

TABLE OF CONTENTS

May 11, 2018 Volume 42, Issue 19

PROPOSED RULES

NATURAL RESOURCES, DEPARTMENT OF
Public Use of State Parks and Other Properties of the Department of
Natural Resources
17 Ill. Adm. Code 110.....7905

ADOPTED RULES

INSURANCE, DEPARTMENT OF
Life and Accident and Health Policy Forms; Dividends (Repealer)
50 Ill. Adm. Code 914.....7914
Family Group Life Insurance Policy Forms (Repealer)
50 Ill. Adm. Code 1403.....7916
Required Benefits for Mental, Emotional or Nervous Disorders
(Repealer)
50 Ill. Adm. Code 2006.....7918
Privacy of Personal Information (Repealer)
50 Ill. Adm. Code 4001.....7920

POLLUTION CONTROL BOARD

Regulatory Relief Mechanisms
35 Ill. Adm. Code 104.....7922

PUBLIC HEALTH, DEPARTMENT OF

Intermediate Care for the Developmentally Disabled Facilities Code
77 Ill. Adm. Code 350.....7950

SECRETARY OF STATE

Cancellation, Revocation or Suspension of Licenses or Permits
92 Ill. Adm. Code 1040.....7963

EMERGENCY RULES

LAW ENFORCEMENT TRAINING AND STANDARDS BOARD, ILLINOIS
Surcharge Fund Financial Assistance
20 Ill. Adm. Code 1700.....7972

NOTICE OF CODIFICATION CHANGES

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS
Procedure for the Certification of Operators of Wastewater
Treatment Works
35 Ill. Adm. Code 380.....7978

REVENUE, DEPARTMENT OF

Income Tax
86 Ill. Adm. Code 100.....7980

JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES
May Agenda.....7981

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....7988

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 peremptory 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 2018

Issue#	Rules Due Date	Date of Issue
1	December 26, 2017	January 5, 2018
2	January 2, 2018	January 12, 2018
3	January 8, 2018	January 19, 2018
4	January 16, 2018	January 26, 2018
5	January 22, 2018	February 2, 2018
6	January 29, 2018	February 9, 2018
7	February 5, 2018	February 16, 2018
8	February 13, 2018	February 23, 2018
9	February 20, 2018	March 2, 2018
10	February 26, 2018	March 9, 2018
11	March 5, 2018	March 16, 2018
12	March 12, 2018	March 23, 2018
13	March 19, 2018	March 30, 2018
14	March 26, 2018	April 6, 2018
15	April 2, 2018	April 13, 2018
16	April 9, 2018	April 20, 2018
17	April 16, 2018	April 27, 2018
18	April 23, 2018	May 4, 2018
19	April 30, 2018	May 11, 2018
20	May 7, 2018	May 18, 2018
21	May 14, 2018	May 25, 2018
22	May 21, 2018	June 1, 2018
23	May 29, 2018	June 8, 2018
24	June 4, 2018	June 15, 2018
25	June 11, 2018	June 22, 2018

26	June 18, 2018	June 29, 2018
27	June 25, 2018	July 6, 2018
28	July 2, 2018	July 13, 2018
29	July 9, 2018	July 20, 2018
30	July 16, 2018	July 27, 2018
31	July 23, 2018	August 3, 2018
32	July 30, 2018	August 10, 2018
33	August 6, 2018	August 17, 2018
34	August 13, 2018	August 24, 2018
35	August 20, 2018	August 31, 2018
36	August 27, 2018	September 7, 2018
37	September 4, 2018	September 14, 2018
38	September 10, 2018	September 21, 2018
39	September 17, 2018	September 28, 2018
40	September 24, 2018	October 5, 2018
41	October 1, 2018	October 12, 2018
42	October 9, 2018	October 19, 2018
43	October 15, 2018	October 26, 2018
44	October 22, 2018	November 2, 2018
45	October 29, 2018	November 9, 2018
46	November 5, 2018	November 16, 2018
47	November 13, 2018	November 26, 2018
48	November 19, 2018	November 30, 2018
49	November 26, 2018	December 7, 2018
50	December 3, 2018	December 14, 2018
51	December 10, 2018	December 21, 2018
52	December 17, 2018	December 28, 2018

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
110.200	New Section
110.210	New Section
110.215	New Section
110.220	New Section
110.225	New Section
110.230	New Section
110.235	New Section
110.240	New Section
110.245	New Section
110.250	New Section
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-45, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-45; 805-520, 805-525, 805-330, 805-335 and 805-515].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to establish procedures for the Adopt-A-Trail Program, pursuant to PA 100-180.
- 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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 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:

Javonna Ackerman, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/557-0126
- 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 a: LANDSPART 110
PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCESSUBPART A: GENERAL PROVISIONS

Section	
110.4	Fees and Charges
110.5	Unlawful Activities (Repealed)
110.20	Alcoholic Beverages – Possession, Consumption, Influence
110.30	Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals; Livestock; Animal Waste
110.40	Boats and Other Watercraft
110.45	Abandoned Watercraft
110.50	Capacity of Areas – Usage Limitation
110.60	Camping – Campfires – Firewood
110.70	Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects-Collection of Artifacts
110.90	Group/Activity Permits
110.95	Demonstrations
110.100	Littering
110.110	Prohibited Fishing Areas – Cleaning of Fish
110.120	Restricted Areas
110.140	Soliciting/Advertising/Renting/Selling
110.150	Swimming/Wading/Diving
110.160	Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
110.165	Bicycles – Operation on Roadway – Designated Trails
110.170	Weapons and Firearms – Display and Use
110.175	Nudity Prohibited
110.180	Violation of Rule
110.185	Emergency Modification of Site Rules

SUBPART B: ADOPT-A-TRAIL110.200 Purpose

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

110.210	Definitions
110.215	Registration and Background Checks
110.220	Application
110.225	Agreements
110.230	Type of Work Permitted
110.235	Form of Submittal of Adopt-a-Trail Applications
110.240	Department Approval
110.245	Coordination
110.250	Volunteer Responsibilities

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28, 2005; emergency amendment at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 19376, effective November 30, 2006; amended at 32 Ill. Reg. 174, effective December 19, 2007; amended at 37 Ill. Reg. 6652, effective May 1, 2013; amended at 42 Ill. Reg. _____, effective _____.

SUBPART B: ADOPT-A-TRAILSection 110.200 Purpose

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

The purpose of the Adopt-a-Trail program is to promote public involvement in and increased public appreciation of the many trails throughout the State of Illinois by allowing volunteer groups to assist in maintaining and enhancing trails on State-owned land.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.210 Definitions

"Accessibility projects" – means projects that provide improved access to trails or trail amenities for all trail users, but especially for trail users with disabilities.

"Adopt-a-Trail Agreement" – means a legally binding document on and between a volunteer group and the Department in which the volunteer project is fully described and the parties' individual responsibilities as related to the volunteer project are defined.

"Adopt-a-Trail Program" – means the program created by Section 805-45 of the Department of Natural Resources (Conservation) Law [20 ILCS 805/805-45].

"Application" – means a request, submitted on a form provided by the Department, by a volunteer group proposing to engage in a volunteer activity on a trail or a segment of a trail.

"Authorized representative" – means an individual who has been approved to act on behalf of the Department.

"Department" – means the Illinois Department of Natural Resources.

"Eligible member" – means an individual who has complied with all existing Department procedures, as well as any other federal, State or local requirements, to participate as a volunteer of the Department.

"Law" – means the Department of Natural Resources (Conservation) Law [20 ILCS 805].

"Public information and assistance" – means projects that are associated with events in which volunteers may provide information and assistance during the event.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Responsible party" – means an individual who will coordinate an approved volunteer group, and ensure compliance with the submitted project proposal, Section 805-45 of the Law and this Part while that group is engaged in Adopt-a-Trail activities on Department land.

"Special events" – means a function or occasion held on an adopted trail, trail segment or trail system in association with a specific purpose for attendance or participation.

"Spring cleanups" – means projects that assist in the removal of natural debris and plant materials that may have accumulated over the period of closure.

"Trail" – means a named trail, or segment of a named trail, agreed upon and approved by the Department.

"Trail maintenance, enhancement or realignment" – means projects that focus on general maintenance and removal of trash and natural debris. Enhancement means projects that focus on Department approved alterations that enhance and improve the trail and trail user experience.

"Training" – means projects that educate volunteers on the Adopt-a-Trail program or elements associated with projects.

"Volunteer group" – means a group of individuals approved by the Department that consists of at least 6 eligible members who are 18 years of age or older, or a school or scout group that will be supervised by someone 18 or older, who offer to perform services or undertakings approved by the Department through an Adopt-a-Trail project.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.215 Registration and Background Checks

- a) Volunteer groups must register with the Department to participate in the program.
- b) Individual members must also register with the Department to participate in the program. Members may be subject to a background check.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) No unregistered persons will be permitted to take part in any Adopt-a-Trail activities.
- d) Any person who fails a background check will not be allowed to participate in any Adopt-a-Trail activities on Department property.
- e) Members, whether a group or an individual, shall be responsible for updating any changes in their personal information. This responsibility includes any change in personal eligibility, including, but not limited to, a criminal conviction.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.220 Application

Volunteer groups that wish to participate in the Adopt-a-Trail program are required to submit an Adopt-a-Trail application pursuant to Section 110.235. All applications are subject to review, amendment and acceptance by the Department.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.225 Agreements

- a) After the Department accepts a volunteer group's application, the Department will provide that group with an Adopt-a-Trail Agreement to review, sign and return to the Department's authorized representative. The Department may unilaterally suspend or terminate an Agreement at any time for any reason.
- b) Adopt-a-Trail Agreements shall involve:
 - 1) a two-year term of work, that involves at least 200 hours of service;
 - 2) a group of at least 6 eligible members.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.230 Type of Work Permitted

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Any Adopt-a-Trail Agreement may propose certain volunteer activities to be performed solely by registered volunteers at their own risk. Adopt-a-Trail volunteer activities may include any of the following:
- 1) Spring cleanups;
 - 2) Accessibility projects;
 - 3) Trail maintenance, enhancement or realignment;
 - 4) Public information and assistance; or
 - 5) Training.
- b) Volunteer activities shall not include work historically performed by Department employees, including activities that result in a reduction of hours or compensation or that may be performed by a Department employee on layoff, nor shall volunteer activities be inconsistent with the terms of a collective bargaining agreement. [20 ILCS 805-45]
- c) The Department may approve other proposed volunteer activities on a case-by-case basis.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.235 Form of Submittal of Adopt-a-Trail Applications

Adopt-a-Trail applications shall be submitted to the Department by providing the application to the site superintendent. Application forms are provided on the Department's website at www.dnr.illinois.gov. Applications shall be submitted during January or at the request of the Department throughout the year, as determined by operation needs.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.240 Department Approval

The Department has the sole and final authority to accept, modify or deny an Adopt-a-Trail application or Agreement. The Department may elect to have multiple Adopt-a-Trail Agreements for specific trails and may select more than one group to cover any given trail or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

trail segment. The operational needs of the Department for work at any particular site will determine how proposed volunteer activities are selected and executed.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.245 Coordination

The Department shall be responsible for coordination of Adopt-a-Trail and similar programs such as Adopt-a-Park.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 110.250 Volunteer Responsibilities

Volunteer groups shall, at all times, comply with the Act, this Part, Department application procedures, and any subsequent Adopt-a-Trail Agreement.

(Source: Added at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Life and Accident and Health Policy Forms; Dividends
- 2) Code Citation: 50 Ill. Adm. Code 914
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
914.10	Repealed
914.20	Repealed
914.30	Repealed
914.40	Repealed
- 4) Statutory Authority: Implementing Sections 143, 149, 236, 237, and 364 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 755, 761, 848, 849, 976 and 1013) [215 ILCS 5/143, 149, 236, 237, 364 and 401].
- 5) Effective Date of Repealer: April 30, 2018
- 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 principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15472; December 29, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Rulemaking: The rule is being repealed as it is not applicable to any oversight the Department currently undertakes; it is no longer used to define policyholder dividends.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mike Chrysler
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/558-2744

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Family Group Life Insurance Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 1403
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1403.10	Repealed
1403.20	Repealed
1403.30	Repealed
1403.40	Repealed
1403.50	Repealed
1403.60	Repealed
1403.70	Repealed
- 4) Statutory Authority: Implementing Sections 143, 149, 154, 224, 225 and 281 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 755, 761, 766, 836, 837, 893 and 1013) [215 ILCS 5/143, 149, 154, 224, 225 and 281].
- 5) Effective Date of Repealer: April 30, 2018
- 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 principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15476; December 29, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all 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 an emergency rule currently in effect? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule concerns policy forms for family group life insurance, which is an individual policy offered to family groups. This type of policy is no longer commonly issued by companies, and it has been some time since any applicable forms have been submitted to the Department for review. There are no requirements unique to this type of insurance policy in the Insurance Code, and Section 281 of the Code has been repealed. Since this is an individual policy, any necessary protections are still afforded by 215 ILCS 5/224 and 225. The rule is no longer needed, and therefore it is being repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mike Chrysler
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/558-2744

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Required Benefits for Mental, Emotional or Nervous Disorders
- 2) Code Citation: 50 Ill. Adm. Code 2006
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
2006.10	Repealed
2006.20	Repealed
2006.30	Repealed
2006.40	Repealed
2006.50	Repealed
- 4) Statutory Authority: Implementing Section 370(c) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 982(c) and 1013).
- 5) Effective Date of Repealer: April 30, 2018
- 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 repealer, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15172; December 26, 2017
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Rulemaking: Part 2006 was adopted in 1977 to provide a definition of "registered clinical psychologist" (now "licensed clinical psychologist") following the enactment of provisions now codified in Section 370(c)(2) of the Insurance Code. Because it is no longer necessary to provide this definition in the Department's rules, Part 2006 is being repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mike Chrysler
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/558-2744

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Privacy of Personal Information
- 2) Code Citation: 50 Ill. Adm. Code 4001
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
4001.10	Repealed
4001.20	Repealed
4001.30	Repealed
4001.40	Repealed
4001.50	Repealed
- 4) Statutory Authority: Implementing Article XL of the Illinois Insurance Code [215 ILCS 5/1001 through 1024] and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and Art. XL].
- 5) Effective Date of Repealer: April 30, 2018
- 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15189; December 26, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all 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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Rulemaking: Part 4001 duplicates Part 4002, with the exception of effective date information, and is no longer needed. Therefore, it is being repealed.

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

Cliff Garrett
Assistant General Counsel
Department of Insurance
122 S. Michigan Ave., 19th Floor
Chicago IL 60603

312/814-2435
fax: 312/814-2826

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulatory Relief Mechanisms
- 2) Code Citation: 35 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
104.500	New Section
104.505	New Section
104.510	New Section
104.515	New Section
104.520	New Section
104.525	New Section
104.530	New Section
104.535	New Section
104.540	New Section
104.545	New Section
104.550	New Section
104.555	New Section
104.560	New Section
104.565	New Section
104.570	New Section
104.575	New Section
104.580	New Section
104.585	New Section
104.590	New Section
- 4) Statutory Authority: Implementing and authorized by Section 26 of the Illinois Environmental Protection Act [415 ILCS 5/26].
- 5) Effective Date of Rules: April 27, 2018
- 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, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, Chicago IL 60601 and are available there for public inspection.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 11236; September 8, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Board made several non-substantive changes to the rule, including those requested by JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rules set forth the procedures necessary to adopt time limited water quality standards (TLWQS) pursuant to PA 99-937. PA 99-937, effective February 24, 2017, amend the Environmental Protection Act (Act) to allow the Board to issue TLWQS. TLWQS are a new relief mechanism for adoption of federally approvable water quality standard variances consistent with federal rules. Under PA 99-937, not only a single discharger but multiple dischargers may seek a TLWQS. TLWQS may also address standards in a waterbody or waterbody segment, or a watershed. The rules explain what a TLWQS is and how it will be obtained; explains how a TLWQS can be used, specifies the different parties to a TLWQS proceeding (i.e. petitioners and participants), and the types of notice and service required for TLWQS proceedings. The rules also set forth provisions of the statutorily created stay.
- 16) Information and questions regarding these adopted rules shall be directed to:

Marie Tipsord
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-4925
Marie.Tipsord@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

number R18-18 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARDPART 104
REGULATORY RELIEF MECHANISMS

SUBPART A: GENERAL PROVISIONS

Section	
104.100	Applicability
104.102	Severability
104.104	Definitions
104.106	Petitions and Hearings

SUBPART B: VARIANCES

Section	
104.200	General
104.202	Filing Requirements
104.204	Petition Content Requirements
104.206	RCRA Variance Petition Contents
104.208	Consistency with Federal Law
104.210	Petition for Extension of Variance
104.212	Motion for Modification of Internal Variance Compliance Dates
104.214	Notice of Petition
104.216	Agency Investigation and Recommendation
104.218	Agency Recommendation to RCRA Variance
104.220	Response to Agency Recommendation
104.222	Stipulations
104.224	Objections to Petition, Written Comments, and Request for Hearing
104.226	Amended Petition and Amended Recommendation
104.228	Insufficient Petition
104.230	Dismissal of Petition
104.232	Calculation of Decision Deadline
104.234	Hearing
104.236	Hearing Procedures
104.238	Standard of Review
104.240	Certificate of Acceptance

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

104.242	Term of Variance
104.244	Variance Conditions
104.246	Performance Bonds
104.248	Objection to Conditions

SUBPART C: PROVISIONAL VARIANCES

Section	
104.300	Applicability
104.302	Agency Action
104.304	Initiating a Request
104.306	Filing and Notice
104.308	Term
104.310	Simultaneous Variance Prohibition (Repealed)

SUBPART D: ADJUSTED STANDARDS

Section	
104.400	General
104.402	Initiation of Proceeding
104.404	Request to Agency to Join as Co-Petitioner
104.406	Petition Content Requirements
104.408	Petition Notice Requirements
104.410	Proof of Petition Notice Requirements
104.412	Effect of Filing a Petition: Stay
104.414	Dismissal of Petition
104.416	Agency Recommendation and Petitioner Response
104.418	Amended Petition, Amended Recommendation, and Amended Response
104.419	Insufficient Petition
104.420	Request for Public Hearing
104.422	Public Hearing
104.424	Hearing Notice
104.426	Burden of Proof
104.428	Board Action

SUBPART E: TIME-LIMITED WATER QUALITY STANDARDS (TLWQS)

<u>Section</u>	
<u>104.500</u>	<u>Purpose</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

104.505	Applicability and Use
104.510	Severability
104.515	Definitions
104.520	General Procedures
104.525	Stay
104.530	Petition Contents
104.535	Agency Response
104.540	Board Established Classes and Deadlines
104.545	Substantial Compliance Assessment
104.550	Recommendation and Response
104.555	Hearing
104.560	Demonstration
104.565	Opinion and Order
104.570	USEPA Review
104.575	Coverage Under Board-Approved Time-Limited Water Quality Standards
104.580	Re-evaluation
104.585	Appeal Rights
104.590	Extension

104.APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Subparts B and C: Implementing Sections 5, 35, 36, 37 and 38 of the Environmental Protection Act (Act) [415 ILCS 5/5, 35, 36, 37, and 38] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27]. Subpart D: Implementing Sections 5, 14.2(c), 22.4, 27, 28, 28.1, 28.5 and 39.5 of the Act [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1, 28.5 and 39.5] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27]. Subpart E: Implementing and authorized by Sections 4, 5, and 38.5 of the Act [415 ILCS 5/5 and 38.5].

SOURCE: Subpart B: Originally adopted as Chapter I: Procedural Rules, Part IV: Variances, in R70-4, at 1 PCB 43, October 8, 1970; amended in R77-16, 29 PCB 503, at 2 Ill. Reg. 16, p. 3, effective May 1974; amended in R79-9, 35 PCB 433, at 3 Ill. Reg. 51, p. 128, effective December 7, 1979; amended in R80-12, 40 PCB 451, at 5 Ill. Reg. 2763, effective March 2, 1981; codified at 6 Ill. Reg. 8357; amended in R84-10, 62 PCB 87, at 9 Ill. Reg. 1409, effective January 16, 1985; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 613, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8803, effective June 8, 2005; amended in R14-21 at 39 Ill. Reg. 2357, effective January 27, 2015; amended in R15-20 at 39 Ill. Reg. 12905, effective September 8, 2015; amended in R16-17 at 40 Ill. Reg. 7973, effective May 20, 2016; amended in R17-18 at 41 Ill. Reg. 10049, effective July 5, 2017; amended in R18-18 at 42 Ill. Reg. 7922, effective April 27, 2018.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: TIME-LIMITED WATER QUALITY STANDARDS (TLWQS)**Section 104.500 Purpose**

- a) This Subpart sets forth procedures for obtaining a time-limited water quality standard (TLWQS). A TLWQS provides relief from water quality standards as set forth in 35 Ill. Adm. Code 302 and 303.
- b) For waters in the Great Lakes basin, petitioners must meet the requirements of both this Subpart and 40 CFR 132. When regulations in this Subpart and 40 CFR 132 overlap, the more stringent regulation applies.
- c) This Subpart must be read in conjunction with 35 Ill. Adm. Code 101. If the requirements of 35 Ill. Adm. Code 101 and those of this Subpart conflict, the provisions of this Subpart apply.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.505 Applicability and Use

- a) A TLWQS proceeding is a non-adjudicatory proceeding.
- b) A TLWQS may be adopted for a single discharger, multiple dischargers, a watershed, a water body, or a waterbody segment.
- c) The extent and coverage of TLWQS will be set forth in the Board's order (see Section 104.565).
- d) A TLWQS, once adopted by the Board and approved by USEPA, will be the applicable standard for the purposes of the Clean Water Act in developing NPDES permit limits and requirements under 35 Ill. Adm. Code 309 for the term of the TLWQS. Any limitations and requirements necessary to implement the TLWQS will be included as enforceable conditions of the NPDES permit for any permittee granted coverage under the TLWQS by the Board or Agency.
- e) The Agency may use an approved TLWQS when issuing certifications under section 401 of the Clean Water Act.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.510 Severability

If any provision of this Subpart or its application to any person is adjudged invalid, the adjudication will not affect the validity of any other provision of this Subpart or the validity of this Subpart as a whole.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.515 Definitions

a) Unless otherwise defined in subsection (b), words have the definitions provided in the Environmental Protection Act (Act) [415 ILCS 5] and 35 Ill. Adm. Code 101.Subpart B.

b) The following definitions apply to this Subpart:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Best Management Practices" or "BMPs" means methods, measures or practices selected to meet nonpoint source control needs. BMPs include structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

"Highest Attainable Use" is the modified aquatic life, wildlife, or recreational use that is both closest to the uses specified in section 101(a)(2) of the Clean Water Act and attainable based on the evaluation of the factors in 40 CFR 131.10(g) that precludes attainment of the use and any other information or analyses that were used to evaluate attainability. There is no required highest attainable use when the State demonstrates the relevant use specified in section 101(a)(2) of the Clean Water Act and all the subcategories of such a use are not attainable.

"Non-101(a)(2) Use" is any use unrelated to the protection and propagation of fish, shellfish, wildlife, or recreation in or on the water.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Pollutant Minimization Program", in the context of this Part, means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loading.

"Substantial Compliance" means compliance with substantial or essential content requirements of 40 CFR 131.14, Section 38.5 of the Act, and Section 104.530 of this Part.

"Time-Limited Water Quality Standard" or "TLWQS" means a time-limited designated use and criterion for a specific pollutant or water quality parameter that reflects the highest attainable condition during the term of that relief.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.520 General Procedures

- a) A TLWQS may be sought for multiple uses and multiple parameters by:
 - 1) persons who file with the Board a petition for a TLWQS under Section 38.5 of the Act; and
 - 2) persons who had a pending petition on February 24, 2017 for a variance from a water quality standard under Section 35 of the Act converted into a petition for a TLWQS under Section 38.5 of the Act.

- b) Participants
 - 1) Petitioner
 - A) For a single discharger TLWQS, the person seeking the TLWQS will be designated as the petitioner.
 - B) For a multiple discharger, watershed, water body, or waterbody segment TLWQS, a discharger or a group of dischargers seeking the TLWQS may act individually or collectively as a single petitioner when filing a TLWQS petition before the Board if they can meet the demonstration requirements under Section 104.560.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) For a multiple discharger, watershed, water body, or waterbody segment TLWQS, a petitioner may decide at any time to withdraw from a collectively filed petition, and may then file its own individual TLWQS petition, join or rejoin a previously filed collective TLWQS petition. A petitioner's decision to withdraw from, join or rejoin a previously filed TLWQS petition does not invalidate an otherwise valid stay granted under Section 104.525. A stay will not continue if a petitioner withdraws its petition and does not file an individual petition or join or rejoin a previously filed collective petition by the deadline set by the Board.
- 2) The Agency will be a participant.
- 3) Any person may become a participant in the TLWQS proceeding.
- 4) The Board will develop and maintain a notice list of persons and organizations that have expressed an interest in, or may, by the nature of their purposes, activities or members, be affected by, any covered activity. The Board will include in the notice list all dischargers or classes of dischargers identified by the Agency under Section 104.535(b)(1).
- c) Filing and Service. Unless otherwise provided by this Subpart, all documents must be served and filed in compliance with 35 Ill. Adm. Code 101.Subpart C.

BOARD NOTE 1: The Board encourages persons addressing the same pollutants in the same water body, waterbody segment or watershed to join in filing a joint petition whenever possible, collectively making the demonstration outlined in Section 104.555. When multiple petitions addressing the same pollutants in the same water body, waterbody segment or watershed are filed separately, the Board may consolidate the petitions under 35 Ill. Adm. Code 101.406. The Board may also incorporate materials and evidence filed in support of one petition as evidence in support of a petition addressing similar issues. (See 35 Ill. Adm. Code 101.306.)

BOARD NOTE 2: Lack of action by one or more dischargers will not affect the ability of the Board to consider or act on a TLWQS petition filed before the Board.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.525 Stay

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The effectiveness of a water quality standard from which relief is sought is stayed as to the following persons from the effective date of the water quality standard until the stay is terminated as provided in this Section:
- 1) Any person who had a petition for a variance seeking relief from a water quality standard under Section 35 of the Act converted into a petition for a TLWQS under Section 38.5 of the Act;
 - 2) Any person who files a petition for a TLWQS within 35 days after the effective date of the water quality standard from which relief is sought; and
 - 3) Any person who files a petition for a TLWQS before the deadline established in a Board order under Section 104.540. This person must be a member of a class of dischargers that has filed a TLWQS petition under Section 104.525(a)(1) or (a)(2) and that has been identified in the Board's final order under Section 104.540.
- b) For any person for whom the effectiveness of the water quality standard is stayed under subsection (a), the following applies:
- 1) If the person files a petition or amended petition by the deadline established by the Board in Section 104.540 and the petition or amended petition is in substantial compliance as described by Section 104.545, the stay continues until the Board:
 - A) denies the petition or amended petition and all rights to judicial review of the Board's order denying the petition or amended petition are exhausted; or
 - B) adopts the TLWQS and USEPA either:
 - i) approves the TLWQS; or
 - ii) disapproves the TLWQS for failure to comply with 40 CFR 131.14.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) If the person files an amended petition by the deadline established by the Board in Section 104.540, but the amended petition is not in substantial compliance as described by Section 104.545, the Board will deny the amended petition and the stay will continue until all rights to judicial review are exhausted.
- 3) If the person fails to file an amended petition to address the Board's determination of non-substantial compliance under Section 104.545 by the deadline established by the Board under Section 104.540, the Board will dismiss the original petition and the stay will continue until all rights to judicial review are exhausted.
- c) If a person other than a person described in subsection (a) files a petition for a TLWQS, the effectiveness of the water quality standard from which relief is sought is not stayed as to that person. However, the person may proceed with his or her petition for a TLWQS by complying with 40 CFR 131.14, Section 38.5 of the Act, and this Part.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.530 Petition Contents

- a) All TLWQS petitions or amended petitions must include:
 - 1) A statement indicating the type of TLWQS sought:
 - A) single discharger;
 - B) multiple discharger; or
 - C) watershed, water body, or waterbody segment;
 - 2) identification of the currently applicable water quality standard for the pollutant or parameter for which a TLWQS is sought;
 - 3) the location of the petitioner's activity and the location of the points of its discharge;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) a map of the proposed watershed, water body or waterbody segment to which the TLWQS will apply, as well as a written description of the watershed, water body, or waterbody segment, including the associated segment code;
- 5) designated uses of the water body or waterbody segment identified in subsection (a)(4);
- 6) data describing the nature and extent of the present or anticipated failure to meet the water quality standard or standards, as well as facts that support the petitioner's argument that compliance with the water quality standard or standards cannot be achieved by the required compliance date;
- 7) a demonstration that attainment of the designated use or uses and criterion or criteria is not feasible throughout the term of the TLWQS because of one or more of the factors listed in Section 104.560(a);
- 8) an identification, including the Board's docket number, of any prior TLWQS or water quality standards variances issued to the petitioner, watershed, water body, waterbody segment, and, if known, the petitioner's predecessors, concerning similar relief;
- 9) an identification, by name of the permit holder and permit number, of the permits held by dischargers that may be affected by the adoption of the TLWQS;
- 10) an identification and description of any process, activity, or source that contributes to a violation of a water quality standard, including the material used in that process or activity;
- 11) a description and copy of all Pollutant Minimization Plans that are relevant to the relief requested and are currently being implemented or were implemented in the past;
- 12) the proposed highest attainable condition of the watershed, water body, or waterbody segment identified in subsection (a)(4) expressed as set forth in Section 104.565(d)(4), including projected changes in the highest attainable condition throughout the proposed term of the TLWQS;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) a demonstration of the pollutant control activities proposed to achieve the highest attainable condition, including those activities identified through a Pollutant Minimization Program;
 - 14) the proposed term of the TLWQS, along with a justification that it is only as long as necessary to achieve the highest attainable condition and a description of the relationship between the proposed pollution control activities and the proposed term;
 - 15) a proposed re-evaluation schedule to re-evaluate the highest attainable condition during the term of the TLWQS if that proposed term is longer than five years (see Section 104.580);
 - 16) any other documentation necessary to support the petitioner's demonstration under Section 104.560; and
 - 17) a demonstration to assure that the proposed highest attainable condition does not conflict with the attainment of any downstream water quality standard for the pollutant or parameter for which the TLWQS is sought.
- b) For a watershed, water body or waterbody segment TLWQS, the petition or amended petition must also include:
- 1) identification and documentation of any cost-effective and reasonable best management practices for nonpoint source controls related to the pollutant or water quality parameter and watershed, water body, or waterbody segment specified in the TLWQS that could be implemented to make progress towards attaining the underlying designated use and criterion; and
 - 2) if the petition is for an extension of an existing TLWQS, an explanation of the extent to which the best management practices for nonpoint source controls were implemented to address the pollutant or water quality parameter subject to the TLWQS and the water quality progress achieved.
- c) For a watershed, water body, waterbody segment, or multiple discharger TLWQS, the petition or amended petition may also include proposed eligibility criteria to be adopted by the Board to be used at the time of renewal or modification of an individual's federal NPDES permit or at the time an individual files an application

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

for certification under section 401 of the federal Clean Water Act to obtain coverage under a Board-approved TLWQS.

- d) For a multiple discharger, watershed, water body, or waterbody segment TLWQS, discharger specific information must be provided individually.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.535 Agency Response

- a) The Agency must file a response with the Board within 21 days after the filing of the initial petition.
- b) The Agency response must:
- 1) identify the discharger or classes of dischargers, including applicable permit numbers, affected by the water quality standard or standards from which relief is sought in the petition;
 - 2) identify the watershed, water bodies, or waterbody segments, including the receiving stream, affected by the water quality standard or standards from which relief is sought in the petition;
 - 3) identify the appropriate type of TLWQS, based on factors such as the nature of the pollutant, the condition of the affected water body, and the number and type of dischargers; and
 - 4) recommend prompt deadlines by which each class of dischargers identified in subsection (b)(1) must file a petition in substantial compliance with Section 104.530 to stay the effectiveness of a water quality standard or standards under Section 104.525.
- c) The petitioner or any person may file a question or response to the Agency's response within 14 days after the Agency files its response.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.540 Board Established Classes and Deadlines

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Within 30 days after receipt of a response from the Agency under Section 104.535, the Board will enter a final order that identifies the discharger, multiple discharger, watershed, water body, or waterbody segment to which the TLWQS applies, establishes the discharger or classes of dischargers that may be covered by the TLWQS, and establishes prompt deadlines by which the discharger and dischargers in the identified classes must, for the purposes of the stay, file with the Board either:

- a) a petition for a TLWQS if the petition has not been previously filed; or
- b) an amended petition for a TLWQS if the petition has been previously filed and it is necessary to file an amended petition to maintain a stay under Section 104.525.

BOARD NOTE: The Board retains the authority to extend deadlines adopted under Section 104.540 upon a showing of good cause by the petitioner.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.545 Substantial Compliance Assessment

- a) As soon as practicable after entering an order under Section 104.540, the Board will conduct an evaluation of the petition to assess its substantial compliance with Section 104.530.
- b) If the Board determines in a final order that the petition is in substantial compliance, the Agency must file a recommendation under Section 104.550.
- c) If the Board determines in an interim order that the petition or amended petition is not in substantial compliance, the Board will identify the deficiencies in the petition or amended petition that must be corrected for the petition to be in substantial compliance with Section 104.530.
- d) If effectiveness of the water quality standard from which relief is sought is stayed under Section 104.525 and the Board determines in an interim order that the petition or amended petition is not in substantial compliance with Section 104.530:
 - 1) the petitioner must file an amended petition by the deadlines adopted by the Board under Section 104.540; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) the Board will enter, after the deadlines established under Section 104.540, a final order that states whether the amended petition is in substantial compliance with Section 104.530.
- e) Any participant may file a motion for reconsideration under 35 Ill. Adm. Code 101.520 of a final Board order determining whether the amended petition is in substantial compliance with Section 104.530.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.550 Recommendation and Response

- a) Unless otherwise ordered by the hearing officer or the Board, the Agency must file a recommendation with the Board within 45 days after the Board determines that a petition is in substantial compliance under Section 104.545.
- b) At a minimum, the Agency's recommendation must include:
- 1) An analysis of:
- A) whether the petitioner made its demonstration under Section 104.560, including the petitioner's proposed highest attainable condition;
- B) whether the proposed TLWQS is consistent with applicable federal laws and regulations and satisfies the requirements of Section 38.5 of the Act and this Part; and
- C) eligibility criteria to be adopted by the Board to be used at the time of renewal or modification of an individual's federal NPDES permit or at the time an individual files an application for certification under section 401 of the federal Clean Water Act to obtain coverage under a Board-approved TLWQS, when applicable;
- 2) any information relevant to the disposition of the petition, including any past or pending enforcement actions against petitioner;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) whether the Board should adopt, adopt with conditions, or deny the petitioner's requested TLWQS;
 - 4) the recommended term of the TLWQS; and
 - 5) a list of persons that are seeking coverage under the TLWQS at the time of the adoption of the TLWQS.
- c) The petitioner or any person may file a question or response to the Agency's recommendation within 14 days after the Agency files its recommendation.
 - d) Concurrent with the filing of the recommendation with the Board, the Agency must transmit a copy of its recommendation, along with a copy of the TLWQS petition, to USEPA.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.555 Hearing

- a) The Board will hold a public hearing on the petition.
- b) Hearing Notice
 - 1) The hearing officer will schedule the hearing and give the petitioner, participants, and persons on the notice list (see Section 104.520(b)(4)) at least 45 days' written notice of a hearing.
 - 2) The Clerk will publicize notice, both on the Board's website and in a newspaper of general circulation in the county where the facility or pollution source is located, at least 45 days prior to the hearing.
 - 3) The notice will identify the matters to be discussed at the hearing and will include information on the availability of relevant materials and procedures for obtaining further information.
 - 4) For a watershed, water body, or waterbody segment TLWQS, the notice will include the Board hearing officer's contact information and a link to a website where supporting documentation can be found concerning any cost-effective and reasonable BMPs for nonpoint source controls that the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

petition or amended petition identifies and that could be implemented to make progress towards attaining the underlying designated use and criterion.

- c) The Board will make the following available to the public at least 30 days before the hearing:
 - 1) reports, documents, and data relevant to the discussion at the public hearing;
 - 2) the Agency recommendation; and
 - 3) for watershed, water body, and waterbody segment TLWQS petitions, any proposed BMPs for nonpoint source controls.
- d) Except as otherwise provided in this Section, the hearings will be conducted under 35 Ill. Adm. Code 101.Subpart F.
- e) The hearing officer will schedule witnesses in advance to ensure maximum participation and allotment of adequate time. The hearing officer will reserve some time for unscheduled testimony and may consider reserving blocks of time for major categories of witnesses.
- f) During the hearing, the hearing officer will inform the audience of the issues involved in the decision to be made, the considerations the Board will take into account, and the information that is particularly solicited from the public.
- g) Public comments must be filed within 21 days after the hearing transcript is available unless the hearing officer specifies a different date. Any person may file written comments in a TLWQS proceeding.
- h) The Agency must file any comments it receives from USEPA.
- i) The Agency must notify USEPA of the hearing transcript's availability and of the comment deadline.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.560 Demonstration

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) For a TLWQS to a use specified in section 101(a)(2) of the Clean Water Act or a subcategory of such a use, the petitioner must provide justification that attainment of the designated use and criterion is not feasible for the proposed term of the TLWQS because of one of the following factors:
- 1) Naturally occurring pollutant concentrations prevent the attainment of the designated use;
 - 2) Natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the designated use, unless these conditions can be compensated for to enable uses to be met by discharging a sufficient volume of effluent without violating State water conservation requirements;
 - 3) Human-caused conditions or sources of pollution prevent the attainment of the designated use and either cannot be remedied or would cause more environmental damage to correct than to leave in place;
 - 4) Dams, diversions or other types of hydrologic modifications preclude the attainment of the designated use, and it is not feasible to restore the water body to its original condition or to operate that modification in a way that would result in the attainment of the designated use;
 - 5) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;
 - 6) Controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act would result in a substantial and widespread negative economic and social impact on the public; or
 - 7) Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) For a TLWQS to a non-101(a)(2) use, the petitioner must provide justification of how its consideration of the designated use and value of the water for those listed in 40 CFR 131.10(a) appropriately supports the TLWQS and term. Justification consistent with subsections (a)(1) through (7) may be used to satisfy this requirement.
- c) The petitioner must demonstrate that the term of the TLWQS is the minimum necessary to achieve the highest attainable condition. This demonstration must justify the term of the TLWQS by describing the pollutant control activities required to achieve the highest attainable condition, including those activities through a Pollutant Minimization Program.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.565 Opinion and Order

- a) When the Board adopts a TLWQS, the Board will maintain, in its water quality standards, the underlying designated use and criterion addressed by the TLWQS, unless the Board adopts and USEPA approves a revision to the underlying designated use and criterion consistent with 40 CFR 131.10 and 131.11.
- b) A TLWQS will not be adopted if the designated use and criterion addressed by the TLWQS can be achieved by implementing technology based effluent limits required under sections 301(b) and 306 of the Clean Water Act and 35 Ill. Adm. Code 304.
- c) The Board will not adopt a TLWQS if the petitioner fails to make its demonstration as set forth in Section 104.560.
- d) All orders adopting a TLWQS will include:
- 1) Identification of the pollutant or water quality parameter;
 - 2) Applicability
 - A) Watershed, Water Body, Waterbody Segment and Multiple Discharger

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) Identification of the watershed, water body, or waterbody segment to which the TLWQS applies;
 - ii) Eligibility criteria that may be used by new or existing dischargers or classes of dischargers to obtain coverage under the TLWQS during its duration; and
 - iii) The list of persons covered under the TLWQS at the time of the Board's adoption.
 - B) Single Discharger
 - i) Identification of the water body or waterbody segment to which the TLWQS applies; and
 - ii) The person covered under the TLWQS.
- 3) The TLWQS requirements and conditions that apply throughout the term of the TLWQS:
 - A) Will represent the highest attainable condition of the watershed, water body, or waterbody segment applicable throughout the term of the TLWQS based on petitioner's demonstration required by Section 104.560; and
 - B) Will not result in any lowering of the currently attained ambient water quality, unless the petitioner demonstrates that a TLWQS is necessary for restoration activities under Section 104.560(a)(7).
- 4) The highest attainable condition of the water body or waterbody segment as a quantifiable expression of one of the following:
 - A) For a single discharger and a multiple discharger TLWQS:
 - i) The highest attainable interim criterion;
 - ii) The interim effluent condition that reflects the greatest pollutant reduction achievable; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- iii) If no additional feasible pollutant control technology can be identified, the interim criterion or interim effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time the Board adopts the TLWQS and with the adoption and implementation of a Pollutant Minimization Program.
 - B) For a TLWQS applicable to a watershed, water body, or waterbody segment:
 - i) The highest attainable interim use and interim criterion; or
 - ii) If no additional feasible pollutant control technology can be identified, the interim use and interim criterion that reflect the greatest pollutant reduction achievable with the pollutant control technologies installed at the time the Board adopts the TLWQS and with the adoption and implementation of a Pollutant Minimization Program.
- 5) A statement providing that the requirements of the TLWQS are either the highest attainable condition identified at the time of the adoption of the TLWQS, or the highest attainable condition later identified during any re-evaluation consistent with Section 104.580, whichever is more stringent.
- 6) The term of the TLWQS, expressed as an interval of time from the date of USEPA approval or a specific date.
- 7) For a TLWQS with a term greater than five years, a specified frequency to re-evaluate the highest attainable condition under Section 104.580. The re-evaluation must occur no less frequently than every five years after both the Board and USEPA approve the TLWQS.
- 8) A provision that the TLWQS will no longer be the applicable water quality standard for purposes of the Clean Water Act if the petitioner does not conduct a re-evaluation consistent with the frequency specified in the TLWQS or the results are not submitted to USEPA as required by Section 104.580.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- e) The Board order adopting or declining to adopt a TLWQS is a final order. Any participant may file a motion for reconsideration, under 35 Ill. Adm. Code 101.520, of a final Board order entered under this Section.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.570 USEPA Review

- a) Before a TLWQS becomes effective for Clean Water Act purposes, the Agency must submit the TLWQS to USEPA and obtain USEPA's approval in compliance with section 303(c) of the Clean Water Act and 40 CFR 131.20 and 131.21.
- b) The Agency must file USEPA's decision with the Board as soon as practicable.
- c) If USEPA disapproves of a Board-adopted TLWQS, the petitioner may file a petition to modify a TLWQS.
- 1) The petition to modify must address all deficiencies raised by USEPA and must be served on all parties to the Board's proceeding adopting the TLWQS.
 - 2) The Board will automatically incorporate the record from the Board's proceeding adopting the TLWQS.
 - 3) The Board will accept public comments for at least 21 days after a petition to modify is filed.
 - 4) The Board may hold a hearing if it concludes, in its discretion, that a hearing would be advisable.
 - 5) Unless otherwise ordered by the hearing officer or Board, the Agency must file a recommendation with the Board within 45 days after the petition to modify is filed with the Board.
 - 6) Any order issued by the Board modifying a previously granted TLWQS is subject to Section 104.565.
 - 7) The Agency must submit any order issued by the Board modifying a previously granted TLWQS to USEPA for review and approval as soon as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

practicable. As required in subsection (b), the Agency must file USEPA's decision with the Board. The petitioner may file a petition to modify under this subsection (c) in response to any further USEPA disapproval.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.575 Coverage Under Board-Approved Time-Limited Water Quality Standards

- a) Any discharger that has not obtained a TLWQS may obtain coverage under a Board-approved TLWQS by satisfying, at the time of renewal or modification of that person's NPDES permit, or at the time the person files an application for certification under section 401 of the federal Clean Water Act, the Board-approved criteria for coverage under the TLWQS.
- b) Any applicant obtaining coverage under a Board-approved TLWQS must comply with the requirements and conditions that apply throughout the term of the TLWQS established under Section 104.565(d).
- c) Any applicant obtaining coverage under a Board-approved TLWQS must participate in any re-evaluations conducted under Section 104.580.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.580 Re-evaluation

- a) Proposed Re-evaluation. When a TLWQS has a term greater than five years and the Board accordingly sets a schedule for re-evaluation:
 - 1) The petitioner and any person granted coverage under Section 104.575 must file its proposed re-evaluation with the Board according to the re-evaluation frequency set forth in the Board's order adopting the TLWQS under Section 104.565(d)(7).
 - 2) For a multiple discharger, watershed, water body, or waterbody segment TLWQS, discharger specific information must be provided individually.
 - 3) Petitioner must serve one copy of the proposed re-evaluation on the Agency, each participant, and each member of the notice list maintained by the Board under Section 104.520(b)(4).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) The proposed re-evaluation must assess the highest attainable condition using all existing and readily available information.
- b) The Clerk will publicize notice of the proposed re-evaluation on the Board's website and in a newspaper of general circulation in the county where the facility or pollution source is located.
- c) The Board will accept public comments for a period no less than 30 days.
- d) The Agency must file a recommendation with the Board within 45 days after the petitioner files its proposed re-evaluation with the Board. At a minimum, the Agency must provide an analysis of the petitioner's proposed highest attainable condition.
- e) The Board will re-evaluate the highest attainable conditions using all existing and readily available information.
 - 1) If any re-evaluation yields a more stringent attainable condition, that condition becomes the applicable interim TLWQS without additional action.
 - 2) When the re-evaluation identifies a condition less stringent than the highest attainable condition, the Board must:
 - A) revise the TLWQS consistent with applicable federal laws and regulations satisfying the requirements of Section 38.5 of the Act and this Part; and
 - B) obtain USEPA approval before the TLWQS becomes effective for Clean Water Act purposes.
- f) The Board will adopt a final order on the proposed re-evaluation consistent with the re-evaluation frequency set forth in the Board's order adopting the TLWQS under Section 104.565(d)(7).
- g) The Agency must submit the Board's re-evaluation opinion and order to USEPA within 30 days after issuance of the Board's order.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- h) A TLWQS will no longer be the applicable water quality standard for purposes of the Clean Water Act if the petitioner does not conduct a re-evaluation consistent with the frequency specified in the Board's order under Section 104.565 or the results are not submitted to USEPA as required by this Section.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.585 Appeal Rights

Any person who is adversely affected or threatened by a final Board order entered under this Subpart may obtain judicial review of the Board order by filing a petition for review within 35 days after the date the Board order was served on the person affected by the order, under the provisions of the Administrative Review Law [735 ILCS 5/Art. III], and the rules adopted pursuant thereto, except that review shall be afforded directly in the appellate court for the district in which the cause of action arose and not in the circuit court. For purposes of judicial review under this Section, a person is deemed to have been served with the Board's final order on the date on which the order is first published by the Board on its website. [415 ILCS 5/38.5(j)]

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

Section 104.590 Extension

- a) If, at the end of the term of the TLWQS, the underlying designated use remains unattainable, the petitioner may seek an extension of an existing TLWQS, consistent with the requirements of this Subpart.
- b) A petition to extend a TLWQS previously granted by the Board is a new petition for a TLWQS before the Board, and must be filed in compliance with this Subpart and 35 Ill. Adm. Code 101.Subpart C, including payment of the filing fee under Section 104.520(c) and 35 Ill. Adm. Code 101.302(e).
- c) In addition to the requirements of Section 104.530, the petition for extension of the TLWQS must contain:
- 1) A detailed explanation showing that satisfactory progress toward attaining the designated use has been made during the term of the prior TLWQS and that additional time is needed to make further progress;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) A demonstration of whether conditions have changed such that the designated use and criterion are not attainable;
- 3) A demonstration of whether new or additional information has become available to indicate that the designated use and criterion are not attainable in the future;
- 4) Documentation showing that the requirements and conditions established by the Board that applied throughout the term of the prior TLWQS have been fully met, or, if any requirement or condition has not been fully met, a detailed explanation of the reason or reasons that the requirement has not been fully met; and
- 5) A motion to incorporate any material from the record of the prior TLWQS proceeding, in compliance with 35 Ill. Adm. Code 101.306.

(Source: Added at 42 Ill. Reg. 7922, effective April 27, 2018)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.250 Adopted Action:
Amendment
- 4) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- 5) Effective Date of Rule: April 30, 2018
- 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 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*: 42 Ill. Reg. 1992; January 26, 2018
- 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 changes were made.
- 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 deletes the requirement that Social Security numbers be included on license application and renewal forms, and cleans up language to more accurately reflect the language of the ID/DD Community Care Act.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Assistant General Counsel
Department of Public Health
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Incidents and Accidents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
350.1088 Language Assistance Services

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services
350.1260 Vaccinations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910	Applicability
350.2920	Codes and Standards
350.2930	Preparation of Drawings and Specifications
350.2940	Site
350.2950	Administration and Public Areas
350.2960	Nursing Unit
350.2970	Living, Dining, Activities Rooms
350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
350.3030	Plumbing Systems
350.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
350.3310	Complaint Procedures
350.3320	Confidentiality
350.3330	Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
----------	---------------------------------------

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015; amended at 42 Ill. Reg. 7950, effective April 30, 2018.

SUBPART A: GENERAL PROVISIONS

Section 350.250 Ownership Disclosure

- a) *As a condition of the issuance or renewal of the license of any facility, the applicant shall file a statement of ownership. The applicant shall ~~update~~ notify the Department of any change in the information required in the statement of ownership within ~~10~~ days ~~after~~ of ~~any~~ ~~the~~ change. (Section 3-207(a) of the Act)*
- b) The *A statement of ownership shall include the following:*
 - 1) The name, address, telephone number, occupation or business activity, business address and business telephone number of the person who is the owner of the facility and every person who owns the building in which the facility is located, if other than the owner of the facility, that is the subject of the application or license; ~~The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number~~
 - 2) If the owner is a partnership or corporation, the name of every partner and stockholder of the owner (3-207(b) of the Act);
 - 3) The ~~and the~~ percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license;
 - 4) 2) The name, address, ~~Social Security Number,~~ telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and

- 53) *The name and address of any facility, wherever located, any financial interest that is owned by the applicant, if the facility were required to be licensed if it were located in this State~~in which any applicant has any ownership interest.~~ (Section 3-207(b) of the Act)*

(Source: Amended at 42 Ill. Reg. 7950, effective April 30, 2018)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.35 Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-206(a)(1)
- 5) Effective Date of Rule: April 30, 2018
- 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 rule, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 41 Ill. Reg. 15533; December 29, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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? None were made.
- 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 amendment expands a State's Attorney's authority to request that a defendant's driver's license be revoked during the pendency of court proceedings. The amendment will allow a State's Attorney to make such a request when a person has been charged with a moving violation that resulted in a death of another person.
- 16) Information and questions regarding this adopted rule shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.44	Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle
1040.46	Suspension or Revocation for Personal Injury Suspensions or Revocations

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person
Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay, Returned Check
and Dishonored Electronic Payment Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of Improperly Approaching a
Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance
Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting
False/Fraudulent Documents; Notification by Department of Administrative
Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law
Enforcement

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015; amended at 40 Ill. Reg. 7372, effective May 2, 2016; amended at 40 Ill. Reg. 15417, effective December 1, 2016; amended at 41 Ill. Reg. 13705, effective October 30, 2017; amended at 42 Ill. Reg. 235, effective December 19, 2017; amended at 42 Ill. Reg. 7963, effective April 30, 2018.

Section 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction

- a) Local ordinance conviction. A person who has been convicted of a local ordinance violation that is similar to any of those offenses in IVC Section 6-205 or 6-206 shall have his/her driving privileges revoked or suspended in the same manner as if he/she had been convicted of an offense contained within the Illinois Vehicle Code. An offense would be similar if the same elements were necessary to prove a local ordinance offense as are necessary to prove the offense as stated in the Illinois Vehicle Code.
- b) Administrative Revocation
 - 1) When the Secretary of State has received sufficient evidence that a person has committed one or more of the following offenses or similar provisions of a local ordinance and these offenses, currently awaiting court disposition, resulted in great bodily harm or death, the driving record of the individual shall be reviewed for possible driver's license revocation by the Department:
 - A) driving under the influence of alcohol, other drugs or a combination thereof pursuant to IVC Section 11-501;
 - B) reckless homicide resulting from the operation of a motor vehicle pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3];

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- C) leaving the scene of a traffic accident involving death or personal injury pursuant to IVC Section 11-401;
 - D) drag racing pursuant to IVC Section 11-504;
 - E) aggravated reckless driving pursuant to IVC Section 11-503(c);
 - F) any felony under the laws of this or any other state or the federal government in the commission of which a motor vehicle was used pursuant to IVC Section 6-205(a)(3);
 - G) street racing pursuant to IVC Section 11-506(a);
 - H) [a violation of a traffic regulation governing the movement of vehicles.](#)
- 2) In determining whether action should be taken, the driving record and other sufficient evidence showing that the person has committed an offense listed in subsection (b)(1) shall be examined. "Sufficient evidence" shall be defined as copies of court documents showing the person has been charged with one or more of the named offenses in subsection (b)(1) and:
- A) documentation or copies of documentation, of coroner's activities describing an incident where great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) was charged; or
 - B) statements of eye witnesses and others with first hand knowledge concerning the matter that indicate that great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) was charged; or
 - C) any other competent evidence. Examples of what would constitute other competent evidence include but are not limited to laboratory reports, accident reports and other documentation deemed important and probative by the state's attorney.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 3) This information shall be provided with a letter of transmittal from the appropriate state's attorney.
- 4) "Great bodily harm" shall include but not be limited to any of the following:
 - A) bodily injury that involves a substantial risk of death;
 - B) unconsciousness;
 - C) extreme physical pain;
 - D) protracted or permanent disfigurement;
 - E) protracted or permanent loss or impairment of the function of a bodily member, organ, or mental faculty;
 - F) bone fractures;
 - G) distorted extremity or extremities;
 - H) severely bleeding wound.
- 5) If sufficient evidence is received from the state's attorney and indicates that a person has committed one or more of the named offenses in subsection (b)(1), and that these offenses, currently awaiting court disposition, involved a motor vehicle accident that caused great bodily harm or death, the driving privileges of the individual shall be revoked.
- 6) If the individual whose driving privileges have been revoked under this Section is adjudicated "guilty" or is granted a disposition of "court supervision" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
- 7) If the individual whose driving privileges have been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

~~8) If the individual whose driving privileges have been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.~~

89) If the charges against an individual whose driving privileges have been revoked under this Section are reduced or altered in any manner so that the offenses for which the individual is convicted do not require a mandatory revocation under IVC Section 6-205, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

c) Administrative Hearing. An individual whose driving privileges have been revoked or suspended under this Section may request an administrative hearing pursuant to IVC Section 2-118 and 92 Ill. Adm. Code 1001.

(Source: Amended at 42 Ill. Reg. 7963, effective April 30, 2018)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of Part: Surcharge Fund Financial Assistance
- 2) Code Citation: 20 Ill. Adm. Code 1700
- 3) Section Number: 1700.105 Emergency Action: Amendment
- 4) Statutory Authority: Implementing PA 99-352 (amending 50 ILCS 707/10). Rulemaking is authorized by 50 ILCS 707/10)
- 5) Effective Date of Rule: April 25, 2018
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of the permanent rule, whichever comes first.
- 7) Date Filed with the Index Department: April 25, 2018
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 99-352 revised and expanded the Law Enforcement Camera Grant Act [50 ILCS 707/10] (the "Act"). Pursuant to the Act, the Law Enforcement Training and Standards Board (the "Board") is tasked with implementing an application process for awards of grants for municipalities. The current rule provides that no applications will be accepted after January 1, 2011, includes language repealed by PA 99-352 and includes a broad prohibition on receipt of a grant award for municipalities with red light cameras. In order to complete its application process in the current fiscal year, the rules must be revised on an emergency basis.
- 10) A Complete Description of the Subjects and Issues Involved: PA 99-352 revised the Law Enforcement Camera Grant Act. This Act develops basic guidelines by setting forth amendments to the Illinois Camera Grant Act regarding grant funding for both officer-body worn cameras and in-car cameras. The proposed rules outline the Board's plan for compliance with these statutory requirements. Also being added is the restoration of material from the table of contents and the main source note inadvertently deleted by a previous adoption.
- 11) Are there any other rulemakings pending on this Part? No

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF EMERGENCY AMENDMENT

12) Statement of Statewide Policy Objective: The costs associated with local implementation of this program will be reimbursable under the grant; therefore there are no new obligations to local units of government under 30 ILCS 805, the State Mandates Act.

13) Information and questions regarding this emergency rule shall be directed to:

Agency Rules Coordinator
Illinois Law Enforcement Training and Standards Board
4500 South Sixth Street Road, Room 173
Springfield, IL 62703-6617

217/782-4540

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

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARDPART 1700
SURCHARGE FUND FINANCIAL ASSISTANCE

Section

1700.10	Preamble
1700.20	Eligibility
1700.30	Use of Funds
1700.40	Applications
1700.50	Board Review
1700.60	Certification
1700.70	Approval by Board
1700.80	Denial by Board
1700.90	State Disbursements (Repealed)
1700.100	Accounting Reports
1700.105	Law Enforcement Camera Grant Act
<u>EMERGENCY</u>	
1700.110	Severability Clause

AUTHORITY: Implementing and authorized by the Law Enforcement Camera Grant Act [50 ILCS 707/10].

SOURCE: Emergency Rules adopted and codified at 7 Ill. Reg. 1174, effective January 13, 1983, for a maximum of 150 days; adopted at 7 Ill. Reg. 7949, effective June 17, 1983; amended at 8 Ill. Reg. 4169, effective March 20, 1984; amended at 35 Ill. Reg. 206, effective December 16, 2010; emergency amendment at 42 Ill. Reg. 7972, effective April 25, 2018, for a maximum of 150 days.

Section 1700.105 Law Enforcement Camera Grant Act**EMERGENCY**

- a) Upon a unit of local government's submission of the prescribed application, the Illinois Law Enforcement Training and Standards Board will award Law Enforcement Camera Grant Act funds (Camera Grant funds) in accordance with the following criteria:

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) The State will be divided into three regions: Northern, Central and Southern. Camera Grant funds will be awarded in a manner that equitably disperses funds across these three regions.
 - 2) The number of police officers employed by a unit of local government will be taken into consideration in dispersing Camera Grant funds.
 - 3) The number of vehicle cameras currently available to a unit of local government will be taken into consideration in dispersing Camera Grant funds.
 - 4) The median household ~~income~~income in the unit of local government's community (as identified by the U.S. Census Bureau) will be taken into consideration in dispersing Camera Grant funds.
 - 5) The crime rate in the unit of local government's community (as identified by the Illinois State Police) will be taken into consideration in dispersing Camera Grant funds.
 - ~~6) The total number of vehicular accidents/crashes in the unit of local government's community, as well as the number of those accidents/crashes involving alcohol or drugs, will be taken into consideration in dispersing Camera Grant funds.~~
 - ~~7) Municipalities with red light enforcement cameras will not receive Camera Grant funds.~~
 - ~~68) Municipalities not in compliance with the Illinois Law Enforcement Training and Standards Board's mandatory reporting requirements will not receive Camera Grant funds.~~
- b) Funds received from the Illinois Law Enforcement Training and Standards Board pursuant to the Law Enforcement Camera Grant Act [for in-car camera grants](#) are to be used in accordance with the following requirements:
- 1) ~~In-car cameras~~Cameras must be installed in law enforcement vehicles.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 2) Installation of in-car cameras must result in recordation of the officer's voice and any voice in the immediate vicinity, even when the officer is outside the vehicle.
 - 3) ~~Only a supervisor may remove any recording from a camera or intentionally disable a camera once the camera has been installed in a vehicle. All other officers shall be prohibited from disabling any installed camera or from removing any recordings made with an installed camera.~~
 - 4) ~~Once a camera has begun recording, it must record continuously through the completion of the officer's shift.~~
 - 5) ~~A copy of any recording made with an installed camera must be provided upon request to:~~
 - A) ~~law enforcement personnel affiliated with the unit of local government that received the Camera Grant;~~
 - B) ~~the local State's Attorney; or~~
 - C) ~~any persons audibly or visually depicted in the recording.~~
 - 36) Any unit of local government that releases a copy of a recording made with ~~an installed~~ camera to members of the general public or media must first make reasonable efforts to protect the identity and privacy of persons depicted in the recording who were not the subject of, or were merely incidental to, the law enforcement activity recorded.
 - 7) ~~Any recording made with an installed camera must be securely retained for a period of not less than two years. Any recordings not destroyed following this period remain subject to the applicable provisions of this Section until they are destroyed.~~
- c) Any unit of local government that receives Camera Grant funds must report annually to the Illinois Law Enforcement Training and Standards Board with regard to the use of these funds. This annual report is due on May 1 or the first business day thereafter of each year, ~~and must include:~~
- 1) ~~the number of cameras received;~~

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 2) ~~the number of cameras installed;~~
 - 3) ~~a brief description of the review process used by supervisors;~~
 - 4) ~~a list of any criminal, traffic, ordinance and civil cases in which video recordings were used, including party names, case numbers, offenses charged and disposition of the matter (this item applies, but is not limited to, court proceedings, coroner's inquests, grand jury proceedings and plea bargains); and~~
 - 5) ~~any other information relevant to the administration of this program.~~
- d) ~~No applications for Camera Grant funds will be accepted after January 1, 2011.~~

(Source: Amended by emergency rulemaking at 42 Ill. Reg. 7972, effective April 25, 2018, for a maximum of 150 days)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Procedure for the Certification of Operators of Wastewater Treatment Works
- 2) Code Citation: 35 Ill. Adm. Code 380
- 3) Date of Index Department Review: April 24, 2018
- 4) Reason for Recodification: Requested by Index Department because the Illinois Environmental Protection Agency is changing the headings for Subparts B, D, E, G, and H to clarify the subject matter under each subpart ahead of another rulemaking under this Part.
- 5) Headings and Section Numbers of the Part Being Recodified:

Section Numbers	Headings
SUBPART B: CERTIFICATES	
380.200	Issuance

SUBPART D: GROUPING OF WASTEWATER TREATMENT WORKS	
380.400	Types of Wastewater Treatment Works

SUBPART E: GROUPS AND CERTIFICATION	
380.500	General Requirements

SUBPART G: REQUIREMENTS FOR WASTEWATER TREATMENT WORKS OPERATOR CERTIFICATION	
380.700	Class 1

SUBPART H: REQUIREMENTS FOR INDUSTRIAL WASTEWATER OPERATOR CERTIFICATION	
380.800	Industrial Certificates

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers	Headings
SUBPART B: CHIEF WASTEWATER OPERATOR	
380.200	Issuance

SUBPART D: EXAMINATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

380.400 Types of Wastewater Treatment Works

SUBPART E: CERTIFICATE OF ISSUANCE

380.500 General Requirements

SUBPART G: CERTIFICATE RENEWAL, RESTORATION AND
REQUIRED TRAINING

380.700 Class 1

SUBPART H: RECIPROCITY

380.800 Industrial Certificates

7) Conversion Table of Present and Recodified Parts:

Past Part	Present Part
SUBPART B: CERTIFICATES	SUBPART B: CHIEF WASTEWATER OPERATOR
380.200	380.200
SUBPART D: GROUPING OF WASTEWATER TREATMENT WORKS	SUBPART D: EXAMINATION
380.400	380.400
SUBPART E: GROUPS AND CERTIFICATION	SUBPART E: CERTIFICATE OF ISSUANCE
380.500	380.500
SUBPART G: REQUIREMENTS FOR WASTEWATER TREATMENT WORKS OPERATOR CERTIFICATION	SUBPART G: CERTIFICATE RENEWAL, RESTORATION AND REQUIRED TRAINING
380.700	380.700
SUBPART H: REQUIREMENTS FOR INDUSTRIAL WASTEWATER OPERATOR CERTIFICATION	SUBPART H: RECIPROCITY
380.800	380.800

DEPARTMENT OF REVENUE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Date of Index Department Review: April 27, 2018
- 4) Reason for Recodification: The Subpart H: Base Income of Trusts and Estates was recodified to Subpart G: Base Income of Corporations by the Department of Revenue
- 5) Section and Heading Being Recodified:

Sections	Heading
SUBPART H	BASE INCOME OF TRUSTS AND ESTATES
100.2655	Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
100.2680	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

- 6) Outline of the Section and Heading of the Part as Recodified:

Subpart	Heading
SUBPART G	BASE INCOME OF CORPORATIONS
100.2655	Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))

- 7) Conversion Table Of Present And Recodified SubSection:

Present Section	Recodified Section
SUBPART H	SUBPART G
100.2655	100.2655
100.2680	None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
May 15, 2018
10:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAging

89-270-18-03774 EMS

1. Adult Protection and Advocacy Services (89 Ill. Adm. Code 270)
 - First Notice Published: 42 Ill. Reg. 3774 – 3/2/18
 - Expiration of Second Notice: 6/2/18

89-270-17-13846 EMS

2. Adult Protection and Advocacy Services (89 Ill. Adm. Code 270)
 - First Notice Published: 41 Ill. Reg. 13846 – 11/17/17
 - Expiration of Second Notice: 5/25/18

Education

23-1-17-15542 AC

-
3. Public Schools Evaluation, Recognition, and Supervision (23 Ill. Adm. Code 1)
-First Notice Published: 41 Ill. Reg. 15542 – 12/29/17
-Expiration of Second Notice: 6/11/18

Emergency Management Agency

32-332-18-2970 JE

4. Licensing Requirements for Source Material Milling Facilities (32 Ill. Adm. Code 332)
-First Notice Published: 42 Ill. Reg. 2970 - 2/16/18
-Expiration of Second Notice: 5/19/18

32-504-18-3034 JE

5. Status Signals for Nuclear Power Reactors (32 Ill. Adm. Code 504)
-First Notice Published: 42 Ill. Reg. 3034 - 2/16/18
-Expiration of Second Notice: 5/19/18

Environmental Protection Agency

35-164-17-14851 JE

6. Procedures of Informational and Quasi-Legislative Hearings (35 Ill. Adm. Code 164)
-First Notice Published: 41 Ill. Reg. 14851 – 12/8/17
-Expiration of Second Notice: 6/26/18

35-166-17-14856 JE

7. Procedures for Permit and Closure Plan Hearings (35 Ill. Adm. Code 166)
-First Notice Published: 41 Ill. Reg. 14856 – 12/8/17
-Expiration of Second Notice: 6/26/18

35-252-17-14862 JE

8. Public Participation in the Air Pollution Control Permit Program (35 Ill. Adm. Code 252)
-First Notice Published: 41 Ill. Reg. 14862 – 12/8/17
-Expiration of Second Notice: 6/26/18

35-264-18-01981 JE

9. Interpretation of Pollution Control Board Rules and Related Definitions Concerning Grain Handling and Grain Drying Operations (Repealer) (35 Ill. Adm. Code 264)
-First Notice Published: 42 Ill. Reg. 1981 - 1/26/18
-Expiration of Second Notice: 5/16/18

35-273-18-01041 JE

10. NO_x Trading Program Procedures (Repealer) (35 Ill. Adm. Code 273)
-First Notice Published: 42 Ill. Reg. 1041 - 1/26/18

-Expiration of Second Notice: 5/16/18

35-274-18-01051 JE

11. Clean Air Set-Aside (Repealer) (35 Ill. Adm. Code 274)
 - First Notice Published: 42 Ill. Reg. 1051 - 1/19/18
 - Expiration of Second Notice: 5/16/18

35-580-17-13924 JE

12. Procedures for Reporting Releases of Livestock Waste (35 Ill. Adm. Code 580)
 - First Notice Published: 41 Ill. Reg. 13924 - 11/17/17
 - Expiration of Second Notice: 6/8/18

Human Services

77-2060-17-14878 EMS

13. Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
 - First Notice Published: 41 Ill. Reg. 14878 – 12/8/17
 - Expiration of Second Notice: 6/12/18

Insurance

50-206-17-12761 MR

14. Domestic Insurers Service of Process Requirements (50 Ill. Adm. Code 206)
 - First Notice Published: 41 Ill. Reg. 12761 – 10/13/17
 - Expiration of Second Notice: 5/6/18

Liquor Control Commission

11-100-17-14998 KK

15. The Illinois Liquor Control Commission (11 Ill. Adm. Code 100)
 - First Notice Published: 41 Ill. Reg. 14998 – 12/15/17
 - Expiration of Second Notice: 6/6/18

Public Health

77-250-18-02088 AC

16. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
 - First Notice Published: 42 Ill. Reg. 2088 - 2/2/18
 - Expiration of Second Notice: 6/3/18

Racing Board

11-603-18-03102 AC

17. Medication (11 Ill. Adm. Code 603)
-First Notice Published: 42 Ill. Reg. 3102 - 2/16/18
-Expiration of Second Notice: 5/20/18

Secretary of State

2-552-17-14432 MR

18. Departmental Duties (2 Ill. Adm. Code 552)
-First Notice Published: 41 Ill. Reg. 14432 - 12/1/17
-Expiration of Second Notice: 5/30/18

14-178-18-00710 ES

19. Limited Liability Company Act (14 Ill. Adm. Code 178)
-First Notice Published: 42 Ill. Reg. 710 - 1/12/18
-Expiration of Second Notice: 5/31/18

92-1030-18-03113 JE

20. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 42 Ill. Reg. 3113 - 2/16/18
-Expiration of Second Notice: 5/31/18

State Employees' Retirement System

80-1540-18-03903 MR

21. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)
-First Notice Published: 42 Ill. Reg. 3903 - 3/2/18
-Expiration of Second Notice: 6/7/18

State Fire Marshal

41-174-18-03270 BT

22. General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 174)
-First Notice Published: 42 Ill. Reg. 3270 - 2/23/18
-Expiration of Second Notice: 6/6/18

41-175-18-03313 BT

23. Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 175)

- First Notice Published: 42 Ill. Reg. 3313 - 2/23/18
- Expiration of Second Notice: 6/6/18

41-176-18-03457 BT

24. Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)

- First Notice Published: 42 Ill. Reg. 3457 - 2/23/18
- Expiration of Second Notice: 6/6/18

41-177-18-03508 BT

25. Compliance Certification for Underground Storage Tanks (41 Ill. Adm. Code 177)

- First Notice Published: 42 Ill. Reg. 3508 - 2/23/18
- Expiration of Second Notice: 6/6/18

Student Assistance Commission

23-2744-18-02787 BT

26. Police Training Academy Job Training Scholarship Program (23 Ill. Adm. Code 2744)

- First Notice Published: 42 Ill. Reg. 2787 - 2/9/18
- Expiration of Second Notice: 5/27/18

23-2763-18-02794 BT

27. Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)

- First Notice Published: 42 Ill. Reg. 2794 - 2/9/18
- Expiration of Second Notice: 5/27/18

23-2764-18-02802 BT

28. Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764)

- First Notice Published: 42 Ill. Reg. 2802 - 2/9/18
- Expiration of Second Notice: 5/27/18

23-2765-18-02810 BT

29. Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)

- First Notice Published: 42 Ill. Reg. 2810 - 2/9/18
- Expiration of Second Notice: 5/27/18

23-2733-18-02781 BT

30. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)

- First Notice Published: 42 Ill. Reg. 2781 - 2/9/18
- Expiration of Second Notice: 5/27/18

State Universities Retirements System

80-1600-18-03715 MR

31. Universities Retirement (80 Ill. Adm. Code 1600)
-First Notice Published: 42 Ill. Reg. 3715 – 2/23/18
-Expiration of Second Notice: 6/9/18

Teachers' Retirement System

80-1650-18-02005 MR

32. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 42 Ill. Reg. 2005 - 1/26/18
-Expiration of Second Notice: 5/18/18

Treasurer

74-722-18-04488 MR

33. Achieving a Better Life Experience (ABLE) Account Program (74 Ill. Adm. Code 722)
-First Notice Published: 42 Ill. Reg. 4488 - 3/9/18
-Expiration of Second Notice: 6/7/18

74-730-18-03840 MR

34. Rules of Practice in Administrative Hearings (74 Ill. Adm. Code 730)
-First Notice Published: 42 Ill. Reg. 3840 - 3/2/18
-Expiration of Second Notice: 6/7/18

EXEMPT RULEMAKINGSEmergency Management Agency

32-337-18-02976X JE

35. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (32 Ill. Adm. Code 337)
-First Notice Published: 42 Ill. Reg. 2976 - 2/16/18

32-341-18-03028X JE

36. Radioactive Materials Transportation (32 Ill. Adm. Code 341)
-First Notice Published: 42 Ill. Reg. 3028 - 2/16/18

INTERNAL RULEMAKINGSDivision of Specialized Care for Children

2-5155-17-07483A EMS

37. Division of Specialized Care for Children - Public Information, Rulemaking and Organization (Repealer) (2 Ill. Adm. Code 5155)
-First Notice Published: 41 Ill. Reg. 7483 - 4/20/18

Housing Development Authority

2-1975-18-07685A JE

38. Public Information, Rulemaking and Organization (Repealer) (2 Ill. Adm. Code 1975)
-First Notice Published: 42 Ill. Reg. 7685 - 4/27/18

2-1975-18-07687A JE

39. Public Information, Rulemaking and Organization (New Part) (2 Ill. Adm. Code 1975)
-First Notice Published: 42 Ill. Reg. 7687 - 4/27/18

AGENCY RESPONSE

86-110-17-15043 ES

40. Property Tax Code (86 Ill. Adm. Code 110)
-First Notice Published: 41 Ill. Reg. 15043 - 12/15/17
-Agency Response: Withdrawal

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 17, 2018 through April 23, 2018. The rulemakings are scheduled for the May 15, 2018 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>
5/30/18	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	2/16/18 42 Ill. Reg. 3113	5/15/18
5/31/18	<u>Secretary of State</u> , Limited Liability Company Act (14 Ill. Adm. Code 178)	1/12/18 42 Ill. Reg. 710	5/15/18
6/2/18	<u>Department on Aging</u> , Adult Protection and Advocacy Services (89 Ill. Adm. Code 270)	3/2/18 42 Ill. Reg. 3774	5/15/18
6/3/18	<u>Department of Public Health</u> , Hospital Licensing Requirements (77 Ill. Adm. Code 250)	2/2/18 42 Ill. Reg. 2088	5/15/18
6/6/18	<u>Illinois Liquor Control Commission</u> , The Illinois Liquor Control Commission (11 Ill. Adm. Code 100)	12/15/17 41 Ill. Reg. 14998	5/15/18
6/6/18	<u>Office of the State Fire Marshal</u> , General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 174)	2/23/18 42 Ill. Reg. 3270	5/15/18

6/6/18	<u>Office of the State Fire Marshal</u> , Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 175)	2/23/18 42 Ill. Reg. 3313	5/15/18
6/6/18	<u>Office of the State Fire Marshal</u> , Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176)	2/23/18 42 Ill. Reg. 3457	5/15/18
6/6/18	<u>Office of the State Fire Marshal</u> , Compliance Certification for Underground Storage Tanks (41 Ill. Adm. Code 177)	2/23/18 42 Ill. Reg. 3508	5/15/18

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

17 - 110 7905

ADOPTED RULES

50 - 914 4/30/2018 7914

50 - 1403 4/30/2018 7916

50 - 2006 4/30/2018 7918

50 - 4001 4/30/2018 7920

35 - 104 4/27/2018 7922

77 - 350 4/30/2018 7950

92 - 1040 4/30/2018 7963

EMERGENCY RULES

20 - 1700 4/25/2018 7972

NOTICE OF CODIFICATION CHANGES

35 - 380 7978

86 - 100 7980

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Yearly Index Cumulative/Sections Affected Indices (Current Year)	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.) Card #: _____ Expiration Date: _____ Signature: _____

Send Payment To: Secretary of State E-mail: eAdministrativeCode@ilsos.net
 Department of Index Phone: (217) 782-7017
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com