ILCS 5/Art. 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14144, effective December 4, 1981; codified at 6 Ill. Reg. 7214; amended at 30 Ill. Reg. 6347, effective April 3, 2006; amended at 40 Ill. Reg. 2841, effective January 25, 2016; amended at 40 Ill. Reg. 8818, effective June 20, 2016.

Section 202.10 Filing Times at the Office of the State Board of Elections

- a) All new political party petitions for the formation of that such party and for the nomination of candidates to public office, and all independent candidate petitions, with regard to all General Elections to be held on the first Tuesday after the first Monday in November of even numbered years, shall be filed at the principal office of the State Board of Elections, 2329 S. MacArthur Boulevard, 1020 South Spring Street, Springfield, Illinois 62704.
- b) During the statutory filing period, petitions will be received at the principal office of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. No nominating petitions will be accepted after 5:00 p.m.

(Source: Amended at 40 Ill. Reg. 8818, effective June 20, 2016)

Section 202.20 Determination of Nominating Petition's Official Time of Filing

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

~~Petitions~~Such petitions for nomination, when received in the principal office of the State Board of Elections, shall be deemed to have been filed in the following order:

- a) Petitions received ~~in the first regular mail delivery by mail after 12:00 midnight and on hand at the opening of the office at 8:00 a.m., Monday, July 31, 1978,~~ shall be deemed filed as of 8:00 a.m. that date;
- b) All petitions filed by persons waiting in line as of 8:00 a.m. ~~on the first day of filing, Monday, July 31, 1978,~~ shall be deemed filed as of 8:00 a.m. that date;
- c) Petitions either received in the mail or filed in the principal office of the State Board of Elections thereafter shall be deemed filed as of the time they are actually received by the State Board of Elections.

(Source: Amended at 40 Ill. Reg. 8818, effective June 20, 2016)

Section 202.30 Filing Times for Objections and Withdrawals

- a) Objections to or withdrawals of the new political party ~~or independent candidate~~ petitions filed with the State Board of Elections shall be received either in the principal office of the State Board of Elections ~~in Springfield~~ or at the permanent branch office at 100 West Randolph, Suite 14-100, Chicago, Illinois 60601 within five business days after the last day of the statutory period during which new political party petitions for formation and nomination of candidates shall be filed.
- b) During the statutory period wherein objections and withdrawals shall be filed, objections and withdrawals will be received at the offices of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. ~~No objections or withdrawals will be accepted after 5:00 p.m.~~

(Source: Amended at 40 Ill. Reg. 8818, effective June 20, 2016)

Section 202.50 Nominating Petitions Filed with County Clerks (Repealed)

- a) ~~All new political party petitions for formation and nomination of candidates to public office for legislative, congressional or judicial districts or circuits entirely contained within a single county, with regard to the General Election to be held on November 7, 1978, shall be filed with the appropriate county clerk.~~

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- b) ~~To satisfy the requirements of Section 10-14 of the Election Code, within 5 days after the last day for filing objections to or withdrawals of the abovementioned petitions, all county clerks shall notify and forward to the State Board of Elections a copy of all new political party petitions which have been filed with the county clerk and are to appear on the November 7, 1978, General Election Ballot.~~

(Source: Repealed at 40 Ill. Reg. 8818, effective June 20, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 14, 2016 through June 20, 2016. The rulemakings are scheduled for review at the Committee's July 12, 2016 meeting. 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>
7/24/16	<u>Department of Natural Resources</u> , Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)	4/15/16 40 Ill. Reg.6305	7/12/16
7/24/16	<u>Department of Natural Resources</u> , Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	4/15/16 40 Ill. Reg.6322	7/12/16
7/24/16	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)	4/15/16 40 Ill. Reg.6377	7/12/16
7/24/16	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)	4/15/16 40 Ill. Reg.6397	7/12/16
7/24/16	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)	4/15/16 40 Ill. Reg.6412	7/12/16
7/24/16	<u>Department of Natural Resources</u> , Special White-Tailed Deer For Disease Control (17 Ill. Adm. Code 675)	4/15/16 40 Ill. Reg.6436	7/12/16

7/24/16	<u>Department of Natural Resources, Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)</u>	4/15/16 40 Ill. Reg.6440	7/12/16
7/24/16	<u>Department of Natural Resources, Youth Hunting Seasons (17 Ill. Adm. Code 685)</u>	4/15/16 40 Ill. Reg.6445	7/12/16
7/24/16	<u>Department of Natural Resources, Squirrel Hunting (17 Ill. Adm. Code 690)</u>	4/15/16 40 Ill. Reg.6451	7/12/16
7/24/16	<u>Department of Natural Resources, The Taking of Wild Turkeys - Spring Season (17 Ill. Adm. Code 710)</u>	4/15/16 40 Ill. Reg.6463	7/12/16
7/24/16	<u>Department of Natural Resources, The Taking of Wild Turkeys - Fall Gun Season (17 Ill. Adm. Code 715)</u>	4/15/16 40 Ill. Reg.6488	7/12/16
7/24/16	<u>Department of Natural Resources, The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)</u>	4/15/16 40 Ill. Reg.6496	7/12/16
7/24/16	<u>Department of Natural Resources, Dove Hunting (17 Ill. Adm. Code 730)</u>	4/15/16 40 Ill. Reg.6507	7/12/16
7/24/16	<u>Department of Natural Resources, Crow, Woodcock, Snip, Rail, and Teal Hunting (17 Ill. Adm. Code 740)</u>	4/15/16 40 Ill. Reg.6525	7/12/16
7/29/16	<u>Chief Procurement Officer For Capital Development Board, Chief Procurement Officer for Capital Development Board (44 Ill. Adm. Code 8)</u>	4/15/16 40 Ill. Reg.6294	7/12/16
7/29/16	<u>Chief Procurement Officer for Higher Education, Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 Ill. Adm. Code 4)</u>	3/11/16 40 Ill. Reg.3529	7/12/16

7/29/16	<u>Department of Financial and Professional Regulation</u> , Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)	4/15/16 39 Ill. Reg.15183	7/12/16
7/30/16	<u>State board of Education</u> , Public Schools evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	4/1/16 40 Ill. Reg.5527	7/12/16
7/30/16	<u>State Board of Education</u> , Standards for Endorsements in Elementary Education (23 Ill. Adm. Code 20)	4/1/16 40 Ill. Reg.5547	7/12/16
7/30/16	<u>State Board of Education</u> , Educator Licensure (23 Ill. Adm. Code 25)	4/1/16 40 Ill. Reg.5551	7/12/16
7/30/16	<u>State Board of Education</u> , Standards for Endorsements in Early Childhood Education and in Elementary Education (23 Ill. Adm. Code 26)	4/1/16 40 Ill. Reg.5638	7/12/16
7/29/16	<u>Department of Commerce and Economic Opportunity</u> , Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)	4/22/16 40 Ill. Reg.6627	7/12/16

ILLINOIS GENERAL ASSEMBLY
STATEMENT OF RECOMMENDATION
TO PROPOSED RULE

ILLINOIS POWER AGENCY

Heading of the Part: Monitoring of Contracts Administered by the Illinois Power Agency

Code Citation: 83 Ill. Adm. Code 1210

Section Numbers: 1210.10 1210.40 1210.70
1210.20 1210.50 1210.80
1210.30 1210.60 1210.90

Date Originally Published in the *Illinois Register*: 6/26/15
39 Ill. Reg. 8710

At its meeting on June 14, 2016, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that, in the future, IPA be more timely in adopting rules required by statute. The statute requiring these rules became effective over 8 years ago.

The Agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The Agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO POLICY OUTSIDE RULE

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

At its meeting on June 14, 2016, the Joint Committee on Administrative Rules objected to the Department of Children and Family Services implementing policy outside of rule, which is contrary to Sections 1-70 and 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100] (IAPA). The agency has implemented a policy of investigating certain child death and near death notifications to the Child Abuse and Neglect Hotline. DCFS says it is enforcing this policy under the mandate of Section 4.2 of the Abuse and Neglect Child Reporting Act [325 ILCS 5] to investigate the cause of death or serious life threatening injury to a child. However, nothing in that statute authorizes DCFS to establish policy for these investigations without first adopting that policy as rule under the IAPA.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute refusal to codify the policy in rule. The agency's response will be placed on the JCAR agenda for further consideration.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency ("Illinois EPA") Bureau of Air is accepting comments on the draft "Maintenance Plan for the Chicago and Granite City Lead Nonattainment Areas for the 2008 Lead Standard," which sets forth the State's plan for maintaining the lead National Ambient Air Quality Standards (NAAQS) for a ten-year period after redesignation to attainment. The proposed maintenance plan also provides adequate contingency measures for potential additional emission reductions in the event that future violations of the lead NAAQS are observed in the area.

In November 2008, the United States Environmental Protection Agency (USEPA) revised the primary and secondary NAAQS for lead. Based on data from air quality monitoring, two areas in Illinois were designated as nonattainment for the lead NAAQS: the area bounded by Granite City Township and Venice Township and the area bounded by Damen Ave. on the west, Roosevelt Rd. on the north, the Dan Ryan Expressway on the east, and the Stevenson Expressway on the south, surrounding H. Kramer and Co. Brass and Bronze Foundry in Chicago. In order to reduce lead emissions in the Chicago and Granite City nonattainment areas, and to attain and maintain the NAAQS in these areas, Illinois enacted state rules to limit lead emissions from nonferrous metal production facilities in non-attainment areas.

Before a redesignation to attainment can be promulgated, USEPA must approve the State's maintenance plan. The State is also required to have a public comment period and provide the opportunity for a public hearing on the maintenance plan prior to adoption.

The Illinois EPA is accepting comments on the proposed maintenance plan. Comments must be postmarked by midnight, July 31, 2016. Requests for information, comments, and questions should be directed to Jillian Hawkins, Office of Community Relations, at the address and telephone number listed below:

Jillian Hawkins
Illinois EPA
1021 North Grand Avenue East
PO Box 19276
Springfield IL 62794-9276

217/524-0922
TDD: 217/782-9143
email: jillian.hawkins@illinois.gov

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

Copies of the proposed plan may be viewed by the public at the Illinois EPA's offices at 1021 North Grand Avenue East in Springfield, 217/782-7027, and 9511 West Harrison in Des Plaines, 847/294-4000. Please call ahead to assure that someone will be available to assist you.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

LISTINGS OF ADJUSTED STANDARDS AND COMBINED
SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD
DURING FISCAL YEAR 2016

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2016.

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During
Fiscal Year 2016 (July 1, 2015 through June 30, 2016)Docket/Docket TitleFinal Determination

In the Matter of: City of Collinsville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 for certain constituents, AS 15-3 (February 4, 2016)

The petitioner was granted an adjusted standard from the Board's Class I groundwater quality regulations at 35 Ill. Adm. Code 620.410 for p-Dioxane, TDS, chloride, iron, arsenic, manganese, pH and perchlorate subject to conditions contained in the Board's order. The Board also granted petitioner an adjusted standard from 35 Ill. Adm. Code 620.310 for arsenic and pH such that a preventive assessment to determine if a significant increase or change occurs shall be based upon trend analysis and not on a statistical comparison to background values. The adjusted standard enables petitioner to obtain certification of post-closure care for a landfill on a previously mined area.

In the Matter of: Petition of Saline County Landfill, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811, AS 16-1 (April 7, 2016)

The petitioner was granted an adjusted standard from groundwater regulations subject to conditions contained in the Board's order. The Board modified constituents used for groundwater monitoring and analysis; set revised maximum allowable predicted concentration for one constituent; and revised groundwater quality standards for three

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

constituents. The landfill sits on an abandoned coal strip mine with acid mine drainage impacting groundwater. The landfill also sits on saline formations where upwelling brine impacts groundwater. The adjusted standard is needed because these conditions make it difficult to develop background concentrations in groundwater.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2016 (July 1, 2015 through June 30, 2016)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2016, as none were filed with the Board or pending during fiscal year 2016.

Request copies, noting the appropriate docket number, to:

John Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-3629

Address questions concerning this notice, noting the appropriate docket number, to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
Springfield IL 62794-9274

217/524-8509
Carol.webb@illinois.gov

POLLUTION CONTROL BOARD

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Permits and General Provisions (35 Ill. Adm. Code 201)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: The Illinois Environmental Protection Agency ("Agency") is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will address recently adopted legislation allowing for the Agency to issue/authorize Permits-by-Rule for certain boilers less than 100 mmBtu/hr that operate at major sources instead of applying for a construction permit. The adopted proposal will be submitted as a revision to the State Implementation Plan (SIP).
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published in the Illinois Register within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect anyone who elects to obtain a permit by rule. The proposal is not expected to mandate that an owner or operator obtain a permit by rule that applies to a particular type of source.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, and questions concerning this regulatory agenda to:

Rachel Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794

217/782-5544
Rachel.Doctors@illinois.gov

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- G) Related Rulemaking and other pertinent information: None
- b) Part (Heading and Code Citation): Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) Permits: Proposed New 35 Ill. Adm. Code 204
- 1) Rulemaking: No docket number presently assigned.
- A) Description: PA 99-463, effective January 1, 2016, amends the Environmental Protection Act, by providing that the Pollution Control Board must adopt regulations establishing permit programs for Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) permits meeting the applicable requirements of specified provisions of the Clean Air Act.
- B) Statutory Authority: Implementing and authorized by Sections 9.1, 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27, 28]
- C) Scheduled meeting/hearing dates: Hearings have not been scheduled at the time this regulatory agenda was filed.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published in the Illinois Register within the next 12 months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule would apply to sources seeking the specified air permits.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

Mark Powell

POLLUTION CONTROL BOARD

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Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

312/814-6887
mark.powell@illinois.gov

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

Mark Powell
Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

312/814-6887
mark.powell@illinois.gov

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

- 1) Rulemaking: Docket number R17-2

- 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 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.

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The Board has reserved docket number R17-2 to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2016 through June 30, 2016. At this time, the Board is aware of one federal action during this update period that affected the federal definition of VOM. That action, and the Board action in response, is described as follows:

February 25, 2016 (81 Fed. Reg. 9339): USEPA removed the recordkeeping, emissions reporting, dispersion modeling, and inventory requirements from the existing exclusion for tert-butyl acetate. The Board should remove the requirements from the Illinois definition of VOM in 35 Ill. Adm. Code 211.7150.

The Board will verify the existence of any federal actions that may affect the federal definition of VOM and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R17-2, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. USEPA adopted an amendment that requires Board action on February 25, 2016, the due date for Board adoption of amendments in docket R17-2 would be February 25, 2017.

To meet a due date of February 25, 2017, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-December 2016. 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 will promptly dismiss the reserved docket R17-2.

- 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]

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- 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 110(a) of the federal Clean Air Act (42 USC § 7410(a)) 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 other federal actions by mid-August 2016, 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 February 25, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-December 2016. 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 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 R17-2, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R17-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

- d) Part (Heading and Code Citation): Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)

- 1) Rulemaking: No docket is presently reserved.
- A) Description: The Illinois Environmental Protection Agency is planning to sunset the relevant provisions of the Clean Air Interstate Rule ("CAIR"). CAIR affected the large electrical generating units. The USEPA has replaced CAIR with the Cross State Air Pollution Rule ("CSAPR"). The CSAPR affects the same type of sources and is currently being implemented pursuant to a federal rule. The adopted proposal will be submitted as a revision to the State Implementation Plan.
- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27,28]
- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking may be published in the *Illinois Register* within the next six months.

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect entities that own or operate units subject to CSAPR.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, as well as questions concerning this regulatory agenda to:

Rachel Doctors
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794

217/782-5544
Rachel.Doctors@illinois.gov

- G) Related Rulemaking and other pertinent information: None

e) Part (Heading and Code Citation): Air Quality Standards (35 Ill. Adm. Code 243)

1) Rulemaking: Docket number R17-1

- A) Description: PA 97-945 added Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] effective August 10, 2012. This new provision mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC § 7409). USEPA has codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

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The Board has reserved docket number R17-1 to accommodate any federal amendments to the NAAQS that USEPA may make during the period January 1, 2016 through June 30, 2016. At this time, the Board is aware of two federal actions with regard to the federal NAAQS that occurred during this update period. Those actions, and the Board actions in response, are described as follows:

January 26, 2016 (at 81 Fed. Reg. 4294): USEPA designated one new FEM for particulate matter (PM10) in ambient air. The Board must update the incorporation by reference to the List of Designated Methods to include this Federal Register notice to include the new FEM.

April 28, 2016 (at 81 Fed. Reg. 25397): USEPA designated three new FRMs, for particulate matter (PM10), coarse particulate matter (PM10-2.5), and ozone, and three new FEMs for fine particulate matter (PM2.5) in ambient air. The Board must update the incorporation by reference to the List of Designated Methods to include this Federal Register notice to include the three new FRMs and three new FEMs.

The Board will verify the existence of any other federal actions that may affect the federal NAAQS and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then include that action in this docket to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQS in this docket R17-1, as necessary and appropriate.

Section 10(H) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since USEPA adopted an amendment that will require Board action on January 26, 2016, the due date for Board adoption of amendments in docket R17-1 would be January 26, 2017.

To meet a due date of January 26, 2017, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early November 2016. 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.

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Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R17-1.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 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 may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.
- 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 2016, after which time the Board will either propose any necessary amendments to the Illinois ambient air quality standards that are necessary to ensure that they are identical-in-substance to the federal NAAQS. Since the due date for Board adoption of amendments in this docket is January 26, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-November 2016. 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 emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-1, as follows:

John T. Therriault, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R17-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] 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.

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

- 1) Rulemaking: Docket Number R14-24

- A) Description: The Sanitary District of Decatur seeks a site specific rulemaking for its main sewerage treatment plant. The District seeks an alternative chronic water quality standard for nickel from the point of its discharge into the Sangamon River, and an alternative rule under certain flow conditions to allow mixing to be considered when determining a water quality based NPDES permit limit for nickel.

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- B) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/5, et. al.]
- C) Scheduled meeting/hearing dates: A hearing has not yet been scheduled at the request of the District.
- D) Date agency anticipates First Notice: A Notice of Proposed Rulemaking may be published in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will affect the Sanitary District of Decatur.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

Daniel Robertson
Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

312/814-6931
Daniel.Robertson@illinois.gov

- G) Related Rulemaking and other pertinent information: None

g) Parts (Heading and Code Citation):

Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

- 1) Rulemaking: No docket presently reserved.

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- A) Description: The Agency is working toward establishing a new narrative standard for "cultural eutrophication" to protect aquatic life from the adverse impacts of excess algae and aquatic plant growth. Measurable parameters such as dissolved oxygen will be used to identify cultural eutrophication. The proposed standard would prohibit cultural eutrophication and the presence of such would trigger a technology-based phosphorus limit on dischargers that would significantly contribute to cultural eutrophication. The technology based phosphorus limits applicable to such dischargers would be proposed by updating 35 Ill. Adm. Code 304.123. Other technology-based phosphorus effluent standards covering certain dischargers of phosphorus independent of a finding of cultural eutrophication will also be proposed for 35 Ill. Adm. Code 304.123.
- B) Statutory Authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11, 27]
- C) Scheduled meeting/hearing dates: No hearings have been scheduled.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments is expected to be published in the *Illinois Register* within the next six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses will be affected if they are covered by an NPDES permit and determined to be a significant source.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, and questions about this regulatory agenda to:

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

217/782-5544
Stefanie.Diers@illinois.gov

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G) Related Rulemaking and other pertinent information: None

h) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R17-8

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 R17-8 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, 2016 through June 30, 2016. At this time, the Board is not aware of any federal amendments to the federal wastewater pretreatment regulations that occurred during this update period.

The Board will verify the existence of any other federal actions that may affect the text of the federal wastewater pretreatment regulations and determine the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure under docket R17-8, 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 the earliest 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, 2016, the due date for Board adoption of amendments in docket R17-8 would be January 1, 2017.

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- 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 2016, 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 January 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-September 2016. 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 wastewater pretreatment rules is needed, the Board will 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 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 R17-8, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda, noting docket number R17-8, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

- i) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)

Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket Number R16-9

- 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).

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The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA made in the period July 1, 2015 through December 31, 2015. At this time, the Board is aware of two amendments to the federal wastewater pretreatment regulations that occurred during this update period:

October 22, 2015 (80 Fed. Reg. 64064): USEPA adopted a rule that mandates electronic reporting for the purposes of the National Pollution Discharge Elimination System (NPDES) program. Mandatory electronic reporting of information for the purposes of wastewater pretreatment is an element of the new rule.

November 3, 2015 (80 Fed. Reg. 67838): USEPA adopted revised effluent guidelines and standards, and wastewater pretreatment standards for sources in the Steam Electric Power Generating Point Source Category.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

- 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: No hearings are scheduled at this time.
- D) Date agency anticipates First Notice: The Board cannot project a date for publication at this time.
- 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 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 as follows:

POLLUTION CONTROL BOARD

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John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 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 in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- j) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)
- 1) Rulemaking: Docket number R17-3
- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R17-3 to accommodate any amendments to the SDWA National Primary Drinking Water Standards

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(NPDWRs), 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2016 through June 30, 2016. At this time, the Board is not aware of any federal amendments to the federal NPDWRs that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal NPDWRs and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R17-3, as necessary and appropriate.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest 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, 2016, the due date for Board adoption of amendments in docket R17-3 would be January 1, 2017.

- 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 2016, 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 were assumed to be January 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* before mid-September 2016. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45

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days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will 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 R17-3, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R17-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

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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.

k) 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 R17-4

- 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 R17-4 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2016 through June 30, 2016. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

The Board will verify the existence of any federal actions that affect the UIC regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R17-4, as necessary and appropriate.

Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming for the purposes of illustration that

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USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2016, the due date for Board adoption of amendments in docket R17-4 would be January 1, 2017.

- 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 2016, 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 were assumed to be January 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-September 2016. 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 will 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 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 R17-4, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago IL 60601

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

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for the period January 1, 2016 through June 30, 2016 (R16-G) (see item (I) below), and other, as yet unknown, unrelated Board proceedings may affect 35 Ill. Adm. Code 702, 705, or 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 704, 730, or 738 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

1) 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)

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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)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R17-6

- 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 R17-6 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, 2016 through June 30, 2016. At this time, the Board is not aware of any federal amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period.

The Board will verify the existence of any federal actions that affect the RCRA Subtitle C regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R17-6, as necessary and appropriate.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Since USEPA adopted an amendment that will

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require Board action on July 2, 2015, the due date for Board adoption of amendments in docket R17-6 would be July 2, 2016.

- 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 2016, 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 were assumed to be January 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* before mid-August 2016. 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. It would also allow 30 days from the date of a Board vote to adopt amendments for USEPA to review the amendments before they are filed with the Office of the Secretary of State. Alternatively, if no amendment to the Illinois hazardous waste regulations is needed, the Board will 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 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 R17-6, as follows:

POLLUTION CONTROL BOARD

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John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

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

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: The reserved UIC update docket for the period January 1, 2016 through June 30, 2016 (R16-E) (see item (k) above) and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

- m) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R17-7

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- 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 R17-7 to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period January 1, 2016 through June 30, 2016. At this time, the Board is not aware of any federal amendments to the federal UST regulations that occurred during this update period.

The Board will verify the existence of any federal actions and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R17-7, as necessary and appropriate.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest 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, 2016, the due date for Board adoption of amendments in docket R17-7 is January 1, 2017.

- 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.

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- 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 2016, 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 were assumed to be January 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* before mid-September 2016. 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 will 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 operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R17-7, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

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

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
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Michael.McCambridge@illinois.gov

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- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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.

- n) 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)

Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

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 R17-5

- 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 R17-5 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may make in the period January 1, 2016 through June 30, 2016. At this time, the Board is not aware of any federal amendments to the federal MSWLF regulations that occurred during this update period.

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The Board will verify the existence of any federal actions that may affect the text of the federal RCRA Subtitle D MSWLF regulations and determine the Board action required in response to each in coming weeks, by about mid-August 2016. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R17-5, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest 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, 2016, the due date for Board adoption of amendments in docket R17-5 would be January 1, 2017.

- 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 2016, 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 were assumed to be January 1, 2017, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-September 2016. 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 will promptly dismiss this reserved docket.

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- 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 R17-5, as follows:

John T. Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

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

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

Michael.McCambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect any of 35 Ill. Adm. Code 807 and 810 through 815 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

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

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

- o) Part (Heading and Code Citation): Site –Specific Closures of Coal Combustion Waste Surface Impoundments (35 Ill. Adm. Code 840)
- 1) Rulemaking: Docket Number R13-19
- A) Description: On April 9, 2013, Ameren Energy Resources filed a rulemaking proposal to add a Subpart B to Part 840 of the Board's waste disposal regulations, which addresses the closure of coal combustion waste surface impoundments. Ameren states that it intends its proposal to allow it to close surface impoundments for management of coal combustion waste at eight coal-fired powered plants.
- B) Statutory Authority: Implementing and authorized by Section 8 of the Groundwater Protection Act and Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28; 415 ICLS 55/8].
- C) Scheduled meeting/hearing dates: Hearings had not been scheduled at the time this regulatory agenda was filed. On August 7, 2014, the Board granted proponent's request to extend the stay of this proceeding for one year while a proposed generally-applicable rulemaking proposal is pending. On November 19, 2015, the Board directed the proponent to file within 60 days a status report detailing progress in this proceeding and describing the need for any request for further extension of the stay.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may be published in the *Illinois Register* within the next 12 months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: As proposed, this rule would apply to surface impoundments located at eight electric generating stations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

312/814-6085
Tim.Fox@illinois.gov

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

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

312/814-6085
Tim.Fox@illinois.gov

- p) Part (Heading and Code Citation): Coal Combustion Waste Surface Impoundments at Power Generating Facilities (35 Ill. Adm. Code 841)

- 1) Rulemaking: Docket Number R14-10

- A) Description: On October 28, 2013, the Illinois Environmental Protection Agency filed a rulemaking proposal to add a Part 841 to the Board's waste disposal regulations. The Agency stated that it proposed a generally applicable rule for coal combustion waste (CCW) surface impoundments at power generating facilities. On November 5, 2015, the Board stayed this rulemaking for 120 days until March 4, 2016.

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- B) Statutory Authority: Implementing and authorized by Sections 12, 13, 22, 27, and 28 of the Environmental Protection Act [415 ILCS 5/12, 13, 22, 27, and 28]
- C) Scheduled meeting/hearing dates: Multiple hearings were held in Springfield and Chicago.
- D) Date agency anticipates First Notice: A Notice of Proposed Rules may be published in 2016.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: As proposed, this rule would apply to surface impoundments located at electric generating stations.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago IL 60601

312/ 814-6085
Tim.Fox@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

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- a) Part (Heading and Code Citations): Regional Poison Control Center Code (77 Ill. Adm. Code 215)
- 1) Rulemaking:
- A) Description: This rulemaking will update this Part with respect to the number of poison control centers that may be designated, remove the requirements of a poison control center to coordinate with EMS Systems to assure that all ALS vehicles are equipped with poison antidotes and have 2-way communication with EMS vehicles, and change the membership of the advisory committee.
- B) Statutory Authority: Poison Control System Act [410 ILCS 47]
- C) Scheduled meeting/hearing dates: Spring 2016
- D) Date agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: All poison control centers will need to comply with the regulations.
- F) Agency contact person for information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citations): Distribution of Medical Student Scholarship Payback Funds (77 Ill. Adm. Code 594)

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- 1) Rulemaking:
 - A) Description: This rulemaking will update terms and definitions, clarify the amount dedicated to loan repayment and the percentage of funds awarded from various sources, and incorporate reporting and recovery provisions.
 - B) Statutory Authority: Family Practice Residency Act [110 ILCS 935/10] and the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-20 and 2310-205]
 - C) Scheduled meeting/hearing dates: Fall 2016
 - D) Date agency anticipates First Notice: Fall 2016
 - E) Affect on small businesses, small municipalities or not-for-profit corporations: No affect is anticipated.
 - F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citations): Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - 1) Rulemaking:
 - A) Description: This rulemaking will expand the listing of allowable cottage foods.

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- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Sanitary Food Preparation Act [410 ILCS 650], and the Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled meeting/hearing dates: Winter 2016
- D) Date agency anticipates First Notice: Winter 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses that sell products at farmers' markets may be impacted.
- F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

d) Part (Headings and Code Citations): Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)

- 1) Rulemaking:
 - A) Description: This rulemaking will update incorporated references with respect the Pasteurized Milk Ordinance.
 - B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
 - C) Scheduled meeting/hearing dates: Fall 2016

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- D) Date agency anticipates First Notice: Fall 2016
- E) Affect on small businesses, small municipalities or not-for-profit corporations: There will be a minimal impact on dairy producers and processors.
- F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citations): Body Art Code (77 Ill. Adm. Code 797)
- 1) Rulemaking:
- A) Description: This rulemaking will implement P.A. 99-0117 with respect to unregistered body art facilities and will also contain general update and clean up amendments.
- B) Statutory Authority: Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54]
- C) Scheduled meeting/hearing dates: Spring 2016
- D) Date agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unregistered body art facilities will be required to register with the Department and may be assessed fines for failure to register.

DEPARTMENT OF PUBLIC HEALTH

JULY 2016 REGULATORY AGENDA

F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citations): Manufactured Dairy Products (77 Ill. Adm. Code 785)

1) Rulemaking:

- A) Description: This rulemaking will update language to reflect language in the United States Department of Agriculture Manufactured Dairy Products regulations and to address current industry trend and general clean up of language.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled meeting/hearing dates: Winter 2016
- D) Date agency anticipates First Notice: Winter 2016
- E) Affect on small businesses, small municipalities or not-for-profit corporations: There will be a positive impact on dairy manufacturers as the amendments will bring the rules into closer alignment with United States Department of Agriculture (USDA) and address current trends in the industry.
- F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JULY 2016 REGULATORY AGENDA

Elizabeth Paton
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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citations): Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)

1) Rulemaking:

- A) Description: This rulemaking will repeal the requirement for the Department of Public Health to maintain a listing of information on generic drug manufacturers and approved generic drugs.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled meeting/hearing dates: Winter 2016
- D) Date agency anticipates First Notice: Winter 2016
- E) Affect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor

DEPARTMENT OF PUBLIC HEALTH

JULY 2016 REGULATORY AGENDA

Springfield IL 62761

217/782-2043

dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citations): Drinking Water Systems Code (77 Ill. Adm. Code 900)

1) Rulemaking:

A) Description: This rulemaking will update the Part with respect to federal changes that govern construction, operation and monitoring of non-community public water systems.

B) Statutory Authority: Illinois Groundwater Protection Act [415 ILCS 55/9]

C) Scheduled meeting/hearing dates: Winter 2016

D) Date agency anticipates First Notice: Winter 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: No financial impact is anticipated. The updates will require additional surveillance for protection of and response to contaminated water. At this time, the Department and local health departments perform this work.

F) Agency contact person for information:

Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761

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DEPARTMENT OF PUBLIC HEALTH

JULY 2016 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citations): Water Well Construction Code (77 Ill. Adm. Code 920)
- 1) Rulemaking:
- A) Description: This rulemaking will implement P.A. 98-0951 with respect to the construction and modification of closed loop wells.
- B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]
- C) Scheduled meeting/hearing dates: Winter 2016
- D) Date agency anticipates First Notice: Winter 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Closed loop and water well contractors will be affected.
- F) Agency contact person for information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

JULY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

1) Rulemaking:

A) Description: The Part 1 rulemaking will propose changes in response to PA 99-193, addressing school accountability and related changes due to the reauthorization of the federal Elementary and Secondary Education Act, as well as to revamp criteria for schools and school districts to be placed on the Illinois Honor Roll, to enter into intervention (PA 98-1155), provide student discipline reporting (PA 98-1102), update the State assessment system (PA 98-972) and modify annual measurable achievement objectives for English learners.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: December 30, 2016

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777

217/82-5270
rules@isbe.net
fax: 217/524-8585

G) Related rulemakings and other pertinent information:

b) Part (Heading and Code Citation): Educator Licensure (23 Ill. Adm. Code 25)

STATE BOARD OF EDUCATION

JULY 2016 REGULATORY AGENDA

1) Rulemaking:

- A) Description: Numerous changes will be proposed in Part 25, to include, but not be limited to, requirements for educator licensure candidates to submit transcripts for preparation program auditing purposes; broaden the type of school which may conduct student teaching; and respond to pending legislation, particularly SB 2912.
- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: November 4, 2016
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information:

c) Part (Heading and Code Citation): Vocational Education (23 Ill. Adm. Code 254)1) Rulemaking:

- A) Description: Part 254 will be repealed and will be replaced with new Part 254.
- B) Statutory Authority: 105 ILCS 435

STATE BOARD OF EDUCATION

JULY 2016 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: December 30, 2016
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
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100 North First Street, S-493
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- G) Related rulemakings and other pertinent information:

d) Part (Heading and Code Citation): Career and Technical Education (23 Ill. Adm. Code 254)

1) Rulemaking:

- A) Description: New Part 254 will set forth the criteria and standards, including the grant process, to be used to award funding under the Vocational Education Act and the federal Carl D. Perkins Vocational Education Act (20 USC 2301 et seq.).
- B) Statutory Authority: 105 ILCS 435
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: December 30, 2016

STATE BOARD OF EDUCATION

JULY 2016 REGULATORY AGENDA

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

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rules@isbe.net
fax: 217/524-8585

G) Related rulemakings and other pertinent information:

e) Part (Heading and Code Citation): Charter Schools (23 Ill. Adm. 650)

1) Rulemaking:

A) Description: Section 650.40 will be revised to remove any references to "revision" and "renewal" since revisions and renewals are addressed in Section 650.50, and other changes will be proposed to more clearly state the rules' requirements and intent.

B) Statutory Authority: 105 ILCS 5/Art. 27A

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: September 9, 2016

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Lindsay Bentivegna
Agency Rules Coordinator

STATE BOARD OF EDUCATION

JULY 2016 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:

f) Part (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5000)

1) Rulemaking:

A) Description: These rules will be updated to reflect the current organizational structure of the State Board of Education and agency, as has been codified in PA 99-30, effective July 10, 2015.

B) Statutory Authority: 5 ILCS 100/5-15

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: October 7, 2016

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Lindsay Bentivegna
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STATE BOARD OF EDUCATION

JULY 2016 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:g) Part (Heading and Code Citation): General Grantmaking (44 Ill. Adm. 7200)1) Rulemaking:

A) Description: This new Part will comply with PA 98-706 and 30 ILCS 708 regarding a standardized, statewide process for awarding and monitoring State and federal grants. This rulemaking will be conducted once additional rules regarding in part, grant process and criteria, are promulgated by the Grant Accountability and Transparency Unit.

B) Statutory Authority: 30 ILCS 708/50

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: November 28, 2016

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Lindsay Bentivegna
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100 North First Street, S-493
Springfield IL 62777

217/782-5270
rules@isbe.net
fax: 217/524-8585

G) Related rulemakings and other pertinent information:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JULY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650
- 1) Rulemaking:
- A) Description: The Teachers' Retirement System anticipates promulgating and amending rules in relation to the requirement to allow interested persons to request and agency to adopt, amend or repeal a rule.
- B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: Unknown.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None.
- F) Agency contact person for information:

Sandy Cochran
Teachers' Retirement System
Office of Legal Counsel
P.O. Box 19253
2815 West Washington
Springfield IL 62794-9253

217/753-0375
- G) Related rulemakings and other pertinent information: None.

ILLINOIS ADMINISTRATIVE CODE
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