

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 18
April 29, 2005
Pages 5808-6147

Index Department
Administrative Code Div.
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Springfield, IL 62756
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<http://www.cyberdriveillinois.com>

Printed on recycled paper

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Corporate Applications for Banks and Corporate Fiduciaries
- 2) Code Citation: 38 Ill. Adm. Code 370
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u>
370.10	New
370.20	New
370.30	New
370.40	New
370.50	New
370.60	New
370.70	New
- 4) Statutory Authority: Authorized by Section 48 of the Illinois Banking Act [205 ILCS 5/48] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].
- 5) A complete description of the subjects and issues involved: This proposed rule codifies existing fee schedules and policies. It provides a fee schedule for corporate applications used by state chartered banks and corporate fiduciaries. It provides a fee schedule for special examinations or investigations. In addition, it describes the Division's policy on the acceptance of applications and the process to request confidential treatment of information contained in an application.
- 6) Will these proposed rules replace any emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed rules pending to this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Barb Smith
Rules Coordinator
Dept of Financial and Professional Regulation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Division of Professional Regulation
320 W. Washington St., 3rd fl
Springfield, IL 62767

217/785-0813
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Kerri Doll
Atty
Dept of Financial and Professional Regulation
Division of Banks and Real Estate
500 E. Monroe St., 10th fl
Springfield, IL 62701

217/524-4434

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: The rulemaking applies to banks, and corporate fiduciaries regulated by the Division of Banks and Real Estate.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 370

CORPORATE APPLICATIONS FOR BANKS AND CORPORATE FIDUCIARIES

Section

370.10	Purpose and Scope
370.20	Definitions
370.30	Fee Schedule; Administration of Corporate Application Fees
370.40	Special Examinations or Investigations
370.50	Forms
370.60	Request for Confidential Treatment
370.70	Processing of Applications or Notices; Acceptance; Abandonment

AUTHORITY: Implementing and authorized by Section 48 of the Illinois Banking Act [205 ILCS 5/48] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Old Part repealed at 21 Ill. Reg. 605, effective December 26, 1996; new Part adopted at 29 Ill. Reg. _____, effective _____.

Section 310.10 Purpose and Scope

This Part prescribes certain fee schedules and guidelines for the processing of corporate applications required by the Illinois Banking Act [205 ILCS 5], the Corporate Fiduciary Act [205 ILCS 620], the Foreign Banking Office Act [205 ILCS 645], the Foreign Bank Representative Office Act [205 ILCS 650], and the rules prescribed in accordance with those Acts.

Section 370.20 Definitions

"Division" means the Department of Financial and Professional Regulation-Division of Banks and Real Estate.

"Director" means the Director of the Division of Banks and Real Estate.

Section 370.30 Fee Schedule; Administration of Corporate Application Fees

- a) Fees shall be submitted to the Division at the time of submission of any application or notice. All fees filed in connection with an application or notice

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are nonrefundable, regardless of whether the application or notice is ultimately approved, denied, withdrawn, or abandoned.

- b) While certain fees are set by statute and paid on a regular, cyclical basis, others are "fees for service" and are billed as the services are provided. Pursuant to Section 48(3)(f) of the Illinois Banking Act, Section 5-10 of the Corporate Fiduciary Act, Section 17 of the Foreign Banking Office Act, and Section 4 of the Foreign Bank Representative Office Act, the Director has set the following as fees for corporate activities and applications:

DOMESTIC COMMERCIAL BANKS

Application for a Permit to Organize a State Bank	\$10,000
Application for Approval of an Interim Bank Merger	\$ 2,000
Application for a Permit to Organize a State Bank and a Purchase and Assumption or Merger – Section 31 (per bank application; see 205 ILCS 5/31)	\$ 500
Application for Purchase and Assumption – Section 31 (per merging institution)	
Application for Merger – Section 31 (per merging institution)	
Application for Approval of a Merger (Affiliated Entities)	\$ 2,000
Application for Approval of a Merger (Non-Affiliated Entities)	\$ 4,000
Application for Approval to Convert to a State Bank	\$ 1,000
Notice of Change in Control	\$ 1,500
Change in Director or Senior Executive Officer	\$ 100
Application to Reduce Number of Bank Directors	\$ 200
Application to Purchase Treasury Stock	\$ 200
Notice of Intent to Establish a Bank Branch	\$ 250

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Notice of Intent to Establish a Bank Subsidiary or Acquire Stock in a Corporation	\$ 250
Application for Relocation of Main Banking Premises	\$ 250
Conversion of an Illinois Trust Company into a State Bank	\$ 5,000
Certification of Charter	\$ 100
Application to Reduce the Number of Authorized Board Meetings	\$ 100
Reverse Stock Split	\$ 1,000
Charter Amendments Other Than Reverse Stock Splits	\$ 500
Certificate of Corporate Existence	\$ 100
Application for a Certificate of Authority Pursuant to Section 21.4 of the Illinois Banking Act	\$ 250

FIDUCIARY ACTIVITIES

Application to Form an Illinois Trust Company	\$ 8,000
Application to Exercise Fiduciary Powers for State Banks, Savings and Loan Associations, State Savings Banks, and Foreign Banking Offices	\$ 1,500
Application to Amend a Certificate of Authority to Accept and Execute Trusts for State Banks, State Savings and Loan Associations, State Savings Banks, and Foreign Banking Offices	\$ 250
Application for Approval of a Change in the Control of a Corporate Fiduciary	\$ 1,500
Application for Approval of the Purchase of Substantially All the Trust Assets or the Assumption of Substantially All the Trust Liabilities of an Illinois Trust Company	\$ 1,500

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Application to Establish a Corporate Fiduciary Branch Office by an Illinois Trust Company	\$ 250
Notice of Intent to Establish a Corporate Fiduciary Branch Office by a Bank, Savings and Loan Association, or Savings Bank	\$ 250
Application for Approval of a Corporate Fiduciary Merger	\$ 1,500
Application to Establish a Subsidiary of a Corporate Fiduciary	\$ 500
Application for a Certificate of the Authority to be Authorized as a Foreign Corporate Fiduciary in the State of Illinois	\$ 750
Application to Amend a Certificate of Authority of a Foreign Corporate Fiduciary to Authorize Additional Powers	\$ 250
Notice of Intent to Establish a Foreign Trust Office in Illinois	\$ 750
Certified Copy of a Certificate of Authority or a Certificate of Corporate Existence	\$ 100
CSBS Interstate Trust Activities Application:	
Representative Office in Host State	\$ 250
Full Service Branch in Host State	\$ 250
Trust Office in Host State	\$ 250

INTERNATIONAL BANKING

Application for License to Establish a Foreign Bank Representative Office	\$ 700
Foreign Bank Representative Office Annual License Fee	\$ 300
Application for Certificate of Authority to Establish a Foreign Banking Office	\$ 8,000
Amendment of Certificate of Authority to Establish a Foreign Banking Office	\$ 500

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Notice of Intent to Establish a Bank Branch – Foreign Banking Office	\$ 250
Certification of Certificate of Authority and License	\$ 100
Certificate of Corporate Existence	\$ 100

Section 370.40 Special Examinations or Investigations

- a) Applications and notices submitted to the Director are subject to a special investigation or examination as considered necessary, in the Director's discretion, in order to make an informed decision regarding the application or notice.
- b) The cost for a special examination or investigation performed in connection with the review of an application or notice is \$900 per day, per examiner.
- c) The Director may consider the following factors in determining whether to require an investigation or examination of one or more of the entities to the transaction:
 - 1) A question exists regarding the solvency or potential solvency of the applicant or one or more of the financial institutions or other entities involved in the transaction;
 - 2) A financial institution involved in the transaction has not been examined by a state, federal or foreign regulatory agency within the 18-month period immediately preceding the date of submission of the application or notice;
 - 3) A financial institution involved in the proposed transaction had substantive violations cited in its most recent examination report, or has a less than satisfactory regulatory rating;
 - 4) A question exists regarding the experience, ability, standing, trustworthiness, or integrity of the existing or proposed officers, directors, managers or managing participants of a party involved in the proposed transaction;
 - 5) A question exists as to whether the resulting institution will operate in compliance with the law;

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- 6) A question exists as to whether the resulting institution will be free from improper or unlawful influence or interference from its principal shareholders with respect to operation in compliance with the law;
- 7) A question exists as to whether the resulting institution will have adequate capitalization;
- 8) One or more of the entities to the transaction is under a regulatory restriction or subject to an enforcement action or supervisory agreement;
- 9) Such other factors as determined in the discretion of the Director.

Section 370.50 Forms

- a) Forms and instructions for submitting applications and notices may be obtained from the Department of Financial and Professional Regulation web site or by contacting the Division's Corporate Activities Section. Information that is required by another regulatory authority that is also needed as part of a Division application or notice may be provided to the Division by appending a copy of the information to the Division application or notice. Use of the Division's form is optional; however, the material submitted to the Division must contain all information requested in the Division's forms. In addition, if the applicable Division application or notice requires the filing of an Authorization for Release of Personal Information for necessary background checks or a certification page, the applicant must sign and submit the Authorization for Release of Personal Information and the certification page of the application or notice, even if the Division form itself is not being used.
- b) If no form is prescribed, the application or notice should be in writing, be signed by the applicant or a duly authorized agent, and contain a concise statement of the action requested.

Section 370.60 Request for Confidential Treatment

- a) Under the provisions of the Illinois Freedom of Information Act [5 ILCS 140], an application or notice filed with the Division is considered a public document and available to the public upon request.
- b) If the applicant is of the opinion that disclosure of commercial or financial information would likely result in substantial harm to the competitive position of

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the applicant or that disclosure of information of a personal nature would result in a clearly unwarranted invasion of personal privacy, a request for confidential treatment must be submitted in writing concurrently with the submission of the application or notice and must discuss in detail the justification for confidential treatment. The justification must be provided for each response or exhibit for which confidential treatment is requested.

- c) The applicant's reasons for requesting confidentiality should demonstrate specifically the harm that would result from public release of the information. A statement simply indicating that the information would result in competitive harm or that it is personal in nature is not sufficient. A claim that disclosure would violate the law or policy of another state is not, in and of itself, sufficient to exempt information from disclosure. It must be demonstrated that disclosure would either cause competitive harm or present an unwarranted invasion of personal privacy.
- d) Information for which confidential treatment is requested should be:
 - 1) specifically referenced in the public portion of the application or notice by reference to the confidential section;
 - 2) separately bound; and
 - 3) labeled "Confidential".
- e) The applicant should follow this same confidentiality procedure when filing any supplemental information to the application.
- f) The Division will determine whether information submitted as confidential will be so regarded and, when practicable, will advise the applicant of any decision to make available to the public information labeled "Confidential". However, the Division, without prior notice to the applicant, may disclose or comment on any of the contents of the application in the approval issued by the Director in connection with the Division's decision on the application or notice.

Section 370.70 Processing of Applications or Notices; Acceptance; Abandonment

- a) On or before the 15th business day after initial submission of an application, the Director shall issue a written notice informing the applicant either that the application is complete and accepted for processing or that the application is

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deficient and specific additional information is required. All required information necessary for the Director to declare that a submission is an accepted filing, including the filing fee, shall be provided to the Director on or before the 31st calendar day after the date of the Director's written information request. However, if, within the 30 day timeframe prescribed in the information request letter, the applicant submits a written request for an extension, the Director may grant an additional 30 days within which to submit the information, upon a finding of good and sufficient cause. If the applicant fails to submit the required information within the specified timeframe, the Director shall determine the application to be abandoned, without prejudice to the right to refile.

- b) After the Director accepts an application, he or she may request additional information in order to make any required statutory findings and to make a fully informed decision. This request for additional information shall be in writing. All requested information shall be provided to the Director on or before the 31st calendar day after the date of the Director's letter. However, if, within the 30 day timeframe prescribed in the letter, the applicant submits a written request for an extension, the Director may grant an additional 30 days within which to submit the information, upon a finding of good and sufficient cause. If the applicant fails to submit the requested information within the specified timeframe, the Director shall determine the application to be abandoned, without prejudice to the right to refile.
- c) The Director shall give written notice of any submitted or accepted filing determined to be abandoned. Notice of abandonment shall be effective upon the Director's mailing.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Detection of Deception Examiners Act
- 2) Code Citation: 68 Ill. Adm. Code 1230
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1230.70	Amendment
1230.151	New Section
- 4) Statutory Authority: Detection of Deception Examiners Act [225 ILCS 430]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking, in response to an audit finding, provides for restoring a license as a detection of deception examiner that has been lapsed or inactive for over 5 years. The licensure examination language is also being amended to reflect the revised examination.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 Fax #: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:

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NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those using or offering the services of a detection of deception examiner.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Skills in operating a device or instrument used to test or question individuals for the purpose of evaluating truthfulness or untruthfulness are necessary for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The proposed rulemaking responds to an audit finding.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1230

DETECTION OF DECEPTION EXAMINERS ACT

Section

1230.10	Statutory Authority (Repealed)
1230.20	Definitions
1230.30	Six Month Study of Detection of Deception
1230.40	Instructors Qualifications and Approval
1230.50	Application for Registered Training
1230.60	Application for Licensure Examination
1230.70	Licensure Examination
1230.80	Impermissible Advertising
1230.90	Pre-Test Interview
1230.100	Protection of the Rights of the Subject
1230.110	Impermissible Activities of an Examiner
1230.120	Disclosure of Examination Results
1230.130	Required Records
1230.140	Endorsement
1230.150	Renewals
<u>1230.151</u>	<u>Restoration</u>
1230.155	Fees
1230.160	Granting Variances

AUTHORITY: Implementing Section 22 of the Detection of Deception Examiners Act [225 ILCS 430] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Regulations Promulgated for the Administration and Enforcement of the Illinois Detection of Deception Examiners Act, effective June 26, 1975; codified at 5 Ill. Reg. 11031; amended at 6 Ill. Reg. 788, effective January 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 230 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1230 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2929; amended at 22 Ill. Reg. 10567, effective June 1, 1998; amended at 24 Ill. Reg. 514, effective December 31, 1999; amended at 26 Ill. Reg. 13618, effective September 3, 2002; amended at 29 Ill. Reg. _____, effective _____.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1230.70 Licensure Examination

The licensure examination for detection of deception examiner shall be based on procedures required by Standards for Educational and Psychological Testing (1999, American Psychological Association) and Principles for Validation and Use of Personnel Selection Procedures, 4th Edition (2003, Society for Industrial and Organizational Psychology). The passing grade on the examination shall be based on an ability scale designed to measure minimum professional competency. A pass/fail grade will be assigned.

- a) ~~The licensure examination shall consist of the following subject areas:~~
 - 1) ~~Written Examination~~
 - ~~Psychology—Law~~
 - ~~Physiology~~
 - ~~Interrogation~~
 - ~~History and Instrumentation~~
 - ~~Chart Interpretation~~
 - ~~Question Formulation~~
 - 2) ~~Demonstrative Practical Examination on Chart Interpretation~~
- b) ~~The passing grade on the written examination is an average of 75. The passing grade on the practical examination is 75.~~
- c) ~~An applicant who fails the first examination is required, on the second and third examinations, to retake only those portions of the written examination in which he did not receive a grade of at least 75.~~
- d) ~~On the fourth and each subsequent examination, the applicant is required to retake the entire licensure examination.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1230.151 Restoration

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

A person applying for restoration of a license that has expired or been placed on inactive status for more than 5 years shall file an application with the Division, along with the required fee and one of the following:

- a) Certification of current licensure from another state or territory completed by the appropriate state board, and proof of current active practice; or
- b) An affidavit attesting to military service as provided in Section 13 of the Act. If application is made within 2 years after discharge, and if all other provisions of Section 13 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees.

(Source: Added at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Section Number: 1330.91 Proposed Action: Amendment
- 4) Statutory Authority: Pharmacy Practice Act [225 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed Amendment addresses the critical public health care issue of access to prescription contraceptives. The Amendment clarifies that a pharmacy has the duty to dispense contraceptives without delay. Where the contraceptive or an alternative suitable to the prescriber is not in stock, the pharmacy must follow its standard procedure for stocking contraceptives, transfer the prescription to another pharmacy or return the prescription to the patient, as the patient directs.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, at 29 Ill. Reg. 5586, effective April 1, 2005.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after this issue of the *Illinois Register* to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax #: 217/782-7645

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed pharmacies may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Licensure pursuant to the Pharmacy Practice Act.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated when the 2 most recent regulatory agendas were published.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS

| CHAPTER VII: DEPARTMENT OF **FINANCIAL AND** PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330

PHARMACY PRACTICE ACT OF 1987

Section	
1330.5	Definitions
1330.10	Application for Certificate of Registration as a Pharmacy Technician
1330.20	Approval of Pharmacy Programs
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40	Application for Examination
1330.50	Examination for Licensure
1330.55	Application for Licensure on the Basis of Examination
1330.60	Endorsement
1330.65	Patient Counseling
1330.70	Definitions (Renumbered)
1330.75	Security Requirements
1330.76	Reporting Theft or Loss of Controlled Substances
1330.80	Violations
1330.90	Divisions of Pharmacy Licenses
1330.91	Division I Pharmacies
1330.92	Division II Pharmacies
1330.93	Division III Pharmacies
1330.94	Division IV Pharmacies
1330.95	Division V Pharmacies
1330.96	Nonresident Pharmacies
1330.98	Automated Dispensing and Storage Systems
1330.99	Parenteral Product Standards
1330.100	Application for a Pharmacy License
1330.110	Granting Variances
1330.120	Renewals
1330.130	Restoration
1330.140	Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 [225 ILCS 85] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

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NOTICE OF PROPOSED AMENDMENT

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 1, 1998; amended at 23 Ill. Reg. 14131, effective November 18, 1999; amended at 24 Ill. Reg. 8548, effective June 9, 2000; amended at 26 Ill. Reg. 18338, effective December 13, 2002; amended at 27 Ill. Reg. 19389, effective December 11, 2003; emergency amendment at 29 Ill. Reg. 5586, effective April 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective _____.

Section 1330.91 Division I Pharmacies

- a) Retail pharmacies which engage in general community pharmacy practice and are open to, or offer pharmacy service to, the general public shall, in addition to any other requirements of the Act and this Part, comply with Section 1330.91. A retail pharmacy which, in addition to offering pharmacy services to the general public, provides pharmacy services to an institution or facility listed in Sections 1330.92(a) need not register as a Division II pharmacy if the sales do not exceed 49% of total sales, but the pharmacy shall comply with requirements of Sections 1330.92(b), (c) and (d).
- b) Recordkeeping Requirements for Filling Prescriptions
 - 1) Every prescription filled or refilled shall contain the name, initials or other unique identifier of the person authorized to practice pharmacy under the provisions of the Pharmacy Practice Act who fills or refills the prescription. Additionally, the label affixed to the drug container must indicate the name, initials or other unique identifier of the person authorized to practice pharmacy in the State of Illinois who filled or refilled the prescription. No prescription may be filled or refilled for a period in excess of one year from the date of the original issuance of the prescription by the prescriber.

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- 2) Whenever a prescription is filled or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the prescription shall contain the names, initials or other unique identifier of both the supervising pharmacist and the registered pharmacy technician who fills or refills the prescription. Additionally, the label affixed to the drug container must indicate the initials of the pharmacy technician and pharmacist.
- 3) Refilling a Prescription
 - A) Each refilling of a prescription shall be entered on the prescription or on another appropriate, uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and
 - v) The total number of refills for the prescription.
 - B) If the pharmacist doesn't otherwise indicate in a uniformly maintained record, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription.
- 4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order.
- 5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the uniformly maintained record and record the date the copy is issued, to whom issued and his/her name, initials or unique identifier. Copies of prescriptions

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shall be marked "For Information Purposes Only" and require a new prescription from the prescriber.

- 6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1998), and which contain no further amendments or editions, and shall include the capability to:
 - A) Retrieve the original prescription order information for those prescription orders which are currently authorized for refilling;
 - B) Retrieve the current prescription orders which shall, at a minimum, include name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist and technician for each refill and the total number of refills dispensed to date;
 - C) Supply documentation of refill information entered by the pharmacist using the system by way of a hard copy printout of each day's refill data which has been verified for correctness. This printout must include for each prescription filled at least the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;
 - v) The patient's name;
 - vi) The prescriber's name; and
 - vii) The prescription number for the prescription.

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In lieu of the printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in the dispensing shall sign a statement each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him/her and is correct as shown. The book or file must be maintained at the pharmacy employing the system for a period of 5 years after the date of dispensing the appropriately authorized refill.

- 7) All refill data shall be maintained by the pharmacy on the premises for 5 years in accordance with Section 18 of the Act. The pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided to the ~~Division~~Department upon request within 48 hours.

c) Transfer of Prescription Information

- 1) A prescription may be transferred between pharmacies for the purpose of original fill or refill dispensing provided that:
- A) The transferor pharmacist invalidates the prescription on file and records to whom transferred, the date of issuance of such copy and the name of the transferor pharmacist issuing the transferred prescription order; and
 - B) The transferee pharmacist, upon receiving the prescription directly from another pharmacist, records the following:
 - i) The name, address and original prescription number of the pharmacy from which the prescription was transferred;
 - ii) All information constituting a prescription order including the following: name of the drug, original amount dispensed, date of original issuance of the prescription and number of valid refills remaining; and
 - C) The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has

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been transferred.

- 2) A prescription for Schedule III, IV and V drugs may be transferred only from the original pharmacy and only one time for the purpose of refill dispensing and may not be transferred further. However, a pharmacist who is electronically sharing real-time on line computerized systems may transfer up to the maximum refills permitted by law and the prescriber's authorization in accordance with CFR 1306.26(a).
 - 3) Computerized systems must satisfy all information requirements of this subsection (c), including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of this subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.
- d) Staffing of the Pharmacy
- 1) Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - A) The schedule during which the practice of pharmacy is carried on in the pharmacy shall be conspicuously displayed.
 - B) Whenever an establishment housing a pharmacy is open and a pharmacist is not present and available to provide pharmaceutical services as defined in Section 3 of the Act, a sign shall be conspicuously displayed stating in all capital letters:
PHARMACIST NOT ON DUTY; STATE LAW PROHIBITS FILLING OF PRESCRIPTIONS IN THE ABSENCE OF A PHARMACIST.
 - C) No prescription may be dispensed when a pharmacist is not physically present in the establishment and on duty.
 - 2) The pharmacy must provide pharmaceutical services, as defined in Section

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3 of the Act, to the public a minimum of 40 hours per week. A pharmacy is considered providing Pharmaceutical Services when a pharmacist is physically present in the establishment and available for consultation.

- e) Pharmacist-in-Charge
- 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist shall be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:
 - A) Supervision of all activities of all employees as they relate to the practice of pharmacy;
 - B) Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed as set forth in Section 1330.75; and
 - C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.
 - 2) The operations of the pharmacy and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.
 - 3) Within 10 days after the change of a pharmacist-in-charge, the ~~Division~~Department shall be so notified in writing by the departing pharmacist-in-charge.
 - 4) In addition to notifying the ~~Division~~Department within 10 days, the departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:
 - A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and
 - B) All other scheduled drugs, as defined in the Illinois Controlled

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Substance Act, by estimated count.

- 5) The inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of 5 years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge, shall be submitted to the Department of Financial and Professional Regulation~~-Division of Professional Regulation~~, at its principal office, within 10 days after the change in the pharmacist-in-charge.
- 6) Failure on the part of a registrant to provide the information required in subsections (e)(4) and (5)~~-above~~ shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board.
- 7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the ~~Division~~Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:
 - A) Provide such information as may be necessary; and/or
 - B) Explain such relevance or completeness during an oral interview; or
 - C) Appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate compliance with this Section.
- f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons or medical devices except for:
 - 1) Medical devices which can be properly sanitized prior to reuse, resale or rent; and

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- 2) Medications and medical devices that are dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeia (U.S.P)/National Formulary or by the United States Pharmacopoeial Convention, Inc.
- g) Pharmacies that compound and dispense parenteral products shall comply with Section 1330.99 of this Part.
- h) Pharmacies that utilize automated dispensing and storage systems shall comply with Section 1330.98 of this Part.
- i) The development and implementation of a procedure to be utilized in the event of a drug recall that can be readily activated to assure that all drugs included on the recall are returned to the pharmacy for proper disposition.
- j) **Duty of Division I Pharmacy to Dispense Contraceptives**
 - 1) **Upon receipt of a valid, lawful prescription for a contraceptive, a pharmacy must dispense the contraceptive, or a suitable alternative permitted by the prescriber, to the patient or the patient's agent without delay, consistent with the normal timeframe for filling any other prescription. If the contraceptive, or a suitable alternative, is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptive drugs not in stock, including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. However, if the patient prefers, the prescription must either be transferred to a local pharmacy of the patient's choice or returned to the patient, as the patient directs.**
 - 2) **For the purposes of this subsection (j), the term "contraceptive" shall refer to all FDA-approved drugs or devices that prevent pregnancy.**
 - 3) **Nothing in this subsection (j) shall interfere with a pharmacist's screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment,**

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drug-allergy interactions, or clinical abuse or misuse, pursuant to 225
ILCS 85/3(q).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.310	Amend
302.405	Amend
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]
- 5) A Complete Description of the Subjects and Issues involved: The Department is proposing amendments to this Part to comply with federal requirements. Other changes in format and language have been made for clarification. The changes include:
 - Expanding adoption opportunities for children by deleting the requirement for children to be in the placement and care of the Department or a private agency to be eligible for adoption assistance;
 - Striking the requirement for a judicial determination that a child is abused or neglected or dependent to be eligible for adoption assistance;
 - Clarifying that children adopted with adoption assistance continue to be eligible for adoption assistance when the adoption is dissolved because of the termination of parental rights or when the adoptive parents die;
 - Separating eligibility criteria for adoption assistance from the conditions that must be met for a determination to be made that a child has special needs;
 - Adding a 504 Educational Specials Needs Plan to the documentation that may be used to establish a child's need for therapeutic day care services;
 - Deletes the words 'Respite Care' replacing them with the words 'Care for Medically Fragile/Technology Dependent Children to describe the types of care that may be available through the DPA's Division of Specialized Care for Children.
 - Adding additional criteria as the basis of appeal of a Department decision.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments making contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
302.365	Amend	29 Ill. Reg. 4446; March 25, 2005

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking should be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff E. Osowski
 Office of Child and Family Policy
 Department of Children and Family Services
 406 East Monroe Street, Station #65D
 Springfield, Illinois 62701-1498

Telephone: 217/524-1983
 TDD: 217/524-3715
 FAX: 217/557-0692
 E-Mail address: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on these proposed amendments submitted during the 45-day period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility analysis:
- A) Type of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for it had not been anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT OF CHILDREN
AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

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

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

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

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

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

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302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section

302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; preemptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190,

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Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. _____, effective _____.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance Agreements

a) General Provisions

- 1) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, ~~for whom the Department or a not-for-profit agency has responsibility for placement and care,~~ who are residents of Illinois, and who the Department has determined meet the special needs criteria for non-recurring adoption assistance or who meet both the eligibility and special needs criteria for ongoing adoption assistance and who, it is reasonable to conclude, are not likely to be adopted without the provision of adoption assistance~~have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption~~

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~~assistance is provided.~~ Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance shall be determined by the Department and the adoptive parents on an individual basis. The Department shall notify the prospective adoptive parents of the availability and the types of assistance. The adoptive parent may refuse any or all of the adoption assistance. The ongoing monthly payment shall be issued to the person identified in the adoption assistance agreement. Any type of adoption assistance services included in this Part that are payable through insurance or other funding sources will not be paid for by the Department. The child adopted with adoption assistance shall receive only those services and/or payments specified in the adoption assistance agreement.

2) Children Residing in Other States

- A) When the Department has responsibility for placement and care of a child who is eligible for Federal Title IV-E reimbursement, the Department is responsible for entering into the adoption assistance agreement and paying the adoption subsidy, even if the child is placed in an adoptive home in another state.
- B) If the Department does not have responsibility for placement and care of a Title IV-E eligible child, it is the adoptive parent's state of residence where the adoption assistance application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining whether the Title IV-E child meets the definition of special needs, entering into the adoption assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

3) Continued Eligibility of Children

- A) If an adoption is dissolved because of the ~~involuntary~~ termination of parental rights, ~~voluntary termination of parental rights when the Department concurs,~~ or the death of the adoptive parents, a child adopted with Title IV-E adoption assistance continues to be eligible for Title IV-E adoption assistance.
- B) When an adoption assistance agreement is terminated because of the death of the adoptive parents, ~~or the involuntary termination of~~

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~~the adoption, or voluntary~~ termination of ~~parental rights~~~~the adoption when the Department concurs,~~ and the child is adopted again, the Title IV-E child's state of residence is responsible for entering into the assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.

- b) Eligibility for Adoption Assistance
Children who are under the Department's legal responsibility and those who are not under the Department's legal responsibility are eligible for adoption assistance when they meet the following eligibility criteria and the special needs criteria detailed in subsection (c).
- 1) A child for whom the Department of Children and Family Services is responsible for placement and care when the adoption petition is filed who meets the special needs criteria detailed in subsection (c) is eligible for adoption assistance.
 - 2) A child for whom the Department of Children and Family Services does not have placement and care responsibility when the adoption petition is filed who meets the special needs criteria detailed in subsection (c) is eligible for adoption assistance non-recurring expenses only.
 - 3) In order for a child for whom the Department of Children and Family Services does not have placement and care responsibility when the adoption petition is filed to be eligible for on-going adoption assistance and/or medical assistance, the child must also meet one of the following eligibility factors:
 - A) the child was eligible for AFDC under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 at the time he or she was removed from the home and in the month the adoption petition was initiated. An AFDC-eligible child who was voluntarily relinquished to a public or private not-for-profit agency shall be considered judicially removed in the following circumstances:
 - i) a petition to remove the child from the home was filed within 6 months after the child began living with a specified relative; and

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- D) the child is a member of a sibling group being adopted together where at least one child meets one of the conditions in subsections (c)(2)(A) through (C); or
 - E) the child is being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father.
- 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.

b) ~~Special Needs Criteria~~

~~For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:~~

- 1) ~~The child cannot or should not be returned to the home of his or her parents, as determined by:~~
 - A) ~~a judicial determination, for which the Department has received prior notice, that the child is abused, neglected or dependent, as defined in the Juvenile Court Act [705 ILCS 405];~~
 - B) ~~where a full hearing was conducted by the court and the court order states the factual basis supporting its findings or other judicial determinations that there is probable cause to believe that a child is abused, neglected or dependent, and there is a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parents; or~~

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- ~~C) the adoption has been dissolved through involuntary termination of parental rights, or voluntary termination of the adoption when the Department concurs, or upon the death of the adoptive parents; and~~
- 2) ~~The child meets one of the following criteria:~~
 - ~~A) has an irreversible or non-correctable physical, mental or emotional disability; or~~
 - ~~B) has a physical, mental, or emotional disability correctable through surgery, treatment, or other specialized services; or~~
 - ~~C) is one year of age or older; or~~
 - ~~D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or~~
 - ~~E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and~~
- e) ~~a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.~~
- d) ~~A child who meets the special needs criteria specified in (b) above is adoption assistance eligible. In order for the child to receive ongoing monthly payments and/or medical assistance, he or she must meet one of the following conditions:~~
 - 1) ~~was eligible at the time he or she was removed from the home and at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or~~

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- ~~2) is a child of a minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is a non-ward of the Department; or~~
 - ~~3) was eligible for Supplemental Security Income (SSI) at the time the adoption proceedings were initiated; or~~
 - ~~4) is a child for whom adoptive parents were previously receiving adoption assistance; or~~
 - ~~5) is a child for whom the Department of Children and Family Services was responsible for placement and care when the adoption petition was filed.~~
- e) ~~An AFDC eligible child who was voluntarily relinquished to a public or private/not for profit agency and who meets the special needs criteria as specified in subsection (b) above, shall be considered judicially removed in the following circumstances:~~
- ~~1) a petition to remove the child from the home was filed within 6 months of living with a specified relative; and~~
 - ~~2) there is a subsequent judicial determination, for which the Department has received prior notice, that remaining in the home is contrary to the child's welfare, as defined in the Juvenile Court Act [705 ILCS 405] where a full hearing was conducted by the court and the court order states the factual basis supporting its findings.~~

d)† Types of Adoption Assistance

The types of adoption assistance that a family may apply for include:

- 1) Non-recurring Expenses
Payment for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500 for each adopted child.
- 2) Monthly Payments
 - A) An ongoing monthly payment is to be determined through the discussion and negotiation process between the adoptive parents

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and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the parent's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family upon entry of the final order of adoption unless the child is an unlicensed relative placement. In such a case, upon entry of a final order or adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the adoption assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the adoption assistance agreement regarding their children.

- B) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted, which may be adjusted for any benefits the child will be receiving, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in the determination of the ongoing monthly payment. When a child is SSI eligible following the adoption, the adoptive parents shall tell the Social Security Administration the amount of the ongoing monthly adoption assistance payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.
- 3) A Medicaid card.
- 4) Needs Not Payable Through Other Sources
Payment may be made for physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a

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condition whose onset has been established as occurring prior to the entry of the final order of adoption. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

- 5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), ~~or an Individual Family Service Plan (IFSP),~~ or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin, has approved the requested services, and a contract has been executed (when applicable).
- 6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the adoptive parent is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
- 7) Care for Medically Fragile/Technology Dependent Care~~Respite Care~~
 - A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services Waiver program for Children who are Medically Fragile/Technology Dependent.~~Payment may be made for respite care for a child the Department determines to meet certain conditions.~~ Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family.~~The child must meet the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services (HCBS) Waiver~~

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~~program for Children who are Medically Fragile/Technology Dependent.~~ This program is operated by the Division of Specialized Care for Children (DSCC) for DPA. DCFS regional nurses shall assist in making ~~the~~this determination of whether the child meets the eligibility requirements for the waiver program.

- B) ~~Care~~Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The adoptive parents must not already be receiving respite care from another source.
- i) For existing adoptive cases: If the adoptive parents ~~agree~~agrees to apply, the parents should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the adoptive parents agree to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).
- ii) For new adoptive cases, the adoptive parents must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the adoptive parents must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).
- 8) College Scholarships
Children who are adopted and receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

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9) Conditional Adoption Assistance

Conditional adoption assistance is available for those children who meet all of the other eligibility criteria for adoption assistance who were adopted prior to the effective date of this Section when it had been determined that the children may eventually require care for documented disabilities or risk factors that have not yet exhibited at the time of the adoptions.

~~10)9)~~ Adoption Incentive

The Department will pay an incentive payment for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of \$3000 to be awarded to an adopted child under the following circumstances in the manner described:

- A) In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her adoption subsidy.
- B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
- C) In order to be eligible for this payment, the child:
 - i) must have been the legal responsibility of the Department prior to the adoption; and
 - ii) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through January 31, 2003.
- D) Children in adoptive placements within this time period who do not have their adoptions finalized by January 31, 2003 will not be eligible for this grant award.
- E) The payment will be awarded directly to the child.

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- ~~g)~~ ~~Conditional Adoption Assistance~~
~~Conditional adoption assistance is available for those children who meet all of the other eligibility criteria for adoption assistance who were adopted prior to the effective date of this Section when it had been determined that the children may eventually require care for documented disabilities or risk factors that have not yet exhibited at the time of the adoptions.~~
- ~~e)h)~~ Adoption Assistance Agreement
The adoption assistance agreement shall be signed prior to the entry of the final order of adoption. The types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parents prior to the entry of the final order of adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. This payment shall not exceed the amount the child received in his or her current foster family home upon entry of the final order of adoption unless the child is in an unlicensed relative placement. In such a case, upon entry of the final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The adoption assistance agreement shall remain in effect, regardless of where the adoptive parents currently reside and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move. The adoptive parents may request a change in their child's subsidy due to a change in the family or child's circumstances.
- ~~f)i)~~ Notification Requirement by Adoptive Parents
The adoptive parent shall notify the Department no later than 30 days after any of the following occurrences:
- 1) the child is no longer the legal responsibility of the adoptive parents;
 - 2) the adoptive parents no longer financially support the child;
 - 3) the child graduates from high school or equivalent;
 - 4) there is a change of residential address or mailing address of the adoptive parents or the child;
 - 5) the child dies;
 - 6) the child becomes an emancipated minor;

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- 7) the child marries;
- 8) the child enlists in the military; or
- 9) the child's custodial status changes.

g)j)

Periodic Reviews

The Department ~~will~~ shall conduct periodic reviews to determine whether the adoptive parents remain legally and financially responsible for the child. The adoptive parents are required to participate and cooperate with the review. Non-custodial parents may request notice of periodic reviews.

h)k)

Suspension of Payments

Ongoing monthly payments may be suspended when:

- 1) Adoptive parents request an end to payments from the Department.
- 2) The child has moved from the home for a planned short duration with the concurrence of the Department and the adoptive parents.
- 3) Adoptive parents are no longer providing any financial support to the child.

4) [The adoptive parents failed to participate in the periodic review process.](#)

i)l)

Termination of Adoption Assistance

The adoption assistance shall terminate when the Department has determined that one of the following has occurred:

- 1) When the terms of the adoption assistance agreement are fulfilled.
- 2) The adoptive parents have requested that the adoption assistance permanently stop.
- 3) The adoptive parents are no longer legally or financially responsible for the child.
- 4) The child becomes an emancipated minor.
- 5) The child marries.

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- 6) The child enlists in the military.
- 7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the adoption and that was documented prior to the child's 18th birthday reaches age 21.
- 8) The adoptive parents die.
- 9) The adoptive parents' parental rights are terminated.
- 10) The child dies.
- 11) When the ongoing monthly payments have been suspended and the adoptive parent failed to submit information requested by the Department within 90 days after the payment suspension.

j)m)

Title IV-E Demonstration Waiver

The Department has received a Title IV-E demonstration waiver from the Department of Health and Human Services (DHHS) to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the State shall apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

k)n)

Appeal of Department Decisions

Adoptive parents may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337, Service Appeal Process:

- 1) The Department failed to advise the potential adoptive parents about the availability of adoption assistance to children under the care of the Department;
- 2) The adoptive parents disagree with the Department's determination that a child is ineligible for adoption assistance;

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- 3) The Department's denial of Title IV-E adoption assistance eligibility to a child for whom it does not have placement and care responsibility;
- 4) Inaction on the part of the Department on a Title IV-E adoption assistance eligibility determination request;
- ~~5)3)~~ Adoption assistance or a specific component of adoption assistance was denied;
- ~~6)4)~~ Relevant facts regarding the child were known by the Department and were not presented to the adoptive parents prior to the finalization of the adoption;
- ~~7)5)~~ The Department denies the adoptive parents request to modify the adoption assistance agreement; or
- ~~8)6)~~ An adoption assistance agreement has been amended, suspended or terminated without the concurrence of the adoptive parent.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 302.405 Subsidized Guardianship Program

- a) General Provisions
Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services (DHHS) under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A relative caregiver or licensed foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.
- b) Subsidized Guardianship Agreement
The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship, and shall be set forth in the subsidized guardianship agreement,

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which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or Federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement.

c) Eligibility Criteria

- 1) For a child to qualify for subsidized guardianship, the following criteria must be met:
 - A) the child is not a member of the control group; and
 - B) the child has been in the custody of the State for one year or more immediately prior to establishing subsidized guardianship and is likely to remain in care, and the parent has consented to the subsidized guardianship arrangement or the Department has good cause to seek a private guardian without consent and will give notice to the parent of the guardianship hearing; and
 - C) the child has a strong attachment to the potential guardian and the guardian has a strong commitment to the child; and
 - D) the permanency goals of return home and adoption have been ruled out for this child and documented in the case record.
- 2) In addition to the requirements of subsection (c)(1), in order for a child to qualify for subsidized guardianship, at least one of the following criteria must be met:
 - A) the child has lived with a relative for at least one year immediately prior to establishing subsidized guardianship; or

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- B) the child is 12 years of age or older and has lived with a non-relative for at least one year immediately prior to establishing subsidized guardianship; or
 - C) the child is a member of a sibling group for whom guardianship will be transferred together, of which at least one child has resided with the prospective subsidized guardian for at least one year and meets all subsidized guardianship criteria; or
 - D) the guardianship of the child will be transferred to a prospective guardian who has previously taken subsidized guardianship of another child born of the same mother or father; or
 - E) the child is under 12 years of age, is living with a non-relative, and has no older sibling for whom subsidized guardianship is being considered but is eligible due to the fact that:
 - i) subsidized guardianship has been determined to be in the child's best interests; and
 - ii) the basis for the decision is documented and approved by the Department Guardianship Administrator or designee; or
 - F) the child was previously in subsidized guardianship, but the guardian has died; or
 - G) the child was previously in subsidized guardianship, but due to the mental or physical incapacity of the guardian, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, and guardianship was or will be vacated; or
 - H) the child who had been adopted who was eligible for subsidized guardianship prior to the adoption, continues to be eligible for subsidized guardianship in the event his or her adoptive parent is unable to care for him or her due to the death or total mental or physical incapacity of the adoptive parent.
- d) Determination Whether Subsidized Guardianship is in the Best Interests of the Child

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- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors including but not limited to:
 - A) the wishes of the child's prospective subsidized guardian;
 - B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
 - C) the interaction and interrelationship of the child with the prospective subsidized guardian;
 - D) the child's adjustment to the present home, school, and community;
 - E) the child's need for stability and continuity or relationship with the prospective subsidized guardian; and
 - F) the mental and physical health of all individuals involved.
 - 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check, which shall include a CANTS/SACWIS and LEADS check.
- e) Types of Assistance
The types of assistance that a family may apply for include:
- 1) Non-recurring Expenses
Payment for non-recurring expenses for reasonable and necessary miscellaneous costs, and legal fees related to subsidy review, that are directly related to the transfer of guardianship, subject to the maximum set by the Department of \$500 per child.
 - 2) Ongoing Monthly Payments
 - A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special

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needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship unless the child is in an unlicensed relative placement. In such a case, upon transfer of guardianship the guardian may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the assistance agreement regarding their children. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

- B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(f) of this Part.
- 3) A Medicaid card.
- 4) Needs Not Payable Through Other Sources
Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset

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has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

- 5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), ~~or an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan~~ and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract has been executed (when applicable).
- 6) Employment Related Day Care
Payment may be made for day care for children under the age of three years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
- 7) Care for Medically Fragile/Technology Dependent Children~~Respite Care~~
 - A) The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services Waiver program for Children who are Medically Fragile/Technology Dependent.~~Payment may be made for respite care for a child the Department determines to meet certain conditions.~~ Such payment ~~is~~ shall not ~~to~~ exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. ~~The child must meet the medical eligibility guidelines used by the Department of Public Aid (DPA) for the Home and Community Based Services (HCBS)~~

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~~Waiver program for Children who are Medically Fragile/Technology Dependent.~~ This program is operated by the Division of Specialized Care for Children (DSCC) for DPA. DCFS regional nurses shall assist in making this determination of whether the child meets the eligibility criteria for the waiver program.

- B) ~~Care~~Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The subsidized guardians must not already be receiving respite care from another source.
- i) For existing subsidized guardianship cases, if the subsidized guardian agrees to apply, the guardian should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the subsidized guardian agrees to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).
 - ii) For new subsidized guardianship cases, the subsidized guardian must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the subsidized guardian must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).
- 8) College Scholarships

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Children who are receiving subsidized guardianship assistance may also apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.

9) GuardianshipAdoption Incentive

The Department will pay an incentive payment for children who are 14 to 18 years of age when guardianship with subsidized guardianship was awarded during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of \$3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:

- A) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.
- B) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
- C) In order to be eligible for this payment, the child:
 - i) must have been the legal responsibility of the Department prior to the subsidized guardianship; and
 - ii) must have been 14 to 18 years of age when the guardianship was awarded to the private guardian during the time period of March 15, 2001 through January 31, 2003.
- D) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by January 31, 2003 will not be eligible for this grant award.
- E) The payment will be awarded directly to the child.

- f) Responsibilities of the Subsidized Guardian
Subsidized guardians are responsible for the following:

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- 1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and
 - 2) notifying the Department no later than 30 days after any one of the following occurrences:
 - A) The child is no longer the legal responsibility of the guardian.
 - B) The guardian no longer financially supports the child.
 - C) The child graduates from high school or equivalent.
 - D) There is a change of residential address or mailing address of the guardian or the child.
 - E) The child dies.
 - F) The child becomes an emancipated minor.
 - G) The child marries.
 - H) The child enlists in the military.
 - I) The mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child.
 - J) The custodial status of the child changes.
 - K) The guardianship is vacated.
- g) Department Responsibilities
- 1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).
 - 2) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship.

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Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.

- 3) The Department shall ensure that an orientation is provided to the family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
 - 4) The Department shall ensure that each guardian has access to a caseworker ~~that~~who will respond to requests for information and assistance.
 - 5) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).
 - 6) The Department shall accept custody of the child in accordance with the Abused and Neglect Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
- h) **Periodic Reviews**
The Department shall conduct periodic reviews to determine whether the guardian remains legally and financially responsible for the child. The guardian is required to participate and cooperate with the review.
- i) **Suspension of Payments**
Ongoing monthly payments may be suspended when the following come to the attention of the Department:
- 1) Guardian requests an end to payments from the Department.
 - 2) The child has moved from the home for a planned short duration with the concurrence of the Department and the guardian.
 - 3) Guardian is no longer financially supporting the child.
 - 4) The guardian has failed to participate in the periodic review process.

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- j) Termination of Payments
Payments for Subsidized Guardianship Assistance shall terminate when the Department has determined that any one of the following has occurred:
- 1) When the terms of the subsidized guardianship agreement are fulfilled.
 - 2) The guardian has requested that the payment permanently stop.
 - 3) The guardian is no longer financially supporting the child as determined through the periodic review process in concurrence with the adoptive parents.
 - 4) The child becomes an emancipated minor.
 - 5) The child marries.
 - 6) The child enlists in the military.
 - 7) The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21.
 - 8) The guardian dies.
 - 9) The guardianship is vacated.
 - 10) The child dies.
 - 11) When the ongoing monthly payments have been suspended and the guardian failed to submit information requested by the Department within 90 days after the payment suspension.
- k) Title IV-E Waiver
The Department has a Title IV-E demonstration waiver from the Department of Health and Human Services to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted, the state would apply

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the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.

- l) **Appeal of Department Decisions**
A guardian has a right to file a service appeal in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process) when:
 - 1) The guardian disagrees with the Department's determination that a child is ineligible for subsidized guardianship assistance;
 - 2) Subsidized guardianship assistance or a specific subsidized guardianship assistance component was denied;
 - 3) The Department denies the guardian's request to modify the subsidized guardianship assistance agreement; or
 - 4) When a subsidized guardianship assistance agreement has been amended, suspended or terminated without the concurrence of the guardian.

- m) **Demonstration Group**
Although participation in the subsidized guardianship program is statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:
 - 1) Cook Central Region.
 - 2) East St. Louis sub-region serving the following counties:
 - A) Madison;
 - B) St. Clair;
 - C) Bond;
 - D) Clinton;

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- E) Washington;
 - F) Monroe; and
 - G) Randolph.
- 3) Peoria sub-region serving the following counties:
- A) Fulton;
 - B) Henderson;
 - C) Knox;
 - D) Warren;
 - E) Henry;
 - F) LaSalle;
 - G) McDonough;
 - H) Mercer;
 - I) Rock Island;
 - J) Tazewell;
 - K) Peoria;
 - L) Bureau;
 - M) Marshall;
 - N) Putnam;
 - O) Woodford; and
 - P) Stark.

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards of Behavior for Commissioners and Commission Employees
- 2) Code Citation: 83 Ill. Adm. Code 100
- 3) Section Number: 100.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 2-102 and authorized by Section 10-01 of the Public Utilities Act [220 ILCS 5/2-102].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will repeal 83 Ill. Adm. Code 100.20(d). The deletion of this language reflects the statutory requirements of Section 2-102(b) of the Public Utilities Act that prohibit Commission personnel from accepting any gift or gratuity from any person or corporation subject to the supervision of the Commission. The proposed amendment also corrects a typographical error in Section 100.20(a).
- 6) Will this proposed amendment replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 05-0244, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will not affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This amendment will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: ADMINISTRATIVE REGULATIONSPART 100
STANDARDS OF BEHAVIOR FOR COMMISSIONERS
AND COMMISSION EMPLOYEES
(~~GENERAL ORDER 203~~)

Section

100.10	Authority
100.20	Maintenance of High Standards
100.30	Instances Where Restrictions Do Not Apply
100.40	Disciplinary Action

AUTHORITY: Implementing Section 2-102 and authorized by Section 10-01 of the Public Utilities Act [220 ILCS 5/2-102 and 10-01].

SOURCE: Adopted June 25, 1975; codified at 8 Ill. Reg. 8893; amended at 29 Ill. Reg. _____, effective _____.

Section 100.20 Maintenance of High Standards

- a) The maintenance of ~~unusually~~usually high standards of honesty, integrity, impartiality, and conduct by Illinois Commerce Commission members and employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. In a regulatory agency such as the Illinois Commerce Commission, whose actions affect the interest of every citizen of the state, it is particularly important that every employee be completely impartial, honest, and above suspicion while adhering strictly to the highest standard of ethical conduct in all their social, business, political and other off-the-job activities, relationships and interests as well as in their official actions. All Commission employees shall exercise their informed judgment to avoid situations which might result in actual or apparent misconduct or conflicts of interest.
- b) A Commissioner or an employee should avoid any action which might result in, or create the appearance of:
 - 1) Using public office for private gain;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 2) Giving preferential treatment to any interested party;
 - 3) Impeding Government efficiency or economy;
 - 4) Losing complete independence or impartiality;
 - 5) Discussing impending Commission decisions outside office channels;
 - 6) Affecting adversely the confidence of the public in the integrity of the Commission.
- c) Commissioners or employees of the Commission will not solicit nor accept any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, either directly or indirectly from or on behalf of an interested party. A gift, gratuity, favor, entertainment, etc., includes any tangible item, intangible benefits, discounts, tickets, passes, transportation, and accommodations given or extended to or on behalf of the recipient. An "interested party" is any person, firm, corporation, or other entity which:
- 1) Is engaged in or is endeavoring to engage in any activity or transaction of any sort with the Commission;
 - 2) Conducts operations or activities to engage in any activity or transaction of any sort with~~that are regulated by~~ the Commission;
 - 3) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the Commissioners or employees of the Commission;
 - 4) Is a party to any proceeding before the Commission;
 - 5) Are Attorneys for and representatives of any of the foregoing.
- d) ~~An occasional business meal which a Commissioner or an employee may be provided is not evidence of an unwholesome conflict of interest and is not per se a violation of the rule. Habitual or regular instances where a Commissioner or an employee does not pay his or her share may change the character of the relationship, however. Discretion and judgment are urged.~~

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| ~~d)e~~ Gifts, gratuities, favors, entertainment, etc., bestowed upon members of the immediate families of Commissioners or Commission personnel are viewed in the same light as those bestowed on Commissioners or Commission employees.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code citation: 35 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.207	Amend
302.525	Amend
- 4) Statutory authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27]
- 5) A complete description of the subjects and issues involved: A more detailed discussion of the amendments in this rulemaking can be found in the Board's April 7, 2005 opinion and order in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21). The Board's amendments to the water quality standards propose a general use water quality standard of 3.75 pCi/L combined radium 226 and 228 to replace the existing radium 226 standard of 1 pCi/L. This standard, like the current one, will apply to all general use waters of the State, as well as the Lake Michigan Basin. The proposal also applies a combined radium standard of 30 pCi/L to stream segments that receive discharge from Publicly Owned Treatment Works (POTWs) receiving wastewater discharge from public drinking water supplies using groundwater with a high radium concentration. The 30 pCi/L combined radium 226 and 228 standard will apply from the point of discharge to one mile downstream of the discharge outfall.

This is the second first-notice publication in this rulemaking. The Board found that the record in this rulemaking developed during the original first-notice period supported significant changes to the original proposal. The Board's original rulemaking in this matter proposed eliminating the general use and Lake Michigan water quality standards for radium of 1 picocurie per liter (pCi/L) radium 226 and setting a new standard of 5 pCi/L combined radium 226 and 228, applicable only to surface waters used for public and food processing water supplies. Because the Board made substantial changes to the original proposal, it withdrew those amendments (see Notice of Withdrawal of Amendments in the April 22, 2005 issue of the *Illinois Register*).
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of at least 45 days after the date of this publication. Comments should reference Docket R04-21 and be addressed to:

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

Address all questions to Amy Antonioli, at 312-814-3665 or antonioa@ipcb.state.il.us.

Request copies of the Board's opinion and order in Docket R04-21 from Dorothy M. Gunn, at 312-814-3620, or download copies from the Board's Web site at www.ipcb.state.il.us.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This proposal will have an impact on POTWs, public drinking water supplies, and the people who drink the water they furnish.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	
302.100	Definitions
302.101	Scope and Applicability
302.102	Allowed Mixing, Mixing Zones and ZIDs
302.103	Stream Flows
302.104	Main River Temperatures
302.105	Antidegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	
302.201	Scope and Applicability
302.202	Purpose
302.203	Offensive Conditions
302.204	pH
302.205	Phosphorus
302.206	Dissolved Oxygen
302.207	Radioactivity
302.208	Numeric Standards for Chemical Constituents
302.209	Fecal Coliform
302.210	Other Toxic Substances
302.211	Temperature
302.212	Total Ammonia Nitrogen
302.213	Effluent Modified Waters (Ammonia) (Repealed)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	
302.301	Scope and Applicability
302.302	Algicide Permits
302.303	Finished Water Standards

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- 302.304 Chemical Constituents
- 302.305 Other Contaminants
- 302.306 Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE
STANDARDS

Section

- 302.401 Scope and Applicability
- 302.402 Purpose
- 302.403 Unnatural Sludge
- 302.404 pH
- 302.405 Dissolved Oxygen
- 302.406 Fecal Coliform (Repealed)
- 302.407 Chemical Constituents
- 302.408 Temperature
- 302.409 Cyanide
- 302.410 Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section

- 302.501 Scope, Applicability, and Definitions
- 302.502 Dissolved Oxygen
- 302.503 pH
- 302.504 Chemical Constituents
- 302.505 Fecal Coliform
- 302.506 Temperature
- 302.507 Thermal Standards for Existing Sources on January 1, 1971
- 302.508 Thermal Standards for Sources Under Construction But Not In Operation on January 1, 1971
- 302.509 Other Sources
- 302.510 Incorporations by Reference
- 302.515 Offensive Conditions
- 302.520 Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
- 302.521 Supplemental Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)
- 302.525 Radioactivity
- 302.530 Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)

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302.535	Ammonia Nitrogen
302.540	Other Toxic Substances
302.545	Data Requirements
302.550	Analytical Testing
302.553	Determining the Lake Michigan Aquatic Toxicity Criteria or Values – General Procedures
302.555	Determining the Tier I Lake Michigan Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry
302.560	Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
302.563	Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
302.565	Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)
302.570	Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
302.575	Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife
302.580	Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health – General
302.585	Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
302.590	Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)
302.595	Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section	
302.601	Scope and Applicability
302.603	Definitions
302.604	Mathematical Abbreviations
302.606	Data Requirements
302.612	Determining the Acute Aquatic Toxicity Criterion for an Individual Substance – General Procedures
302.615	Determining the Acute Aquatic Toxicity Criterion – Toxicity Independent of Water Chemistry
302.618	Determining the Acute Aquatic Toxicity Criterion – Toxicity Dependent on Water

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- Chemistry
- 302.621 Determining the Acute Aquatic Toxicity Criterion – Procedure for Combinations of Substances
- 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance – General Procedures
- 302.630 Determining the Chronic Aquatic Toxicity Criterion – Procedure for Combinations of Substances
- 302.633 The Wild and Domestic Animal Protection Criterion
- 302.642 The Human Threshold Criterion
- 302.645 Determining the Acceptable Daily Intake
- 302.648 Determining the Human Threshold Criterion
- 302.651 The Human Nonthreshold Criterion
- 302.654 Determining the Risk Associated Intake
- 302.657 Determining the Human Nonthreshold Criterion
- 302.658 Stream Flow for Application of Human Nonthreshold Criterion
- 302.660 Bioconcentration Factor
- 302.663 Determination of Bioconcentration Factor
- 302.666 Utilizing the Bioconcentration Factor
- 302.669 Listing of Derived Criteria
- 302.APPENDIX A References to Previous Rules
- 302.APPENDIX B Sources of Codified Sections
- 302.APPENDIX C Maximum total ammonia nitrogen concentrations allowable for certain combinations of pH and temperature
- 302.TABLE A pH-Dependent Values of the AS (Acute Standard)
- 302.TABLE B Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Absent
- 302.TABLE C Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Present

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at

POLLUTION CONTROL BOARD

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13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective August 26, 1999; amended in R01-13 at 26 Ill. Reg. 3505, effective February 22, 2002; amended in R02-19 at 26 Ill. Reg. 16931, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 166, effective December 20, 2002; amended in R04-21 at 29 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.207 Radioactivity

- a) Gross beta (STORET number 03501) concentration ~~must~~ **shall** not exceed 100 picocuries per liter (pCi/l).
- b) ~~Strontium Concentrations of radium 226 (STORET number 09501) and strontium 90 (STORET number 13501) concentration must shall~~ not exceed ~~1 and 2 picocuries per liter pCi/l~~ **1 and 2 picocuries per liter pCi/l** respectively.
- c) Radium 226 and 228 (STORET number 11503) combined concentration must not exceed 3.75 pCi/l, except as provided in subsection (d) of this Section.
- d) The concentration of combined radium 226 and 228 must not exceed 30 pCi/l in waters receiving discharge from a publicly owned treatment works (POTW) for up to one mile downstream of the POTW discharge outfall, if the POTW receives wastewater from any community that extracts, for drinking water use, groundwater containing radium 226 and 228 combined at concentration levels exceeding 3.75 pCi/l.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section 302.525 Radioactivity

Except as provided in Section 302.102, all waters of the Lake Michigan Basin must meet the following concentrations in any sample:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Gross beta (STORET number 03501) concentrations must not exceed 100 picocuries per liter (pCi/~~L~~).
- b) Strontium Concentrations of radium 226 (STORET number 09501) and strontium 90 (STORET number 13501) concentration must not exceed ~~1 and 2 picocuries per liter pCi/L, respectively.~~
- c) Radium 226 and 228 (STORET number 11503) combined concentration must not exceed 3.75 pCi/l at any time.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: 120.60 Proposed Action: Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: Amendments are being proposed to Section 120.60 to specify that medical expenses paid by other State agencies may be applied to a medical assistance client's spenddown obligation. For example, many community mental health centers provide services to clients under a Department of Human Services (DHS) grant. The community mental health center charges the client a small amount based on ability to pay, and the value of the service is funded by DHS and used to meet the client's spenddown obligation. The amount of a medical expense that can be used to meet a spenddown obligation is the usual and customary charge to the public as established by the mental health center.

These proposed changes are a clarification of an existing policy that permits states to count a client's medical expenses, which are paid for by other State agencies, toward meeting that client's spenddown obligation. This policy has been reaffirmed by a letter from the Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services.

- 6) Will this proposed amendment replace any emergency amendment currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.510	Amendment	February 18, 2005 (29 Ill. Reg. 2638)

- 10) Statement of Statewide Policy Objectives: This proposed amendment does not affect units of local government.

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- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of community-based medical services will be affected. The Department is unsure whether any of the affected entities may qualify as small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2005

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NOTICE OF PROPOSED AMENDMENT

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)

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120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

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120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
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120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining

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	Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
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120.371	Income From Work/Study/Training Programs
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- 120.386 Property Transfers Occurring On or Before August 10, 1993
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120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
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120.395 Payment Levels for MANG (Repealed)
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- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
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120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill.

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Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25,

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1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150

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days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a

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maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

The following subsections apply to all cases other than those receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, Department of Human Services (DHS) facilities, or DHS approved community based residential settings under 89 Ill. Adm. Code 140.643, or pregnant women and children under age 19 who do not qualify as mandatory categorically needy.

- a) The eligibility period shall begin with:
 - 1) the first day of the month of application;
 - 2) the first day of any month, prior to the month of application, in which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
 - 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.
- b) Eligibility Without Spenddown for MANG
 - 1) For AABD MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
 - 2) For TANF MANG, if the client's nonexempt income available during the

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eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.

- 3) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, assets or family composition occur which would make the client a spenddown case, a spenddown obligation will be determined and subsection (c) of this Section will apply.
 - 4) A redetermination of eligibility will be made at least every 12 months.
- c) Eligibility with Spenddown for MANG
- 1) For AABD MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard and/or nonexempt assets are over the applicable asset disregard, the client must meet the spenddown obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.
 - 2) For TANF MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard, the client must meet the spenddown obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown obligation is the amount by which the client's nonexempt income exceeds the MANG standard.
 - 3) The client meets the spenddown obligation by incurring or paying for medical expenses in an amount equal to the spenddown obligation.
 - A) Medical expenses shall be applied to the spenddown obligation in the following order:
 - i) Expenses for necessary medical or remedial services, as

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funded by DHS from sources other than federal funds. Such expenses shall be based on the service provider's usual and customary charges to the public. Such expenses shall not be based on any nominal amount the provider may assess the client. ~~Charges for DHS Home Services and/or Community Based Services.~~ These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.

- ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
 - iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
- B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:
- i) Health insurance deductibles (including Medicare and other co-insurance charges).
 - ii) All copayment charges incurred or paid on spenddown met day.
 - iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
 - iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DonA).
 - v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.
 - vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.

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- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spenddown until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.
- 4) After application for medical assistance for cases eligible with a spenddown obligation who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.
- A) For TANF MANG, if countable income is greater than the income standard (Section 120.30), and for AABD MANG, if countable income is greater than the income standard or countable assets are greater than the asset disregard (Section 120.382(d)), a person will not be enrolled in spenddown unless:
- i) the person does not have a spenddown obligation for any month of the 12 -month enrollment period;
 - ii) medical expenses equal the spenddown obligation for at least one month of the 12 -month enrollment period; or
 - iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had a source of payment.
- B) Cases which meet any of these conditions will be notified, in writing, of the spenddown obligation. The client will also be notified that his or her case will be reviewed beginning in the sixth month of the 12 -month enrollment period. If the client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment. A new application will be required if the client wishes continued medical assistance.
- C) When proof of incurred medical expenses equal to the spenddown obligation is provided to the local office, eligibility for medical

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assistance shall begin effective the first day that the spenddown obligation is met. The Department will pay for covered services received from that date until the end of the eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spenddown obligation.

- 5) Cases with a spenddown obligation which do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new 12 -month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spenddown obligation will be created.
 - A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.
 - B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.
- 6) The client is responsible for reporting any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance.
- 7) For AABD MANG, if changes in income, assets or family composition occur, appropriate adjustments to the spenddown obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spenddown obligation.

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- A) If income decreases, or assets fall below the applicable asset disregard and, as a result, the client has already met the new spenddown obligation, eligibility for medical assistance shall be back-dated to the appropriate date.
 - B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spenddown obligation, the written notification of the new spenddown amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown obligation is produced.
- 8) For TANF MANG, if changes in income or family composition occur, appropriate adjustments to the spenddown obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spenddown obligation.
- A) If income decreases and, as a result, the client has already met the new spenddown obligation, eligibility for medical assistance shall be back-dated to the appropriate date.
 - B) If income increases and, as a result, the client has not produced proof of incurred medical expenses equal to the new spenddown obligation, the written notification of the new spenddown amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown obligation is produced.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Proposed Action:
160.30 Amendment
160.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These amendments propose changes to two Sections of the Department's rules on child support enforcement. Proposed changes at Section 160.30 address cooperation with support enforcement and provide that a sanction will be imposed upon a caretaker relative for a failure or refusal to return required documents, without valid reason, to the Department or the Department's representative. Other changes allow a client who has received a sanction to demonstrate cooperation by completing and returning requested documents to the Department. These changes will assist the Department in identifying and locating the non-custodial parent, establishing paternity and/or support, and the enforcement of a child support obligation or modification of an existing support obligation.

Proposed changes at Section 160.70 pertain to the enforcement of support orders. Subsection (c)(2) is being amended by striking the requirement that in TANF cases, the account must be in arrears for three months before submitting for tax offset (interception of federal income tax refunds). Under the proposed changes at subsection (c)(2)(A)(i) and (ii), the Department may combine support amounts from the same obligor in multiple cases to reach the minimum amount required for submittal for tax off purposes, but clarifications are added that non-assistance (non-TANF) arrearage cannot be combined with TANF arrearage to meet a tax offset threshold.

- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
160.60	Amendment	February 18, 2005 (29 Ill. Reg. 2675)

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160.70	Amendment	March 25, 2005 (29 Ill. Reg. 4459)
160.75	Amendment	February 18, 2005 (29 Ill. Reg. 2675)
160.75	Amendment	March 25, 2005 (29 Ill. Reg. 4459)

- 10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONSPART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Application Fee for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

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- Section
160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF
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AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended

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at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. _____, effective _____.

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.30 Cooperation With Support Enforcement Program

- a) As a condition of eligibility, unless the Department determines there is good cause for refusing, a caretaker relative (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative") must cooperate with the Department in:
- 1) identifying and locating the responsible relative of a child for whom aid is claimed;
 - 2) establishing the paternity of a child for whom aid is claimed;
 - 3) obtaining support from the responsible relative; and
 - 4) enforcing support obligations.
- b) If the caretaker relative and his or her spouse are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A caretaker relative who fails or refuses, without good cause (see Sections 160.35 through 160.45), to cooperate in the enforcement of support obligations shall be ineligible for medical assistance for himself or herself. If a caretaker states, without good cause, a refusal to cooperate with child support enforcement requirements, the family is not eligible for cash benefits. A caretaker who fails to cooperate, without valid reason, is subject to the following provisions:
- 1) For the first instance of non-cooperation, the cash assistance payment will be reduced by 50 percent of the family's Payment Level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.
 - 2) For the second instance of non-cooperation, the cash assistance payment will be reduced by 50 percent of the family's Payment Level for three

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months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.

- 3) For the third (or more) instance of non-cooperation, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.
 - 4) Sanction penalties accumulate during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction penalty shall apply.
 - 5) No sanction will be imposed until staff have a reconciliation meeting to determine whether the client had valid reason for failing to comply with requirements and the client has either failed to attend the meeting, failed to return required documents or failed to show valid reason. If the client fails to show valid reason, the reconciliation process will continue to enable resolution of disputes. Failure of the client to appear for a scheduled reconciliation meeting is not considered an instance of noncooperation.
 - 6) The Department shall establish a reconciliation procedure to assist in resolving disputes related to any aspect of cooperation. Through the reconciliation process, the Department will have a mechanism to identify good cause and valid reason, ensure that the client is aware of the issue and enable the client to perform the required activity without facing sanction.
- c) "Cooperating with the Department" in the context of subsection (a) of this Section means any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in subsection (a) of this Section:
- 1) appearing at, or failing to return the required documents to, such places as an office of the Department or the Department's legal representative (such as the Attorney General or his designee), as necessary, to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the caretaker relative;
 - 2) appearing and testifying as a witness at judicial or administrative

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proceedings;

- 3) paying to the Department any child support payments received from the responsible relative; and
- 4) providing information, or attesting to the lack of information, under penalty of perjury (for the penalty for perjury, see Section 32-2 of the Criminal Code [720 ILCS 5/32-2]). All caretaker relatives must sign a statement attesting that:
 - A) he or she has, to the best of his or her ability, provided all information requested of him or her; and
 - B) all information which he or she has provided is true and correct, to the best of his or her knowledge.
- d) Grounds for a determination that a caretaker relative has failed or refused to cooperate with the requirements of subsection (c) of this Section are as follows:
 - 1) failure or refusal, without a valid reason, to appear for an appointment or interview at or to return the required documents to, such places as the Department's or the Department's legal representative's office;
 - 2) failure or refusal, without a valid reason, to appear and testify as a witness at a judicial or administrative proceeding;
 - 3) failure or refusal, without a valid reason, to submit to a court or administratively-ordered genetic test; or
 - 4) failure or refusal ~~during an appointment or interview~~ to attest under penalty of perjury that:
 - A) he or she has provided all verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by him or her about the identity and location of the responsible relative; and
 - B) the information provided is true and correct, to the best of his or her knowledge.

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- 5) A caretaker relative may claim a valid reason for failure or refusal to appear for an appointment or interview, to return required documents, to appear and testify as a witness at a judicial or administrative proceeding or to submit to a court or administratively-ordered genetic test.
- A) Examples of valid reasons for failure or refusal to cooperate include, but are not limited to:
- i) illness;
 - ii) incapacity (for example, a broken leg, information of a scheduled surgery or recuperation from surgery);
 - iii) death in the family;
 - iv) non-Child Support Enforcement court required appearance;
 - v) temporary incarceration;
 - vi) family crisis;
 - vii) breakdown in child care arrangements;
 - viii) sudden or unexpected emergency;
 - ix) unavailability of otherwise suitable child care;
 - x) breakdown in transportation arrangements or lack of reasonably available transportation; or
 - xi) non-receipt of notice of appointment or interview, court date or genetic test date.
- B) The Department will not require a caretaker relative to provide proof of a valid reason for failure or refusal to cooperate unless:
- i) the caretaker relative has failed or refused to return required documents, to appear for an appointment or interview, judicial or administrative proceeding or genetic test on at least one other occasion within a 30-day day

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period from the first failure to appear; or

- ii) evidence, independent of the explanation of valid reason, contradicts the caretaker relative's explanation.
- C) When the Department requests proof of a valid reason, the caretaker relative must provide such proof (for example, physician's statement, dated pharmacy statement, hospital admission statement, statements by witnesses) within ten calendar days of the request. The Department shall allow an additional ten calendar days to provide proof at the request of the caretaker relative. If the caretaker relative does not provide the proof, the Department shall reject the claim of a valid reason.
- D) The sanction for failure or refusal to return required documents, to appear for an appointment or interview, judicial or administrative proceeding or genetic test shall be rescinded at any level of the appeal process up through and until the final agency decision and any lost benefits will be restored, if the caretaker relative establishes a valid reason for his or her failure or refusal.
- e) If a caretaker relative, who is subject to the penalty at subsection (b) of this Section because of a failure or refusal to cooperate indicates that he or she is willing to cooperate within the three-month penalty period, he or she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he or she complies with the requirements that he or she previously failed or refused to meet as follows:
- 1) In the case of a caretaker relative for whom a sanction was imposed for missing an interview or appointment or for failing to return requested documents, he or she may demonstrate cooperation by appearing at a new interview or appointment or completing and returning the requested documents to the Department or its legal representatives. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a new interview or appointment no later than three weeks from the date of such notification. If the caretaker relative appears at the new interview or appointment, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third

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penalty.

- 2) In the case of a caretaker relative for whom a sanction was imposed for failure to submit to a genetic test to establish paternity, he or she may demonstrate cooperation by submitting to the genetic test. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a genetic test within three weeks from the date of such notification. If the caretaker relative submits to the genetic test, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.
- 3) In the case of a caretaker relative for whom a sanction was imposed for not attending a court or administrative appearance, he or she may demonstrate cooperation by attending the next court or administrative appearance or, once in a court or administrative case after 30 days have passed since the missed appearance, by signing a statement that he or she is now willing to cooperate and will attend the next scheduled court or administrative appearance. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.
- 4) In the case of a caretaker relative for whom a sanction was imposed for failure to attend a court or administrative appearance or other failure to cooperate resulted in the dismissal of the court or administrative case, he or she may demonstrate cooperation by doing what he or she failed to do or, once in a court or administrative case after 60 days have passed since the dismissal, by signing a statement that he or she is now willing to cooperate. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.
- 5) In the case of a caretaker relative for whom a sanction was imposed for not attesting, he or she may demonstrate cooperation by executing the attestation described in subsection (d)(4) of this Section. Assistance for the caretaker relative shall be authorized as of the date he or she executes the attestation if this is the first penalty, or as of the first day of the fourth

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month if it is the second or third penalty.

- 6) The Department shall not deny or terminate a pregnant caretaker relative's medical assistance because of the caretaker relative's failure to cooperate with the requirements of subsection (c) of this Section until at least 30 days have elapsed since termination of the pregnancy.
- f) A sanction for failure or refusal to comply with the requirements of subsection (c) of this Section shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative establishes good cause for failure or refusal.
- g) Sanctions under this Section, employment and training programs and the Responsibility and Services Plan (89 Ill. Adm. Code 112.79), and the School Attendance Initiative (89 Ill. Adm. Code 112.68(c)) shall be considered along one track. After a sanction is taken under one Section, a subsequent sanction under that Section or either of the other two Sections will be at the next sanction level, as described in Section 160.30(b)(1), (2) and (3) of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) Definitions
 - 1) The definitions contained in Section 160.60(a) are incorporated herein by reference.
 - 2) "Qualified child" means a child who is a minor or who, while a minor, was determined to be disabled under Title II or XVI of the Social Security Act, and for whom a support order is in effect.
- b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in

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Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

- c) Federal and State Income Tax Refunds and Other Payments
- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.
 - 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (c)(2)(A)(i) may not be combined with amounts under subsection (c)(2)(A)(ii) to reach the minimum amounts required for submittal which has been in arrears for 3 months or longer; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (c)(2)(A)(ii) may not be combined with amounts under subsection (c)(2)(A)(i) to reach the minimum

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amounts required for submittal.

- B) the Comptroller to intercept State income tax refunds and other State payments as follows:
- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
 - ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and

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- D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or

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- other federal payment offset, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (c) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) of this Section and shall promptly apply:
- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
 - B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.

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- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
 - A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
 - 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the

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child support order is registered of each collection for posting to the court payment record.

- F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) of this Section.
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;

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- iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and

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- I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
 - 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure

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liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).

- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.
- g) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
 - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$10,000; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
 - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
 - i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child

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support owed by the responsible relative; and

- v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).
 - D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
 - E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$10,000 in excess of any statutory exemption.
- 2) Liens against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
 - i) the amount of past-due support is at least \$1,000;
 - ii) the responsible relative has an interest in personal property against which a lien may be claimed; and

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iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.

B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:

- i) the name and address of the responsible relative;
- ii) a description of the account or personal property to be levied;
- iii) the amount of past-due support to be satisfied by the levy;
- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
- v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
- vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A

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joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
 - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;
 - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
 - iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.
- D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:
- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;

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- iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account;
and
 - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (g).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
- I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and

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regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).

- h) Security, Bond or Other Guarantee of Payment
 - 1) Except as provided in subsections (h)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- i) Past-Due Support Information to Consumer Reporting Agencies
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the

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responsible relative; and

- B) the terms and amount of past-due support which has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
- A) a request for:
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

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- B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- j) High-Volume Automated Administrative Enforcement in Interstate Cases
 - 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.
 - B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
 - 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.
 - 5) The Department shall maintain records of:

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- A) The number of such requests for assistance received by the Department.
 - B) The number of cases for which the Department collected support in response to such a request and the actual amount(s) of such support collected.
- k) Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
- 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
 - 2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
 - 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:

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- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:
- A) name;
 - B) Social Security Number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.

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- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- l) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support

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exceeds \$5,000:

- A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be certified;
 - C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
- A) a request for:
 - i) a redetermination, or

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- ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- m) List of Responsible Relatives
- 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (m).
 - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:
 - A) the name of the responsible relative;
 - B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
 - 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
 - 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:

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- A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;
 - C) the earliest date by which past due support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due support;
 - C) the amount of the current support obligation(s); and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or

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- B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.
- n) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1040.32	Amendment
1040.109	New Section
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)], Section 6-206(a) (38) and (39) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(38) and (39)], Section 6-301.1 of the Illinois Vehicle Code [625 ILCS 5/6-301.1], Section 6-301.2 of the Illinois Vehicle Code [625 ILCS 5/6-301.2] and Section 14 of the Illinois Identification Card Act [15 ILCS 335/14].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemakings are pursuant to P.A. 92-0804 and P.A. 92-0814, which were passed into law effective January 1, 2003. P.A. 92-0804 amends the Liquor Control Act of 1934 that provides that the local liquor commissioners have the duty to report to the Secretary of State any conviction for a violation of the Act's provision, or a similar provision of a local ordinance, prohibiting a person under 21 from purchasing, accepting, possessing, or consuming alcoholic liquor and prohibiting the transfer or alteration of identification cards, the use of the identification card of another or a false or forged identification card, or the use of false information to obtain an identification card. Provides that the Secretary of State is authorized to suspend or revoke without a preliminary hearing the driver's license or learner's permit of any person convicted of violating any of the prohibitions of the Liquor Control Act of 1934 provision or a similar provision of a local ordinance. P.A. 92-0814 amends the Illinois Vehicle Code and provides that the Secretary of State may suspend for a minimum of 6 months the driving privileges of a person who has committed a second or subsequent violation of the provision requiring obedience to a signal indicating the approach of a train.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Office of the Secretary of State
Driver Services Department
JoAnn Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield IL 62723

(217) 785-1441

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized January 2004

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section

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
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 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 Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon 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	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension 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 Handicapped Identification Card

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1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
<u>1040.109</u>	<u>Two or More Convictions for Railroad Crossing Violations</u>
1040.110	Bribery

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law 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, 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

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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 September 3, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. _____, effective _____.

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

- a) For purposes of this Section, the following definitions shall apply:

"Amnesty" – ~~A~~ sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986. (P.L. 99-603-).

"Department" – Driver Services Department within the Office of the Secretary of State.

"Driver's License or Permit" – ~~Document that~~ ~~document which~~ permits a person to legally operate a motor vehicle. Includes a restricted driving permit, a judicial driving permit, instruction permit, a traffic ticket issued where the person's driver's license is deposited in lieu of bail, a suspension notice in which the suspension is not yet effective, a duplicate or corrected driver's license, a temporary instruction permit, or temporary driver's license, or a probationary driver's license.

"False Information" – ~~Any~~ information concerning the name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the driver's license, permit or identification card.

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"Fictitious Driver's License or Permit" – Anyany issued driver's license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the driver's license or permit.

"Fictitious Identification Card" – Anyany issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card.

"Fraudulent Driver's License or Permit" – Anyany driver's license or permit thatwhich purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction.

"Fraudulent Identification Card" – Anyany identification card thatwhich purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-government organization. For the purpose of this definitionparagraph, any identification card thatwhich resembles an official identification card in either size, or color, or photograph location, or design, or uses the word "official", or "state", or "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card.

"Identification Card" – Anyany document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that, upon issue contains information concerning the individual, is of the type intended or commonly accepted for the purpose of identifying the individual in accordance with Section 14(a-5) of the Illinois Identification Card Act [15 ILCS 335/14(a-5)].

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"Revocation" – The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension" – The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code.

"Unlawfully Altered Driver's License, Permit or Identification Card" – Anyany issued driver's license, permit or identification card for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the driver's license or permit.

b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that thesueh person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206].

1) If anysueh person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use anysaid license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

2) If anysueh person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license,

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identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(9) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

- 3) If anysueh person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to thatsueh person, the Department shall take the following action pursuant to Section 6-206(a)(10) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

- 4) If anysueh person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to Section 6-206(a)(12) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

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5) If anysueh person has violated Sections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code or Section 14, 14A or 14B or the Illinois Identification Card Act, the Department shall take action appropriate for the violation committed pursuant to Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

A) Unlawful use of driver's license, permit or identification card: If anysueh person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to Section 6-301 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

B) Fictitious or unlawfully altered driver's license, identification card or permit: If anysueh person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

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1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

- C) Fraudulent driver's license or permit: If **anysueh** person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license-making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1 st or subsequent offense	Revocation; or
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- 6) If **anysueh** person has permitted another person to use any form of **thatsueh** person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(25) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

- 7) If **anysueh** person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(26) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

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1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; or

8) If ~~any such~~ person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to Section 6-206(a)(27) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1 st offense	12-month Suspension
1 st offense (with pending or effective Revocation)	Revocation
2 nd or subsequent offense	Revocation; <u>or-</u>

9) If any person has been convicted of violating Section 6-20 of the Liquor Control Act of 1934 [235 ILCS 5/6-20], the Department shall take the following action pursuant to Section 6-206(a)(38) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

<u>1st conviction</u>	<u>12-month Suspension</u>
<u>1st conviction (with pending or effective Revocation)</u>	<u>Revocation</u>
<u>2nd or subsequent conviction</u>	<u>Revocation.</u>

c) The sources of acceptable proof of the offenses described in subsection (b) ~~above~~ are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

d) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (b) of this Section if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Proof shall be the

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application documents for federal amnesty issued by the Immigration and Naturalization Service verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (c) of this Section that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (b) of this Section.

- e) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Office of the Inspector General provides the Director with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1040.109 Two or More Convictions for Railroad Crossing Violations

- a) For purposes of this Section, the following definitions shall apply:

"Conviction" – Adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Suspension" – The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

- b) An individual who has 2 or more convictions for violating Section 11-1201 of the Illinois Vehicle Code shall have his/her driving privileges suspended by the

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Department in accordance with Section 6-206(a)(39) of the Illinois Vehicle Code.

- 1) In reviewing an individual's driving record for convictions of violating Section 11-1201, only those convictions for violating Section 11-1201 with arrest dates on or after January 1, 2003 shall be considered.
- 2) If the driving record contains 2 or more convictions for violating Section 11-1201, the following action shall be taken:

ACTION TABLE

<u>2nd conviction</u>	<u>6 month Suspension</u>
<u>3rd or subsequent conviction</u>	<u>12 month Suspension.</u>

(Source: Added at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedures
- 2) Code Citation: 4 Ill. Adm. Code 1650
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1650.10	New Section
1650.20	New Section
1650.30	New Section
1650.40	New Section
1650.50	New Section
1650.60	New Section
1650.70	New Section
- 4) Statutory Authority: Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules implement grievance procedures required under the federal Americans With Disabilities Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed rules do not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing, within 45 days after publication to:

Dan Slaek
General Counsel and Associate Executive Director
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was not anticipated.

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

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NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER L: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1650

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

1650.10	Purposes
1650.20	Definitions
1650.30	Procedure
1650.40	Designated Coordinator Level
1650.50	Final Level
1650.60	Accessibility
1650.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 15-177 of Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Adopted at 29 Ill. Reg. _____, effective _____.

Section 1650.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the State Universities Retirement System, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the System to foster open communication with all individuals requesting readily accessible programs, services and activities. The System encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1650.20 Definitions

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"Act" or "ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by the State Universities Retirement System under this procedure.

"Designated Coordinator" is the person appointed by the System who is responsible for the coordination of efforts of the System to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 1901 Fox Drive, Champaign IL 61820. (See 28 CFR 35.107.)

"Disabilities" shall have the same meaning as set forth in the Americans With Disabilities Act.

"Executive Director" means the Executive Director of the State Universities Retirement System.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the State Universities Retirement System and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the System or has been subject to discrimination by the System.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the System.

Section 1650.30 Procedure

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- a) Grievances must be submitted in accordance with procedures established in Sections 1650.40 and 1650.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the Designated Coordinator and/or the Final Levels described in Section 1650.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the State Universities Retirement System given in the grievance procedure.
- c) The System shall, upon being informed of individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1650.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the State Universities Retirement System.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Executive Director within 15 business days after receipt of the Grievance Form.

Section 1650.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director for final review. The complainant shall submit these documents to the Executive

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Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.

- b) Within 15 business days, the Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Executive Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Executive Director in writing and shall sign the recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Executive Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his/her decision; and shall cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel's recommendations, the Executive Director may include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Executive Director shall be maintained as required by law.

Section 1650.60 Accessibility

The State Universities Retirement System shall ensure that all stages of the grievance procedure

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are readily accessible to and usable by individuals with disabilities.

Section 1650.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the State Universities Retirement System. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.40 Proposed Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: Revision to the current rule adds more specific language to subsection (a)(1) taken from Section 15-113.2 of the Illinois Compiled Statutes. This revision also sets forth procedures for immediate payment and deferred payment of qualified leaves of absence.
- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Dan M. Slack
General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820

(217) 378-8877 or (217) 378-8855
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO

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- 1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.158 Alternate Payee's Address
- 1600.159 Electing Form of Payment
- 1600.160 Automatic Annual Increases
- 1600.161 Expiration of a QILDRO
- 1600.162 Reciprocal Systems QILDRO Policy Statement
- 1600.163 Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay

- a) ~~Under the provisions of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 108 ½, par. 15-101 et seq.),~~ a participant may elect to pay contributions covering leaves of absence at less than 50% pay, except military leave and periods of disability leave in excess of 60 days, if the participant pays the contributions required by the Illinois Pension Code in accordance with rules prescribed by the Board upon the participant's basic compensation on the date the leave begins. In order to pay contributions covering such leaves of absence, the participant must:
 - (1) return to employment covered by the State Universities Retirement System at the expiration of the leave, or within 30 days after the

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termination of a disability which occurs during the leave, and continues this employment at a percentage of time equal to or greater than the percentage of time immediately preceding the leave of absence for at least 8 consecutive months or a period equal to the period of the leave, whichever is less, or

(2) be precluded from meeting the foregoing conditions because of disability or death.

~~b) If the participant meets the conditions set forth in subsection (a) of this Section, he or she may purchase service credit covering such leaves of absence by paying contributions required by the Illinois Pension Code plus interest thereon at the effective rate as determined by the Board from the end of the academic year in which the contribution is due to the date the payment is received by the State Universities Retirement System.~~

b) Immediate Payment

1) The election must be filed by the later of 30 days after the beginning date of the leave or, in the event of late notification of the leave by the employer, 30 days after the date the participant is sent the election form.

2) Payment of contributions must be received by 30 days after the last day of the month for which the contributions are payable. In the event of late notification of the payment schedule by the System, the participant must catch up the past due contribution within 30 days after the date he or she is sent the payment schedule and the remainder of the contributions must be received within the required 30 days.

~~e) The participant may purchase during the academic year in which employment terminates or in which the retirement annuity begins, not less than ¼ year of additional service credit for such leaves of absence. If the participant elects to purchase such credit prior to the academic year in which employment terminates at least one year of additional service credit shall be purchased, unless the total service credit which may be purchased for the leave of absence is less than one year.~~

c) Deferred Payment

If a participant fails to comply with the conditions set forth in subsection (b) of

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this Section, he or she may purchase service and earnings credit for the leave by paying the contributions and interest on the contributions at the effective rate from the academic year-end in which the leave occurred. Payments under this subsection may not be made earlier than the date on which the participant fulfills the return from leave requirements found in Section 15-113.2 of the Illinois Compiled Statutes.

- d) No payment may be made for service covering leaves of absence after the date the participant dies or begins receiving a retirement annuity or disability retirement allowance.
- e) If a participant purchases service credit covering a leave of absence but fails to meet the conditions set forth in the preceding subsections of this Section, the payment made shall be refunded without interest.
- f) Not more than 3 years of service credit for leaves of absence in any period of 10 years may be purchased.
- g) This ~~Section~~rule is not applicable to a participant who is on special leave of absence for service with a teacher organization.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Number: 395.2000 Proposed Action:
Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to update the incorporation by reference of 49 CFR 395 to the October 1, 2004 edition, the most recent edition of 49 CFR.
- 6) Sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed amendment contain incorporations by reference? Yes
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

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

DEPARTMENT OF TRANSPORTATION

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(217) 785-1181

By Messenger or Inter-Agency Mail:

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

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

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Office of Chief Counsel
Springfield, Illinois 62764

(217) 782-3215

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects small businesses that own or operate commercial motor vehicles in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary.
 - C) Types of professional skills necessary for compliance: No additional requirements are necessary.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

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

Section

395.1000 General
395.2000 Incorporation by Reference of 49 CFR 395

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

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days; emergency expired September 10, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR [380, 385, 387, 390, 391, 392, 393, 395, 396 and 397](#)) ~~that~~ was in effect on October 1, ~~2004, 2002, as amended at 68 FR 22456, April 28, 2003 and as amended at 68 FR 56208, September 30, 2003~~ subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated. [Copies of the appropriate material are available from the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling \(217\) 785-1181. The FMCSR are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's website at <http://www.dot.il.gov/regulations.html>.](#)

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- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
- 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.
 - 2) 49 CFR 395.1(e) as it applies to intrastate carriers is amended to establish that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
 - 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.
 - B) Out-of-Service Criteria
 - i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
 - ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.

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- iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.

C) Responsibilities of motor carriers

- i) No motor carrier shall:

Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395.

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

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

D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.

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- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395, ~~as amended at 68 FR 22456, April 28, 2003,~~ and is in compliance with this Section.
 - iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
 - iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
- 4) Part 395 *shall not apply to agricultural movements* that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
 - 5) Part 395 *shall not apply to all farm to market agricultural transportation* as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
 - 6) Part 395 *shall not apply to any grain hauling operations* that are engaged in intrastate commerce *within a radius of 200 air miles of the normal work reporting location.* (Section 18b-105(c)(6) of the Law)
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again.* (Section 18b-106.1 of the Law)

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions,

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for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Number: 703.123 Adopted Action:
Amend
- 4) Statutory Authority: Implementing Sections 3.283, 3.284, 7.2, 22.23b and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.23b, 22.4 and 27]
- 5) Effective date of amendment: April 13, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment, a copy of the Board's opinion and order adopted April 7, 2005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 15029; November 19, 2004
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The Board made only minor, nonsubstantive changes to the first notice proposal.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08. This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger

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rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the Board's universal waste regulations are consistent with the recently enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

Specifically, the amendment to Part 703 addresses the exclusions from the RCRA permit program by adding mercury-containing equipment to the list of exempted universal wastes. Handlers and transporters of universal waste are not required to obtain a RCRA permit.

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITSPART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
703.100	Scope and Relation to Other Parts
703.101	Purpose
703.110	References

SUBPART B: PROHIBITIONS

Section	
703.120	Prohibitions in General
703.121	RCRA Permits
703.122	Specific Inclusions in Permit Program
703.123	Specific Exclusions from Permit Program
703.124	Discharges of Hazardous Waste
703.125	Reapplications
703.126	Initial Applications
703.127	Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section	
703.140	Purpose and Scope
703.141	Permits by Rule
703.150	Application by Existing HWM Facilities and Interim Status Qualifications
703.151	Application by New HWM Facilities
703.152	Amended Part A Application
703.153	Qualifying for Interim Status
703.154	Prohibitions During Interim Status
703.155	Changes During Interim Status
703.156	Interim Status Standards
703.157	Grounds for Termination of Interim Status

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703.158	Permits for Less Than an Entire Facility
703.159	Closure by Removal
703.160	Procedures for Closure Determination
703.161	Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

Section	
703.180	Applications in General
703.181	Contents of Part A
703.182	Contents of Part B
703.183	General Information
703.184	Facility Location Information
703.185	Groundwater Protection Information
703.186	Exposure Information
703.187	Solid Waste Management Units
703.188	Other Information
703.191	Public Participation: Pre-Application Public Notice and Meeting
703.192	Public Participation: Public Notice of Application
703.193	Public Participation: Information Repository
703.200	Specific Part B Application Information
703.201	Containers
703.202	Tank Systems
703.203	Surface Impoundments
703.204	Waste Piles
703.205	Incinerators that Burn Hazardous Waste
703.206	Land Treatment
703.207	Landfills
703.208	Boilers and Industrial Furnaces Burning Hazardous Waste
703.209	Miscellaneous Units
703.210	Process Vents
703.211	Equipment
703.212	Drip Pads
703.213	Air Emission Controls for Tanks, Surface Impoundments, and Containers
703.214	Post-Closure Care Permits

SUBPART E: SHORT TERM AND PHASED PERMITS

Section	
703.220	Emergency Permits

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703.221	Alternative Compliance with the Federal NESHAPS
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration
703.231	Research, Development and Demonstration Permits
703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234	Remedial Action Plans

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section	
703.240	Permit Denial
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes (Repealed)
703.245	Twenty-four Hour Reporting
703.246	Reporting Requirements
703.247	Anticipated Noncompliance
703.248	Information Repository

SUBPART G: CHANGES TO PERMITS

Section	
703.260	Transfer
703.270	Modification
703.271	Causes for Modification
703.272	Causes for Modification or Reissuance
703.273	Facility Siting
703.280	Permit Modification at the Request of the Permittee
703.281	Class 1 Modifications
703.282	Class 2 Modifications
703.283	Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

Section	
703.300	Special Regulatory Format

POLLUTION CONTROL BOARD

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- 703.301 General Information
- 703.302 Applying for a RAP
- 703.303 Getting a RAP Approved
- 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated
- 703.305 Operating Under A RAP
- 703.306 Obtaining a RAP for an Off-Site Location

SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE
CONTROL TECHNOLOGY (MACT) STANDARDS

Section

- 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to Minimize Emissions from Startup, Shutdown, and Malfunction Events

703.APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 22.4 and 22.23b and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.4 and 22.23b and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg.

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7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005.

SUBPART B: PROHIBITIONS

Section 703.123 Specific Exclusions from Permit Program

The following persons are among those that are not required to obtain a RCRA permit:

- a) Generators that accumulate hazardous waste on-site for less than the time periods provided in 35 Ill. Adm. Code 722.134;
- b) Farmers that dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.170;
- c) Persons that own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);
- d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;
- f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) A person who adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person who adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and

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h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(~~5~~)(4) of this Section. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

1) Batteries, as described in 35 Ill. Adm. Code 733.102;

2) Pesticides, as described in 35 Ill. Adm. Code 733.103;

3) Thermostats, as described in 35 Ill. Adm. Code 733.104; ~~and~~

4) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~

5) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.106.

BOARD NOTE: Subsection (h)(5) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (2002).

(Source: Amended at 29 Ill. Reg. 5966, effective April 13, 2005)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Hazardous Waste Management System
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
720.110	Amend
- 4) Statutory Authority: Implementing Sections 3.283, 3.284, 7.2, 22.23b, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.23b, 13, 22.4, and 27]
- 5) Effective date of amendment: April 13, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) The adopted amendments, a copy of the Board's opinion and order adopted April 7, 2005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 15038; January 21, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections:</u>	<u>Proposed Action:</u>	<u>Illinois Register citation:</u>
720.111	Amend	29 Ill. Reg. 132; 1/3/05
720.122	Amend	29 Ill. Reg. 132; 1/3/05
- 15) Summary and purpose of amendment: A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08.

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This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the Board's universal waste regulations are consistent with the recently enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

The amendments to Part 720 add the definition of "mercury-containing equipment" and amend the definition of "universal waste" to include mercury-containing equipment.

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

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720.APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 13, 22.4 and 22.23b and authorized by

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Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 13, 22.4, 22.23b and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726, 728, 733, and 739 only, the following terms

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have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion.")

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device that consists of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

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"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler physical characteristics.

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

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"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion.")

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage, or disposal facility,

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Of which any of the following is true:

The facility has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703, and 705;

The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (2002) ;

The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (2002) ; or

The facility is regulated under 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; and

The facility has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxins and furans" or "D/F" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional

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spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runoff to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device of which the following is true:

It is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

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Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas

Region VII: Nebraska, Kansas, Missouri, and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho, and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

A continuous on-site, physical construction program had begun; or

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical

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construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen,

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or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA section 3008(h).

Notwithstanding the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

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"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility that is not operated after November 19, 1980. (See also "active portion" and "closed portion.")

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"Incinerator" means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and both of the following are true of the facility :

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

The facility is not listed as an industrial furnace; or

The facility meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 725 for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

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Coke ovens;

Blast furnaces;

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other such device as the Agency determines to be an industrial furnace on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

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The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility that is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection.")

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most

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often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment,

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recovery, and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator that contains the information required by Subpart B of 35 Ill. Adm. Code 722.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five-digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mercury-containing equipment" means mercury switches and mercury relays and scientific instruments and instructional equipment containing mercury added during their manufacture.

BOARD NOTE: The definition of "mercury-containing equipment" was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

"Mercury relay" means a product or device, containing mercury added during its manufacture, that opens or closes electrical contacts to effect the operation of other devices in the same or another electrical circuit. Mercury relay includes, but is not limited to, mercury displacement relays, mercury wetted reed relays, and mercury contact relays. [415 ILCS 5/3.283]

BOARD NOTE: The definition of "mercury relay" was added pursuant to Section 3.283 of the Act [415 ILCS 5/3.283] (See P.A. 93-964, effective August 20, 2004).

"Mercury switch" means a product or device, containing mercury added during its manufacture, that opens or closes an electrical circuit or gas valve, including, but not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors. [415 ILCS 5/3.284]

BOARD NOTE: The definition of "mercury switch" was added pursuant to Section 3.284 of the Act [415 ILCS 5/3.284] (See P.A. 93-964, effective August 20, 2004).

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the

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United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

"Movement" means hazardous waste that is transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility that began operation, or for which construction commenced after November 19, 1980. (See also "Existing hazardous waste management facility.")

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system.")

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"Onground tank" means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment.")

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state,

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municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in Section 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512 (21 USC 360b), incorporated by reference in Section 720.111, to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 USC 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using

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controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

BOARD NOTE: State registration includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, certification under the certified groundwater professional program of the National Ground Water Association.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).

"Regional Administrator" means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

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"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Classification Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" means a generator that generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either

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adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to the requirements of 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste, that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetra-

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chlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning.")

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and which is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

Whether the waste is amenable to the treatment process;

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What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well.")

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

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"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirements of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Thermostats, as described in 35 Ill. Adm. Code 733.104; ~~and~~

Lamps, as described in 35 Ill. Adm. Code 733.105; and-

Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.106.

BOARD NOTE: Mercury-containing equipment was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

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"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device of which the following is true:

It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

It receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that is

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loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection.")

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 29 Ill. Reg. 5974, effective April 13, 2005)

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) Section Number: 721.109 Adopted Action:
Amend
- 4) Statutory Authority: Implementing Sections 3.283, 3.284, 7.2, 22.23b and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.23b, 22.4 and 27]
- 5) Effective date of amendment: April 13, 2005
- 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 amendment, a copy of the Board's opinion and order adopted April 7, 2005, and all materials incorporated by reference, are on file at the Board's principal office and is available for public inspection and copying.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 15068
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Difference between proposal and final version: The Board made only minor, nonsubstantive changes to the first notice proposal.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No. A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08. This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the Board's universal waste regulations are consistent with the recently

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enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

The amendments to Part 721 add mercury-containing equipment to the list of wastes that are regulated under the universal waste rules.

- 16) Information and questions regarding this amendment shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 721
IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose and Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

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SUBPART D: LISTS OF HAZARDOUS WASTE

Section

721.130	General
721.131	Hazardous Wastes from Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.135	Wood Preserving Wastes
721.138	Comparable or Syngas Fuel Exclusion
721.APPENDIX A	Representative Sampling Methods
721.APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
721.APPENDIX C	Chemical Analysis Test Methods
721.TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
721.TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
721.TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.APPENDIX G	Basis for Listing Hazardous Wastes
721.APPENDIX H	Hazardous Constituents
721.APPENDIX I	Wastes Excluded by Administrative Action
721.TABLE A	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
721.TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
721.TABLE C	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138
721.APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 22.4, and 22.23b and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.4, 22.23b, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12,

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1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005.

SUBPART A: GENERAL PROVISIONS

Section 721.109 Requirements for Universal Waste

| The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702, 703, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes are subject to regulation under 35 Ill.

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Adm. Code 733:

- a) Batteries, as described in 35 Ill. Adm. Code 733.102;
- b) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- c) Thermostats, as described in 35 Ill. Adm. Code 733.104; ~~and~~
- d) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
- e) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.106.
BOARD NOTE: Subsection (e) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

(Source: Amended at 29 Ill. Reg. 6003, effective April 13, 2005)

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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Numbers: 724.101 Adopted Action: Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act. [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.1, and 27]
- 5) Effective date of amendments: April 13, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendments, a copy of the Board's opinion and order adopted April 7, 2005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 15074; November 19, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
724.251	Amend	29 Ill. Reg. 207; 1/3/05
724.297	Amend	29 Ill. Reg. 207; 1/3/05

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724.936	Amend	29 Ill. Reg. 207; 1/3/05
724.950	Amend	29 Ill. Reg. 207; 1/3/05
724.965	Amend	29 Ill. Reg. 207; 1/3/05
724.1101	Amend	29 Ill. Reg. 207; 1/3/05
724.App. A	Amend	29 Ill. Reg. 207; 1/3/05

- 15) Summary and purpose of amendments: A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08. This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the Board's universal waste regulations are consistent with the recently enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

The amendments to Part 724 add mercury-containing equipment to the list of wastes that are exempted as universal waste from the hazardous waste regulations of Part 724.

- 16) Information and questions regarding these adopted amendments shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 22.4, and 22.23b and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.4, 22.23b and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August

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4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434, 33 USC 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)] and 35 Ill. Adm. Code 703.121.

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BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act [415 ILCS 5/12(g)] only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) The requirements of this Part do not apply to the following:
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act [415 ILCS 5/21] to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm.

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Code 722.134.

- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
- 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- 8) Immediate response.
 - A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

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- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D of this Part.
- C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
- D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.
- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

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- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
- B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- C) Thermostats, as described in 35 Ill. Adm. Code 733.104; ~~and~~
- D) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~

E) Mercury-containing equipment as described in 35 Ill. Adm. Code 733.106.

BOARD NOTE: Subsection (g)(11)(E) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites must comply with the following requirements:
 - 1) The owner or operator must obtain a USEPA identification number by applying to USEPA using USEPA Form 8700-12;
 - 2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the

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information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;

- 3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
 - A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and
 - B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;
- 5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

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- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119;
- 10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry

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out the contingency plan;

- 12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and
- 13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12) of this Section.

(Source: Amended at 29 Ill. Reg. 6009, effective April 13, 2005)

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725.112	Amend	29 Ill. Reg. 232, January 3, 2005
725.113	Amend	29 Ill. Reg. 232, January 3, 2005
725.114	Amend	29 Ill. Reg. 232, January 3, 2005
725.115	Amend	29 Ill. Reg. 232, January 3, 2005
725.116	Amend	29 Ill. Reg. 232, January 3, 2005
725.117	Amend	29 Ill. Reg. 232, January 3, 2005
725.118	Amend	29 Ill. Reg. 232, January 3, 2005
725.119	Amend	29 Ill. Reg. 232, January 3, 2005
725.130	Amend	29 Ill. Reg. 232, January 3, 2005
725.131	Amend	29 Ill. Reg. 232, January 3, 2005
725.132	Amend	29 Ill. Reg. 232, January 3, 2005
725.133	Amend	29 Ill. Reg. 232, January 3, 2005
725.134	Amend	29 Ill. Reg. 232, January 3, 2005
725.135	Amend	29 Ill. Reg. 232, January 3, 2005
725.137	Amend	29 Ill. Reg. 232, January 3, 2005
725.150	Amend	29 Ill. Reg. 232, January 3, 2005
725.151	Amend	29 Ill. Reg. 232, January 3, 2005
725.152	Amend	29 Ill. Reg. 232, January 3, 2005
725.153	Amend	29 Ill. Reg. 232, January 3, 2005
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725.155	Amend	29 Ill. Reg. 232, January 3, 2005
725.156	Amend	29 Ill. Reg. 232, January 3, 2005
725.170	Amend	29 Ill. Reg. 232, January 3, 2005
725.171	Amend	29 Ill. Reg. 232, January 3, 2005
725.172	Amend	29 Ill. Reg. 232, January 3, 2005
725.173	Amend	29 Ill. Reg. 232, January 3, 2005
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725.175	Amend	29 Ill. Reg. 232, January 3, 2005
725.176	Amend	29 Ill. Reg. 232, January 3, 2005
725.177	Amend	29 Ill. Reg. 232, January 3, 2005
725.190	Amend	29 Ill. Reg. 232, January 3, 2005
725.191	Amend	29 Ill. Reg. 232, January 3, 2005
725.192	Amend	29 Ill. Reg. 232, January 3, 2005
725.193	Amend	29 Ill. Reg. 232, January 3, 2005
725.194	Amend	29 Ill. Reg. 232, January 3, 2005
725.210	Amend	29 Ill. Reg. 232, January 3, 2005
725.211	Amend	29 Ill. Reg. 232, January 3, 2005
725.212	Amend	29 Ill. Reg. 232, January 3, 2005
725.213	Amend	29 Ill. Reg. 232, January 3, 2005
725.214	Amend	29 Ill. Reg. 232, January 3, 2005

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725.215	Amend	29 Ill. Reg. 232, January 3, 2005
725.216	Amend	29 Ill. Reg. 232, January 3, 2005
725.217	Amend	29 Ill. Reg. 232, January 3, 2005
725.218	Amend	29 Ill. Reg. 232, January 3, 2005
725.219	Amend	29 Ill. Reg. 232, January 3, 2005
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725.221	Amend	29 Ill. Reg. 232, January 3, 2005
725.240	Amend	29 Ill. Reg. 232, January 3, 2005
725.241	Amend	29 Ill. Reg. 232, January 3, 2005
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725.246	Amend	29 Ill. Reg. 232, January 3, 2005
725.247	Amend	29 Ill. Reg. 232, January 3, 2005
725.248	Amend	29 Ill. Reg. 232, January 3, 2005
725.270	Amend	29 Ill. Reg. 232, January 3, 2005
725.271	Amend	29 Ill. Reg. 232, January 3, 2005
725.272	Amend	29 Ill. Reg. 232, January 3, 2005
725.273	Amend	29 Ill. Reg. 232, January 3, 2005
725.274	Amend	29 Ill. Reg. 232, January 3, 2005
725.276	Amend	29 Ill. Reg. 232, January 3, 2005
725.277	Amend	29 Ill. Reg. 232, January 3, 2005
725.278	Amend	29 Ill. Reg. 232, January 3, 2005
725.290	Amend	29 Ill. Reg. 232, January 3, 2005
725.291	Amend	29 Ill. Reg. 232, January 3, 2005
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725.300	Amend	29 Ill. Reg. 232, January 3, 2005
725.301	Amend	29 Ill. Reg. 232, January 3, 2005
725.302	Amend	29 Ill. Reg. 232, January 3, 2005
725.320	Amend	29 Ill. Reg. 232, January 3, 2005
725.321	Amend	29 Ill. Reg. 232, January 3, 2005
725.322	Amend	29 Ill. Reg. 232, January 3, 2005

POLLUTION CONTROL BOARD

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725.323	Amend	29 Ill. Reg. 232, January 3, 2005
725.324	Amend	29 Ill. Reg. 232, January 3, 2005
725.325	Amend	29 Ill. Reg. 232, January 3, 2005
725.326	Amend	29 Ill. Reg. 232, January 3, 2005
725.328	Amend	29 Ill. Reg. 232, January 3, 2005
725.329	Amend	29 Ill. Reg. 232, January 3, 2005
725.330	Amend	29 Ill. Reg. 232, January 3, 2005
725.331	Amend	29 Ill. Reg. 232, January 3, 2005
725.350	Amend	29 Ill. Reg. 232, January 3, 2005
725.351	Amend	29 Ill. Reg. 232, January 3, 2005
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725.360	Amend	29 Ill. Reg. 232, January 3, 2005
725.370	Amend	29 Ill. Reg. 232, January 3, 2005
725.372	Amend	29 Ill. Reg. 232, January 3, 2005
725.373	Amend	29 Ill. Reg. 232, January 3, 2005
725.376	Amend	29 Ill. Reg. 232, January 3, 2005
725.378	Amend	29 Ill. Reg. 232, January 3, 2005
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725.381	Amend	29 Ill. Reg. 232, January 3, 2005
725.382	Amend	29 Ill. Reg. 232, January 3, 2005
725.400	Amend	29 Ill. Reg. 232, January 3, 2005
725.401	Amend	29 Ill. Reg. 232, January 3, 2005
725.402	Amend	29 Ill. Reg. 232, January 3, 2005
725.403	Amend	29 Ill. Reg. 232, January 3, 2005
725.404	Amend	29 Ill. Reg. 232, January 3, 2005
725.410	Amend	29 Ill. Reg. 232, January 3, 2005
725.412	Amend	29 Ill. Reg. 232, January 3, 2005
725.413	Amend	29 Ill. Reg. 232, January 3, 2005
725.414	Amend	29 Ill. Reg. 232, January 3, 2005
725.415	Amend	29 Ill. Reg. 232, January 3, 2005
725.416	Amend	29 Ill. Reg. 232, January 3, 2005
725.440	Amend	29 Ill. Reg. 232, January 3, 2005
725.441	Amend	29 Ill. Reg. 232, January 3, 2005

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725.445	Amend	29 Ill. Reg. 232, January 3, 2005
725.447	Amend	29 Ill. Reg. 232, January 3, 2005
725.451	Amend	29 Ill. Reg. 232, January 3, 2005
725.452	Amend	29 Ill. Reg. 232, January 3, 2005
725.470	Amend	29 Ill. Reg. 232, January 3, 2005
725.473	Amend	29 Ill. Reg. 232, January 3, 2005
725.475	Amend	29 Ill. Reg. 232, January 3, 2005
725.477	Amend	29 Ill. Reg. 232, January 3, 2005
725.481	Amend	29 Ill. Reg. 232, January 3, 2005
725.482	Amend	29 Ill. Reg. 232, January 3, 2005
725.483	Amend	29 Ill. Reg. 232, January 3, 2005
725.500	Amend	29 Ill. Reg. 232, January 3, 2005
725.501	Amend	29 Ill. Reg. 232, January 3, 2005
725.502	Amend	29 Ill. Reg. 232, January 3, 2005
725.503	Amend	29 Ill. Reg. 232, January 3, 2005
725.505	Amend	29 Ill. Reg. 232, January 3, 2005
725.506	Amend	29 Ill. Reg. 232, January 3, 2005
725.530	Amend	29 Ill. Reg. 232, January 3, 2005
725.540	Amend	29 Ill. Reg. 232, January 3, 2005
725.541	Amend	29 Ill. Reg. 232, January 3, 2005
725.542	Amend	29 Ill. Reg. 232, January 3, 2005
725.543	Amend	29 Ill. Reg. 232, January 3, 2005
725.544	Amend	29 Ill. Reg. 232, January 3, 2005
725.545	Amend	29 Ill. Reg. 232, January 3, 2005
725.930	Amend	29 Ill. Reg. 232, January 3, 2005
725.931	Amend	29 Ill. Reg. 232, January 3, 2005
725.932	Amend	29 Ill. Reg. 232, January 3, 2005
725.933	Amend	29 Ill. Reg. 232, January 3, 2005
725.934	Amend	29 Ill. Reg. 232, January 3, 2005
725.935	Amend	29 Ill. Reg. 232, January 3, 2005
725.950	Amend	29 Ill. Reg. 232, January 3, 2005
725.951	Amend	29 Ill. Reg. 232, January 3, 2005
725.952	Amend	29 Ill. Reg. 232, January 3, 2005
725.953	Amend	29 Ill. Reg. 232, January 3, 2005
725.954	Amend	29 Ill. Reg. 232, January 3, 2005
725.956	Amend	29 Ill. Reg. 232, January 3, 2005
725.957	Amend	29 Ill. Reg. 232, January 3, 2005
725.958	Amend	29 Ill. Reg. 232, January 3, 2005
725.959	Amend	29 Ill. Reg. 232, January 3, 2005
725.960	Amend	29 Ill. Reg. 232, January 3, 2005

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725.961	Amend	29 Ill. Reg. 232, January 3, 2005
725.962	Amend	29 Ill. Reg. 232, January 3, 2005
725.963	Amend	29 Ill. Reg. 232, January 3, 2005
725.964	Amend	29 Ill. Reg. 232, January 3, 2005
725.980	Amend	29 Ill. Reg. 232, January 3, 2005
725.981	Amend	29 Ill. Reg. 232, January 3, 2005
725.982	Amend	29 Ill. Reg. 232, January 3, 2005
725.983	Amend	29 Ill. Reg. 232, January 3, 2005
725.984	Amend	29 Ill. Reg. 232, January 3, 2005
725.985	Amend	29 Ill. Reg. 232, January 3, 2005
725.986	Amend	29 Ill. Reg. 232, January 3, 2005
725.987	Amend	29 Ill. Reg. 232, January 3, 2005
725.988	Amend	29 Ill. Reg. 232, January 3, 2005
725.989	Amend	29 Ill. Reg. 232, January 3, 2005
725.990	Amend	29 Ill. Reg. 232, January 3, 2005
725.1100	Amend	29 Ill. Reg. 232, January 3, 2005
725.1101	Amend	29 Ill. Reg. 232, January 3, 2005
725.1102	Amend	29 Ill. Reg. 232, January 3, 2005
725.1200	Amend	29 Ill. Reg. 232, January 3, 2005
725.1201	Amend	29 Ill. Reg. 232, January 3, 2005
725.1202	Amend	29 Ill. Reg. 232, January 3, 2005
725.App. A	Amend	29 Ill. Reg. 232, January 3, 2005
725.App. C	Amend	29 Ill. Reg. 232, January 3, 2005
725.App. D,	Amend	29 Ill. Reg. 232, January 3, 2005
725.App. E	Amend	29 Ill. Reg. 232, January 3, 2005
725.App. F	Amend	29 Ill. Reg. 232, January 3, 2005

- 15) Summary and purpose of amendment: A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08. This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the Board's universal waste regulations are consistent with the recently enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal

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published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

The amendment to Part 725 adds mercury-containing equipment to the list of universal waste that is exempted from the standards of Part 725 for hazardous waste.

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

- 725.101 Purpose, Scope, and Applicability
- 725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section

- 725.110 Applicability
- 725.111 USEPA Identification Number
- 725.112 Required Notices
- 725.113 General Waste Analysis
- 725.114 Security
- 725.115 General Inspection Requirements
- 725.116 Personnel Training
- 725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
- 725.118 Location Standards
- 725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section

- 725.130 Applicability
- 725.131 Maintenance and Operation of Facility
- 725.132 Required Equipment
- 725.133 Testing and Maintenance of Equipment
- 725.134 Access to Communications or Alarm System
- 725.135 Required Aisle Space
- 725.137 Arrangements with Local Authorities

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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section

- 725.150 Applicability
- 725.151 Purpose and Implementation of Contingency Plan
- 725.152 Content of Contingency Plan
- 725.153 Copies of Contingency Plan
- 725.154 Amendment of Contingency Plan
- 725.155 Emergency Coordinator
- 725.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section

- 725.170 Applicability
- 725.171 Use of Manifest System
- 725.172 Manifest Discrepancies
- 725.173 Operating Record
- 725.174 Availability, Retention and Disposition of Records
- 725.175 Annual Report
- 725.176 Unmanifested Waste Report
- 725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section

- 725.190 Applicability
- 725.191 Groundwater Monitoring System
- 725.192 Sampling and Analysis
- 725.193 Preparation, Evaluation and Response
- 725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section

- 725.210 Applicability
- 725.211 Closure Performance Standard
- 725.212 Closure Plan; Amendment of Plan
- 725.213 Closure; Time Allowed for Closure
- 725.214 Disposal or Decontamination of Equipment, Structures and Soils

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725.215	Certification of Closure
725.216	Survey Plat
725.217	Post-closure Care and Use of Property
725.218	Post-Closure Care Plan; Amendment of Plan
725.219	Post-Closure Notices
725.220	Certification of Completion of Post-Closure Care
725.221	Alternative Post-Closure Care Requirements

SUBPART H: FINANCIAL REQUIREMENTS

Section	
725.240	Applicability
725.241	Definitions of Terms as Used in this Subpart
725.242	Cost Estimate for Closure
725.243	Financial Assurance for Closure
725.244	Cost Estimate for Post-closure Care
725.245	Financial Assurance for Post-closure Monitoring and Maintenance
725.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.247	Liability Requirements
725.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251	Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
725.270	Applicability
725.271	Condition of Containers
725.272	Compatibility of Waste with Container
725.273	Management of Containers
725.274	Inspections
725.276	Special Requirements for Ignitable or Reactive Waste
725.277	Special Requirements for Incompatible Wastes
725.278	Air Emission Standards

SUBPART J: TANK SYSTEMS

Section	
725.290	Applicability
725.291	Assessment of Existing Tank System's Integrity

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725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
725.294	General Operating Requirements
725.295	Inspections
725.296	Response to leaks or spills and disposition of Tank Systems
725.297	Closure and Post-Closure Care
725.298	Special Requirements for Ignitable or Reactive Waste
725.299	Special Requirements for Incompatible Wastes
725.300	Waste Analysis and Trial Tests
725.301	Generators of 100 to 1000 Kilograms of Hazardous Waste Per Month
725.302	Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section	
725.320	Applicability
725.321	Design and Operating Requirements
725.322	Action Leakage Rate
725.323	Response Actions
725.324	Containment System
725.325	Waste Analysis and Trial Tests
725.326	Monitoring and Inspections
725.328	Closure and Post-closure Care
725.329	Special Requirements for Ignitable or Reactive Waste
725.330	Special Requirements for Incompatible Wastes
725.331	Air Emission Standards

SUBPART L: WASTE PILES

Section	
725.350	Applicability
725.351	Protection from Wind
725.352	Waste Analysis
725.353	Containment
725.354	Design and Operating Requirements
725.355	Action Leakage Rates
725.356	Special Requirements for Ignitable or Reactive Waste
725.357	Special Requirements for Incompatible Wastes
725.358	Closure and Post-closure Care
725.359	Response Actions

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725.360 Monitoring and Inspection

SUBPART M: LAND TREATMENT

Section

725.370 Applicability
725.372 General Operating Requirements
725.373 Waste Analysis
725.376 Food Chain Crops
725.378 Unsaturated Zone (Zone of Aeration) Monitoring
725.379 Recordkeeping
725.380 Closure and Post-closure
725.381 Special Requirements for Ignitable or Reactive Waste
725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section

725.400 Applicability
725.401 Design Requirements
725.402 Action Leakage Rate
725.403 Response Actions
725.404 Monitoring and Inspection
725.409 Surveying and Recordkeeping
725.410 Closure and Post-closure
725.412 Special Requirements for Ignitable or Reactive Waste
725.413 Special Requirements for Incompatible Wastes
725.414 Special Requirements for Liquid Wastes
725.415 Special Requirements for Containers
725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

SUBPART O: INCINERATORS

Section

725.440 Applicability
725.441 Waste Analysis
725.445 General Operating Requirements
725.447 Monitoring and Inspection
725.451 Closure

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725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section

725.470 Other Thermal Treatment
725.473 General Operating Requirements
725.475 Waste Analysis
725.477 Monitoring and Inspections
725.481 Closure
725.482 Open Burning; Waste Explosives
725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section

725.500 Applicability
725.501 General Operating Requirements
725.502 Waste Analysis and Trial Tests
725.503 Inspections
725.504 Closure
725.505 Special Requirements for Ignitable or Reactive Waste
725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section

725.530 Applicability

SUBPART W: DRIP PADS

Section

725.540 Applicability
725.541 Assessment of existing drip pad integrity
725.542 Design and installation of new drip pads
725.543 Design and operating requirements
725.544 Inspections
725.545 Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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Section

725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-vent Systems and Control Devices
725.934	Test methods and procedures
725.935	Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

725.950	Applicability
725.951	Definitions
725.952	Standards: Pumps in Light Liquid Service
725.953	Standards: Compressors
725.954	Standards: Pressure Relief Devices in Gas/Vapor Service
725.955	Standards: Sampling Connecting Systems
725.956	Standards: Open-ended Valves or Lines
725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges and other Connectors
725.959	Standards: Delay of Repair
725.960	Standards: Closed-vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
725.962	Skip Period Alternative for Valves
725.963	Test Methods and Procedures
725.964	Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE
IMPOUNDMENTS, AND CONTAINERS

Section

725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers

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725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section

725.1100	Applicability
725.1101	Design and operating standards
725.1102	Closure and Post Closure-Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS
AND EXPLOSIVES STORAGE

Section

725.1200	Applicability
725.1201	Design and Operating Standards operating standards
725.1202	Closure and Post-Closure Care post-closure care

725.APPENDIX A	Recordkeeping Instructions
725.APPENDIX B	EPA Report Form and Instructions (Repealed)
725.APPENDIX C	EPA Interim Primary Drinking Water Standards
725.APPENDIX D	Tests for Significance
725.APPENDIX E	Examples of Potentially Incompatible Waste
725.APPENDIX F	Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 22.4, and 22.23b and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.23b, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15,

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1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit

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Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

- c) The requirements of this Part do not apply to:
- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434; 33 USC 1401);
BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this Section.
 - 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
 - 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;
BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.
 - 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;

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- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table T) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator shall comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:
 - A) Except as provided in subsection (c)(11)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste

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when discharged; or

- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
 - B) An owner or operator of a facility otherwise regulated by this Part shall comply with all applicable requirements of Subparts C and D of this Part.
 - C) Any person that is covered by subsection (c)(11)(A) of this Section that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
 - D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
 - 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that

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the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

- 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Thermostats, as described in 35 Ill. Adm. Code 733.104; ~~and~~
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~;
 - E) [Mercury-containing equipment as described in 35 Ill. Adm. Code 733.106.](#)
[BOARD NOTE: Subsection \(c\)\(14\)\(E\) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:
- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L of this Part;
 - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device

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other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 29 Ill. Reg.6028, effective April 13, 2005)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) Section Number: 728.101 Adopted Action:
Amend
- 4) Statutory Authority: Implementing Sections 3.283, 3.284, 7.2, 22.23b and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.23b, 22.4 and 27]
- 5) Effective date of amendments: April 13, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) The adopted amendments, a copy of the Board's opinion and order adopted April 7, 2005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 15109, November 19, 2004
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendment: A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08. This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the

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Board's universal waste regulations are consistent with the recently enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

The amendments to Part 728 add mercury-containing equipment to the list of universal waste that is exempted from certain reporting, record keeping, and storage requirements for hazardous waste.

- 16) Information and questions regarding this adopted amendment shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	
728.101	Purpose, Scope, and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for Case-by-Case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.107	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND
ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste-Specific Prohibitions: Wood Preserving Wastes
728.131	Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132	Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs
728.133	Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes

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- 728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes
Whose Treatment Standards Were Vacated
728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic
Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section

- 728.140 Applicability of Treatment Standards
728.141 Treatment Standards Expressed as Concentrations in Waste Extract
728.142 Treatment Standards Expressed as Specified Technologies
728.143 Treatment Standards Expressed as Waste Concentrations
728.144 Adjustment of Treatment Standard
728.145 Treatment Standards for Hazardous Debris
728.146 Alternative Treatment Standards Based on HTMR
728.148 Universal Treatment Standards
728.149 Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section

- 728.150 Prohibitions on Storage of Restricted Wastes
- 728.APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B Treatment Standards (As concentrations in the Treatment Residual
Extract) (Repealed)
728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section
728.132
728.APPENDIX D Wastes Excluded from Lab Packs
728.APPENDIX E Organic Lab Packs (Repealed)
728.APPENDIX F Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G Federal Effective Dates
728.APPENDIX H National Capacity LDR Variances for UIC Wastes
728.APPENDIX I EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit

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	According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by RCRA Waste Code
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 22.4 and 22.23b authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.4, 22.23b, and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005.

SUBPART A: GENERAL

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Section 728.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
 - 1) Where a person has been granted an extension to the effective date of a prohibition under Subpart C of this Part or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where a person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the following is true of the waste:
 - A) The waste is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
 - B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.
 - 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:
 - A) Any of the following is true of either treatment or management of the waste:

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- i) The waste is managed in a treatment system that subsequently discharges to waters of the United States pursuant to a permit issued under 35 Ill. Adm. Code 309;
 - ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
 - iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and
 - B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).
 - e) The following hazardous wastes are not subject to any provision of this Part:
 - 1) Waste generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
 - 2) Waste pesticide that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
 - 3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard;
 - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device

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discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or

- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.
- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.
 - 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - 3) Thermostats, as described in 35 Ill. Adm. Code 733.104; ~~and~~
 - 4) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~.
 - 5) [Mercury-containing equipment as described in 35 Ill. Adm. Code 733.106.](#)
[BOARD NOTE: Subsection \(f\)\(5\) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)
- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) must not issue a

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wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 29 Ill. Reg. 6049, effective April 13, 2005)

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- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
733.101	Amend
733.106	Amend
733.109	Add
733.113	Amend
733.114	Amend
733.132	Amend
733.133	Amend
733.134	Amend
- 4) Statutory Authority: Implementing Sections 3.283, 3.284, 7.2, 22.23b, 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.23b, 22.4, 22.23a, and 27]
- 5) Effective date of amendments: April 13, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) The adopted amendments, a copy of the Board's opinion and order adopted April 7, 2005, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in Illinois Register: 28 Ill. Reg. 15119; November 19, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

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- 15) Summary and purpose of amendments: A more complete description of this proposal may be found in the Board's opinion and order of April 7, 2005, in Board docket R05-08. This proposal to amend Part 703 is part of a larger rulemaking in which the Board is also proposing amendments to the regulations dealing with universal waste: Parts 720, 721, 724, 725, 728, and 733 of Title 35 of the Illinois Administrative Code. The larger rulemaking, to which the Board has devoted docket R05-08, is designed to ensure that the Board's universal waste regulations are consistent with the recently enacted legislation in Public Act 93-964. This legislation designates mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board has a statutory deadline of April 18, 2005 (180 days from the date the Illinois Environmental Protection Agency filed the proposal with the Board) to adopt final rules in this rulemaking. The amendments in this rulemaking are based on a United States Environmental Protection Agency proposal published in the Federal Register at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations to include mercury-containing devices as universal waste.

The amendments to Part 733 add mercury-containing equipment to the universal waste regulations. The new Section 733.106 addresses the applicability of the universal waste rules to mercury-containing equipment, including instances where mercury-containing equipment is not subject to the universal rules. The amendments also add definitions and add mercury-containing wastes to the standards for small and large quantity handlers of universal waste.

- 16) Information and questions regarding these adopted amendments shall be directed to: Please reference consolidated Docket R05-8 and direct inquiries to the following person:

Marie Tipsord
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, Ste. 11-500
Chicago IL 60601
312/814-4925

Request copies of the Board's opinion and order of April 7, 2005 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTSPART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

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733.103	Applicability – Pesticides
733.104	Applicability – Mercury Thermostats
733.105	Applicability – Lamps
733.106	Applicability – Mercury-Containing Equipment Definitions (Renumbered)
733.107	Applicability – Mercury-Containing Lamps (Repealed)
733.108	Applicability – Household and Conditionally Exempt Small Quantity Generator Waste
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- 733.132 Notification
- 733.133 Waste Management
- 733.134 Labeling and Marking
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SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section

- 733.150 Applicability
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SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section

- 733.160 Applicability
- 733.161 Off-Site Shipments
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SUBPART F: IMPORT REQUIREMENTS

Section

- 733.170 Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section

- 733.180 General
- 733.181 Factors for Petitions to Include Other Wastes

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AUTHORITY: Implementing Sections 3.283, 3.284, 7.2, 22.4, 22.23a, and 22.23b and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/3.283, 3.284, 7.2, 22.4, 22.23a, 22.23b, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005.

SUBPART A: GENERAL

Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
- 1) Batteries, as described in Section 733.102;
 - 2) Pesticides, as described in Section 733.103;
 - 3) Thermostats, as described in Section 733.104; ~~and~~
 - 4) Lamps, as described in Section 733.105; ~~and~~;
 - 5) [Mercury-containing equipment, as described in Section 733.106.](#)
[BOARD NOTE: Subsection \(a\)\(5\) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)
- b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728.

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

Section 733.106 [Applicability – Mercury-Containing Equipment Definitions \(Renumbered\)](#)

- a) [Mercury-containing equipment covered under this Part. The requirements of this Part apply to persons managing mercury-containing equipment as described in Section 733.109, except those listed in subsection \(b\) of this Section.](#)

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- b) Mercury-containing equipment not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing equipment:
- 1) Mercury-containing equipment that is not yet a waste under 35 Ill. Adm. Code 721. Subsection (c) of this Section describes when mercury-containing equipment becomes a waste.
 - 2) Mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.
- c) Generation of waste mercury-containing equipment.
- 1) Used mercury-containing equipment becomes a waste on the day it is discarded.
 - 2) Unused mercury-containing equipment becomes a waste on the day the handler decides to discard it.

BOARD NOTE: This Section 733.106 was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

Section 733.109 Definitions

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a

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destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, ~~or~~ lamps, or mercury-containing equipment, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD NOTE: Mercury-containing equipment was added to this definition of "large quantity handler of universal waste" pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

"Mercury-containing equipment" means mercury switches and mercury relays and scientific instruments and instructional equipment containing mercury added during their manufacture.

BOARD NOTE: The definition of "mercury-containing equipment" was pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added

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pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Mercury relay" means a product or device, containing mercury added during its manufacture, that opens or closes electrical contacts to effect the operation of other devices in the same or another electrical circuit. Mercury relay includes, but is not limited to, mercury displacement relays, mercury wetted reed relays and mercury contact relays. [415 ILCS 5/3.283]

BOARD NOTE: The definition of "mercury relay" was added pursuant to Section 3.283 of the Act [415 ILCS 5/3.283] (See P.A. 93-964, effective August 20, 2004).

"Mercury switch" means a product or device, containing mercury added during its manufacture, that opens or closes an electrical circuit or gas valve, including, but not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors. [415 ILCS 5/3.284]

BOARD NOTE: The definition of "mercury switch" was added pursuant to Section 3.284 of the Act [415 ILCS 5/3.284] (See P.A. 93-964, effective August 20, 2004).

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal

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Secretary of Health and Human Services pursuant to FFDCa Section 360b(j), incorporated by reference in 35 Ill. Adm. Code 720.111, to be an exempted new animal drug; or

It is an animal feed under FFDCa Section 201(w) (21 USC 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111, that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, ~~or~~ lamps, or mercury-containing equipment, calculated collectively) at any time.

BOARD NOTE: Mercury-containing equipment was added to this definition of "small quantity handler of universal waste" pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

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Thermostats, as described in Section 733.104; ~~and~~

Lamps, as described in Section 733.105; ~~and-~~

Mercury-containing equipment as described in Section 733.106.
BOARD NOTE: Mercury-containing equipment was added to this definition of "universal waste" pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Universal waste handler does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

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SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management

- a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.
 - 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte or other solid waste exhibits a

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characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal waste pesticides. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
 - 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1) of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
 - 3) A tank that meets the requirements of 35 Ill. Adm. Code 725.Subpart J, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

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- c) Universal waste thermostats and mercury-containing equipment. A small quantity handler of universal waste shall manage universal waste thermostats and mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste shall contain any universal waste thermostat or mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat or mercury-containing equipment, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats or mercury-containing equipment provided the handler follows each of the following procedures:
 - A) It removes the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly

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familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

- G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) Required hazardous waste determination and further waste management.
- A) A small quantity handler of universal waste that removes mercury-containing ampules from thermostats [or mercury-containing equipment](#) shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units [or mercury-containing equipment](#)).
 - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the mercury, residues, or other waste and shall manage it as subject to 35 Ill. Adm. Code 722.
 - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special

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waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Lamps. A small quantity handler of universal waste shall manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste lamps shall contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A small quantity handler of universal waste lamps shall immediately clean up and place in a container any lamp that is broken, and the small quantity handler shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.
 - 3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
 - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;

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- ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a]. [Additionally, mercury-containing equipment was added to this Section pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

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- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries", "Waste Batteries", or "Used Batteries";
- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides";
- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:
 - 1) Pesticide labeling:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) of this Section is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172; or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides";
- d) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats"; and
- e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Lamps", "Waste Lamps" or "Used Lamps".

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- f) [Mercury-containing equipment, or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."](#)
[BOARD NOTE: Subsection \(f\) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.132 Notification

- a) Written notification of universal waste management.
- 1) Except as provided in subsections (a)(2) and (a)(3) of this Section, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
 - 2) A large quantity handler of universal waste that has already notified USEPA or the Agency of its hazardous waste management activities and has received a USEPA Identification Number is not required to renotify under this Section.
 - 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA or the Agency, as required by 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.
- b) This notification must include:
- 1) The universal waste handler's name and mailing address;
 - 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste

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management activities;

- 3) The address or physical location of the universal waste management activities;
- 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, thermostats, ~~or~~ lamps [or mercury-containing equipment](#)); and
- 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g., batteries, pesticides, thermostats, ~~or~~ lamps [or mercury-containing equipment](#)) the handler is accumulating above this quantity.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained the generator or consolidation point may use USEPA Form 8700-12 for notification. (To obtain USEPA Form 8700-12 call the Agency at 217-782-6761.) USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

[BOARD NOTE: Mercury-containing equipment was added to this Section pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

Section 733.133 Waste Management

- a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

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- 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.

- 3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
 - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
 - B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (nonhazardous) waste regulations.

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BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal waste pesticides. A large quantity handler of universal waste shall manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1) of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
 - 3) A tank that meets the requirements of 35 Ill. Adm. Code 725.Subpart J, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal waste thermostats [and mercury-containing equipment](#). A large quantity handler of universal waste shall manage universal waste thermostats [and mercury-containing equipment](#) in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A large quantity handler of universal waste shall contain any universal waste thermostat [or mercury-containing equipment](#) that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat [and/or equipment](#), and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A large quantity handler of universal waste may remove mercury-

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containing ampules from universal waste thermostats [or mercury-containing equipment](#) provided the handler follows each of the following procedures:

- A) It removes the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) Required hazardous waste determination and further waste management.
- A) A large quantity handler of universal waste that removes mercury-containing ampules from thermostats [or mercury-containing](#)

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[equipment](#) shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:

- i) Mercury or clean-up residues resulting from spills or leaks;
or
- ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units [or mercury-containing equipment](#)).

- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the mercury, residues, or other waste and is subject to 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Lamps. A large quantity handler of universal waste shall manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A large quantity handler of universal waste lamps shall contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

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- 2) A large quantity handler of universal waste lamps shall immediately clean up and place in a container any lamp that is broken, and the large quantity handler shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.
- 3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
 - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;
 - ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;
 - C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;
 - D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with

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applicable OSHA exposure levels for mercury;

- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a]. [Additionally, mercury-containing equipment was added to this Section pursuant to Sections 3.283, 3.284, and 22.23b of the Act \[415 ILCS 5/3.283, 3.284, and 22.23b\] \(See P.A. 93-964, effective August 20, 2004\).](#)

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries"; or "Waste Batteries"; or "Used Batteries";
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides";
- c) A container, tank, or transport vehicle or vessel in which unused pesticide

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products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:

- 1) Pesticide labeling:
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) of this Section is not feasible, the appropriate label as required under the USDOT regulation 49 CFR 172; or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) of this Section is not feasible, another label prescribed or designated by the pesticide collection program; and
- 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides";
- d) Universal waste thermostats (i.e., each thermostat) or a container or tank in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats"; and
- e) Each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste – Lamps", "Waste Lamps" or "Used Lamps".
- f) Mercury-containing equipment, or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."
BOARD NOTE: Subsection (f) of this Section was added pursuant to Sections 3.283, 3.284, and 22.23b of the Act [415 ILCS 5/3.283, 3.284, and 22.23b] (See P.A. 93-964, effective August 20, 2004).

(Source: Amended at 29 Ill. Reg. 6058, effective April 13, 2005)

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- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
150.210	Amendment
150.Appendix B	Amendment
- 4) Statutory Authority: 20 ILCS 2610/9
- 5) Effective date of amendments: April 15, 2005
- 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 amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: December 27, 2004; 28 Ill. Reg. 16458
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Difference between proposed and final version:
 - On lines 67 & 68, added 150. before APPENDIX.
 - On line 107, changed 28 to 29.
 - On lines 127 through 170, changed outline format.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: This rulemaking allows applicants who have an Associate's Degree, or equivalent, and served three years of military service to apply, and rounds the percentage point of inches needed for the Sit & Reach portion of the Fitness Test.

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

James E. Seiber
Executive Director
3180 Adloff Lane, Suite 100
Springfield IL 62703
217/786-6240

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer

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150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers
150.APPENDIX A	Vision Standards (Repealed)
150.APPENDIX B	Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;

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emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. _____, effective April 15, 2005.

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.210 Qualifications

- a) The Board shall certify to the Director in writing qualified applicants for appointment as sworn officers to the Department. Qualified applicants shall:
 - 1) Be at least 21 years of age. Persons 20 years of age may be certified if they have successfully completed 2 years (60 semester hours, 90 quarter hours) of law enforcement studies at an accredited college or university.

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- 2) Have completed, one of the education options listed below, with an average grade of C or better, ~~an Associate in Arts or Associate in Science Degree or equivalent general education course work~~ from an accredited college or university, as certified by the registrar of the college or university.
- A) Options
- i) Option 1: An Associate of Arts Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.
- ii) Option 2: An Associate of Science Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.
- iii) Option 3: An Associate of Applied Science Degree, only if the degree is in Law Enforcement, and 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.
- iv) Option 4: A Bachelor's Degree.
- B) General Education Course Work consists of:
- i) 9 semester hours in Communication studies;
ii) 9 semester hours in Social Science studies;
iii) 6 semester hours in Natural Science studies;
iv) 3 semester hours in Math studies;
v) 9 semester hours in Humanity studies;
vi) 24 semester hours in any other elective.
- C) The college or university must be accredited by one of the following associations:
- i)A) Middle States Association of Colleges and Schools;

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- ~~ii)B)~~ North Central Association of Colleges and Schools;
 - ~~iii)C)~~ New England Association of Schools and Colleges;
 - ~~iv)D)~~ Northwest Association of Schools and Colleges;
 - ~~v)E)~~ Southern Association of Colleges and Schools;
 - ~~vi)F)~~ Western Association of Schools and Colleges.
- 3) Be a citizen of the United States with no felony convictions.
 - 4) Accept assignment anywhere in the State.
 - 5) Possess a valid driver's license.
 - 6) Successfully complete mental and physical tests and a background investigation as prescribed by the Board. (See Section 150. Appendix A and B of this Part.)
- b) The Board may certify more applicants than there are vacant positions at the time of certification. Such certified applicants shall be eligible for appointment for a period of time designated by the Board.
- e) ~~Effective with the year 2000 applicant cycle, which commences in June 1999, qualified applicants shall have completed, with a C average or better from a college or university accredited by one of the above listed accreditation associations:~~
- ~~1) A Bachelor's Degree; or~~
 - ~~2) An Associate in Arts or Associate in Science Degree or equivalent general education course work and 3 years of continuous full time service at the same police agency as a police officer.~~

(Source: Amended at 29 Ill. Reg. _____, effective April 15, 2005)

DEPARTMENT OF STATE POLICE MERIT BOARD

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Section 150.APPENDIX B Physical Fitness StandardsFOUR-ITEM PHYSICAL FITNESS TEST
FOR DEPARTMENT OF STATE POLICE OFFICER APPLICANTS

Practical exercise performance requirements are physical activities related to law enforcement tasks. The following practical exercise performance requirements have been identified and must be satisfactorily performed for successful completion of the Merit Board's Physical Fitness Test requirement.

1. SIT AND REACH TEST

This is a measure of the flexibility of the lower back and upper leg area. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems. The score is the distance, in inches reached on a yard stick.

2. ONE MINUTE SIT UP TEST

This is a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve the use of force. It is also important for maintaining good posture and minimizing lower back problems. The score is the number of correct sit ups completed in one minute.

3. ONE REPETITION MAXIMUM BENCH PRESS

This is a maximum weight pushed from the bench press position, measuring the amount of upper body force that can be generated. It is an important area for performing police tasks requiring upper body strength. The score is a ratio of weight pushed divided by body weight. The test will be conducted on a Universal DVR-Chest Press.

4. 1.5 MILE RUN

This is a timed run to measure the heart and vascular systems' capability to transport oxygen. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardiovascular problems. The score is in minutes and seconds.

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PHYSICAL FITNESS STANDARDS

Test	Male 20-29	Male 30-39	Male 40-49	Male 50-59	Female 20-29	Female 30-39	Female 40-49	Female 50-59
Sit & Reach	16.5 Inches	15.5 Inches	14. 253	13. 253	19. 253	18. 253	17. 253	16. 758
One Minute Sit Up	38	35	29	24	32	25	20	14
Bench Press (% of total weight)	.99	.88	.80	.71	.59	.53	.50	.44
1.5 Mile Run	12.51	13.36	14.29	15.26	15.26	15.57	16.58	17.55

(Source: Amended at 29 Ill. Reg. _____, effective April 15, 2005)

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Capital Development Board Energy Code
- 2) Code Citation: 71 Ill. Adm. Code 600
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
600.100	Repeal
600.110	Repeal
600.120	Repeal
600.130	Repeal
600.140	Repeal
600.150	Repeal
600.160	Repeal
- 4) Statutory Authority: 20 ILCS 3105
- 5) Effective Date of Emergency Repealer: April 18, 2005
- 6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date filed with the Index Department: April 18, 2005
- 8) A copy of the emergency repealer, including any materials incorporated by reference, is currently on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: At the request of JCAR, CDB is proposing these Emergency Rules to remain consistent and clarify the effective date in relation to the use of the term "adopted" in the Energy Efficient Commercial Building Act [20 ILCS 3125]. The statute indicates in Section 20 of the Act that "the Code (International Energy Conservation Code) shall take effect one year after it is adopted by the Board [20 ILCS 3125/20]. JCAR is interpreting the term "adopted" as the date that the rule is filed for adoption with the Secretary of State concluding the rule review process. CDB formally adopted the reference Code by Board action on March 8, 2005. In order to provide adequate time for public comment, the Emergency Rules shall serve as notice of the one year time period recommended by JCAR to comply with the Illinois Administrative Procedure Act [5 ILCS 100]. The regular proposed rule (29 Ill. Reg. 4417) will take effect on April 8, 2006. This is reflected in Section 600.110(c) of the new Part.

An April 8, 2006 effective date of the proposed rulemaking is necessary to implement the board's intent of the Code being effective as close to March 8, 2006 as possible.

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY REPEALER

Additionally, CDB has established training and other informative materials with the Department of Commerce and Economic Opportunity that require an established effective date for training purposes. Utilizing the Emergency Rule process will achieve this.

When CDB adopted the emergency rules concerning the new Part 600, simultaneous publication of an emergency repealer of the old Part was an inadvertent oversight. In order to avoid confusion as to which Part 600 rules are currently effective, CDB is repealing old Part 600 through emergency rulemaking procedures.

- 10) A Complete Description of the Subjects and Issues Involved: CDB is repealing the Capital Development Board Energy Code and is adopting a new Part 600, the Illinois Energy Conservation Code. This revision and expansion in the Code is prompted by the recent enactment of the Energy Efficient Commercial Building Act [20 ILCS 3125], which extends CDB's application of the Code to private commercial facilities, as well as State-funded facilities.

- 11) Is there a proposed repealer pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
600.100	Repeal	April 8, 2005 (29 Ill. Reg. 1005)
600.110	Repeal	April 8, 2005 (29 Ill. Reg. 1005)
600.120	Repeal	April 8, 2005 (29 Ill. Reg. 1005)
600.130	Repeal	April 8, 2005 (29 Ill. Reg. 1005)
600.140	Repeal	April 8, 2005 (29 Ill. Reg. 1005)
600.150	Repeal	April 8, 2005 (29 Ill. Reg. 1005)
600.160	Repeal	April 8, 2005 (29 Ill. Reg. 1005)

- 12) Statement of Statewide Policy Objectives: The proposed new Part and the Act prevent a local governmental unit from adopting an energy efficient Code or standards that are less stringent than the Code under this Act.

- 13) Information and questions regarding this Emergency Repealer shall be directed to:

Jerry Crabtree
 Rules Coordinator
 Rm. 300 Stratton Office Building
 Springfield, IL 62706
jcrabtre@cdb.state.il.us

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY REPEALER

217/557-7500

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF EMERGENCY REPEALER

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER d: ENERGY CODES

PART 600

CAPITAL DEVELOPMENT BOARD ENERGY CODE (REPEALED)

Section

600.100 Purpose and Applicability

EMERGENCY

600.110 Definitions

EMERGENCY

600.120 Advisory Council

EMERGENCY

600.130 Applicable Standards

EMERGENCY

600.140 Revisions to Code

EMERGENCY

600.150 Compliance

EMERGENCY

600.160 Request for Variance Procedures

EMERGENCY

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 11355, effective July 26, 2004, for a maximum of 150 days; emergency rules expired December 22, 2004; adopted at 29 Ill. Reg. 777, effective January 1, 2005; new Part adopted by emergency rulemaking at 29 Ill. Reg. 5736, effective April 8, 2005; old Part repealed by emergency rulemaking at 29 Ill. Reg. 6093, effective April 18, 2005, for a maximum of 150 days.

Section 600.100 Purpose and Applicability**EMERGENCY**

a) Purpose

- 1) The purpose of the Capital Development Board Energy Code is to implement Section 10.09-5 of the Capital Development Board Act [20 ILCS 3105/10.09-5], which requires CDB *to adopt rules implementing a*

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statewide Energy Code for the construction or repair of State facilities described in Section 4.01. The Energy Code adopted by the Board shall incorporate standards promulgated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE). In proposing rules, the Board shall consult with the Department of Commerce and Economic Opportunity.

- 2) This Code is intended to provide minimum requirements for the energy-efficient design of buildings described in Section 4.01 of the Act, e.g., State funded *housing, hospitals, penitentiaries, laboratories, educational facilities, administrative facilities, recreational facilities, environmental equipment, parking facilities.*
 - 3) This Code, together with the standards incorporated by reference in Section 600.130, has the force of a building code and is administrative law applicable in the State of Illinois.
- b) Applicability
- 1) This Code applies to all State facilities described in Section 4.01 of the Act.
 - 2) This Code is applicable when work involving new construction, alterations, or additions in whole or in part begins after the effective date of this Code.

**Section 600.110 Definitions
EMERGENCY**

"Act" means the Capital Development Board Act [20 ILCS 3105].

"ASHRAE 90.1" means the standards incorporated in Section 600.130, including the cited addenda.

"CDB" means the Illinois Capital Development Board.

"Code" means this Part (71 Ill. Adm. Code 600), the Capital Development Board Energy Code.

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"Council" means the CDB Energy Code Advisory Council created by Section 600.120.

"Professional Services Agreement" means the contract for services entered into by CDB and design professionals.

"Using agency" means the State agency using facilities described in Section 4.01 of the Act.

**Section 600.120 Advisory Council
EMERGENCY**

- a) The Executive Director of the Capital Development Board shall appoint a CDB Energy Code Advisory Council. The Council shall be composed of the Executive Director or his or her authorized representative, who shall serve as chairman ex-officio, and 6 additional members appointed by the Executive Director. The appointed members shall consist of 2 licensed architects; 1 licensed mechanical engineer; 1 licensed electrical engineer; and 2 persons representing the construction contracting industry. Members of the Council shall be appointed for 4 year terms. The members appointed by the Executive Director shall serve for the term of their appointments and may be reappointed upon expiration of the term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of the term.
- b) The Council shall meet as frequently as the Chairman deems necessary, but at least once each year. Additional meetings may be called by the Chairman or by 3 members of the Council upon delivery of 10 days' written notice to the mailing address of each member of the Council. Four members of the Council shall constitute a quorum.
- c) The purpose of the Council shall be to consider future modifications to the CDB Energy Code.

**Section 600.130 Applicable Standards
EMERGENCY**

- a) ANSI/ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2001), available from ASHRAE at 1791 Tullie

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Circle, N.E., Atlanta GA 30329, is hereby incorporated into the CDB Energy Code, with the modifications outlined in subsection (d).

- b) This incorporation includes the following addenda to ASHRAE 90.1:

ADDENDUM	DATE
90.1a	4/3/03
90.1b	7/30/02
90.1c	7/30/02
90.1d	7/30/02
90.1e	3/31/04
90.1h	2/25/04
90.1i	8/6/03
90.1j	8/6/03
90.1k	12/17/02
90.1m	4/3/03
90.1n	9/25/03
90.1o	2/25/04
90.1p	2/25/04
90.1r	2/25/04
90.1s	2/25/04

- c) All incorporations by reference in this Section are of the cited standards as they existed on the date specified. These incorporations include no later editions, additions or amendments.

- d) Modifications to ASHRAE 90.1
ASHRAE 90.1 is incorporated by this Section, but with the following modifications:

- 1) ASHRAE 90.1 Section 3

Paragraph 3.2: the terms "adopting authority" and "authority having jurisdiction" shall both be read to mean the Capital Development Board.

- 2) ASHRAE 90.1 Section 6

- A) Add the following sentence to the end of paragraph 6.2.5.3.3:

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Final trimming of the pump impellers shall be the responsibility of the using agency.

B) Table 6.3.3.1:

Increase all horsepowers shown in the table by .5.

3) ASHRAE 90.1 Section 9

A) Replace Exception to 9.2.1.1 with the following:

Exceptions to 9.2.1.1:

- i) Lighting intended for 24-hour operation.
- ii) Lighting in patient care areas.
- iii) Lighting required for safety or security reasons.

B) Replace Exception to 9.2.1.2 with the following:

Exceptions to 9.2.1.2:

- i) Remote location shall be permitted for reasons of safety or security when the remote control device has an indicator pilot light as part of or next to the control device and it shall be clearly labeled to identify the controlled lighting.
- ii) Spaces not subject to partial occupancy, such as gymnasiums, cafeterias, lecture halls, etc., shall not be required to have more than one control device.

**Section 600.140 Revisions to Code
EMERGENCY**

This Code may be revised from time to time by the Capital Development Board as recommended by the Advisory Council and in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

Section 600.150 Compliance

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EMERGENCY

- a) Compliance with the CDB Energy Code can be attained through either of 2 options, the Prescriptive Option or the Energy Cost Budget Option. Both options require compliance with the Mandatory Provisions outlined in ASHRAE 90.1. Compliance shall be demonstrated by submission of the compliance forms published in the ASHRAE 90.1 Handbook or Compliance Certificates generated by the U.S. Department of Energy's COMCheck computer simulation program.
- b) **Prescriptive Option**
Forms shall be completed for building envelope, HVAC systems, service water heating and lighting. Compliance forms shall be completed by the licensed professional responsible for the design of the respective system.
- c) **Energy Cost Budget Option**
Compliance forms shall be completed by the licensed professional responsible for the overall design of the building.
 - 1) Compliance calculations shall use a computer program sufficiently sophisticated to handle the complex simulations required to determine a building's energy consumption. Examples of such programs are COMCheck, DOE-2 and BLAST.
 - 2) Simulations for the energy cost budget and the design energy cost shall use the same simulation program, the same climate data, the same purchased energy rates and the same schedules of operation.
 - 3) Commercially available climate data sets will be acceptable if they provide all the hourly values for all the relevant parameters needed by the simulation program. The climate data shall represent both average and design conditions.
 - 4) Purchased energy rates shall reflect the actual rates incurred by the facility being improved. For new facilities, estimated rates shall be developed based on consultation with the utility providers.
- d) Final compliance forms shall be submitted to CDB with the 100% design review package required by the Professional Services Agreement. An in-progress set of compliance forms shall be submitted at the 50% submittal.

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**Section 600.160 Request for Variance Procedures
EMERGENCY**

- a) Who May File a Request for Variance
 - 1) Any architect or engineer under contract with CDB to provide professional services for the proposed project.
 - 2) The using agency's chief executive officer or his or her designated representative.
 - 3) The Chairman of the CDB Energy Code Advisory Council.

- b) Consideration of Request for Variance
A variance from any requirement of this Part will be granted by CDB for one or more of the following reasons only:
 - 1) Compliance would not be technically feasible.
 - 2) Compliance would compromise the health, welfare or safety of the building occupants.
 - 3) Compliance would prevent the building from serving its intended purpose.
 - 4) Compliance would violate another State or federal law or code.
 - 5) Compliance would increase the energy consumption of the building.
 - 6) Compliance would require the use of inferior products or materials.

- c) Submitting the Request for Variance
 - 1) The request shall be submitted to the CDB Project Manager.
 - 2) Requests should be submitted as early in the project as there is cause, but no later than 75 days prior to the anticipated bid date. Approval or denial of a variance shall be no cause for delay in the project unless the request for variance was filed by CDB or the using agency for which the project is being constructed.

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- 3) The following shall be submitted when requesting a variance:
 - A) A letter from the petitioner stating the specific provisions of the Code from which the variance is requested and a detailed explanation of how compliance with the Code would result in one or more of the conditions described in subsection (b).
 - B) The request shall include supporting data, calculations, analysis, etc.
- d) CDB Action
 - 1) Upon receipt of the Request for Variance, the CDB Project Manager will review the request and make a recommendation to CDB's Professional Services Unit within 7 calendar days.
 - 2) Professional Services Unit will evaluate the Request for Variance within 30 days after CDB's receipt of the Request and make a determination.
 - 3) If it is determined that the Request for Variance would cause one of the conditions stated in subsection (b), the variance shall be approved by CDB.
 - 4) If it is determined that the Request for Variance would not cause one of the conditions stated in subsection (b), the Agency may:
 - A) Deny the Request for Variance.
 - B) Approve the Request for Variance subject to specific conditions determined by CDB.
- e) Modifications and Revisions
The petitioner may, in writing, request that the original Request for Variance be modified and resubmit the Request for Variance.
- f) Revocation
CDB may revoke any variance if:
 - 1) it is determined that the variance was obtained through fraud or deceit;

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- 2) the petitioner has violated the specific conditions on which the variance was approved; or
 - 3) the variance was issued in error.
- g) Appeals
- 1) Any person whose Request for Variance is denied or approved with conditions may appeal CDB's initial determination. The appeal shall be submitted in writing and must be received within 10 days after the initial CDB action is received by the requestor. The request shall be submitted to the Chairman of the Advisory Council.
 - 2) The Chairman of the Advisory Council will review the request with the Advisory Council, as deemed necessary by the Chairman, within 14 days after receipt and take one of the following actions:
 - A) Uphold CDB's initial determination.
 - B) Reverse CDB's initial determination and issue the variance.
 - C) Change the conditions applied to the variance granted by CDB.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.290	Amend
310.Appendix A Table W	Amend
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310.290 and 310.Appendix A. Table W) to reflect two Memorandums of Understanding between the Department of Central Management Services and the American Federation of State, County and Municipal Employees. One was signed March 15, 2005, and another signed December 14, 2004 that became effective April 1, 2005 with the approval of the Civil Service Commission.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: April 14, 2005
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.290 is amended to reflect the removal of the Revenue Auditor I, II and III titles and rates from the out-of-state rate schedule.

Section 310.Appendix A Table W is amended in the table of titles to reflect the RC-062 representation of the positions out-of-state within the Revenue Auditor I, II and III titles, and all positions within the Revenue Computer Audit Specialist title. Effective December 2, 2004, the Revenue Auditor I title (Title Code 38371) (formerly Out of State Rate) is paid RC-062-19, if the positions are in states other than Illinois or California or New Jersey, and RC-062-21, if the positions are in California or New Jersey; the Revenue Auditor II title (Title Code 38372) (formerly Out of State Rate) is paid RC-062-22, if the positions are in states other than Illinois or California or New Jersey and RC-062-24, if the positions are in California or New Jersey; and Revenue Auditor III (Title Code 38373) (formerly Out of State Rate) is paid RC-062-24, if the positions are in states other than Illinois or California or New Jersey and RC-062-26, if the positions are in California or New Jersey. Effective April 1, 2005, the new title, Revenue Computer Audit Specialist (Title Code 38425) is paid RC-062-23, if the positions are in Illinois, RC-062-25, if the positions are in states other than Illinois or California or New Jersey, and RC-062-27, if the positions are in California or New Jersey. Section 310.Appendix

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A. Table W is amended in the tables of steps to reflect the RC-062 pay grades of 26 (effective December 2, 2004 and effective January 1, 2005) and of 27 (effective January 1, 2005).

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: April 14, 2005
- 10) This Peremptory Rulemaking and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A Table D	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A Table E	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A Table F	Amend	28 Ill. Reg. 13949, 10/29/04
310.210	Amend	29 Ill. Reg. 2105, 2/14/04
310.230	Amend	29 Ill. Reg. 2105, 2/14/04
310.280	Amend	29 Ill. Reg. 2105, 2/14/04
310.290	Amend	29 Ill. Reg. 2105, 2/14/04
310.Appendix A Table L	Amend	29 Ill. Reg. 2105, 2/14/04
310.Appendix A Table W	Amend	29 Ill. Reg. 2105, 2/14/04
310.Appendix A Table Y	Amend	29 Ill. Reg. 2105, 2/14/04
310.100	Amend	29 Ill. Reg. 2884, 2/25/04
310.490	Amend	29 Ill. Reg. 2884, 2/25/04
310.Appendix A Table W	Amend	29 Ill. Reg. 2884, 2/25/04
310.100	Amend	29 Ill. Reg. 4186, 3/18/05
310.110	Amend	29 Ill. Reg. 4186, 3/18/05
310.130	Amend	29 Ill. Reg. 4186, 3/18/05
310.280	Amend	29 Ill. Reg. 4186, 3/18/05
310.290	Amend	29 Ill. Reg. 4186, 3/18/05
310.530	Amend	29 Ill. Reg. 4186, 3/18/05
310.540	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table G	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table H	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table I	Amend	29 Ill. Reg. 4186, 3/18/05

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A Table J	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table K	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table M	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table N	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table O	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table P	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Q	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table R	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table V	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table W	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table X	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Z	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix B	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix C	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix D	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix G	Amend	29 Ill. Reg. 4186, 3/18/05

13) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding these preemptory amendments shall be directed to:

Ms. Anne McElroy
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/524-8773
Fax: 217/558-4497

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2005
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

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- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2005
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2005
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2005
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005.

SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State or Foreign Service Rate

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The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances. (Effective July 1, 2003, increases are suspended.)

Title	Range Effective Fiscal Year 2004
Executive II (States Other Than California and New Jersey) (CA, NJ)	3269-5894 3696-6663
Foreign Service Economic Development Executive I	3848-7082
Foreign Service Economic Development Executive II	4929-9283
Foreign Service Economic Development Representative	3269-5894
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2570-4452 2906-5032
Office Assistant (Foreign Service)	2169-2862
Office Associate (States Other Than California and New Jersey) (CA, NJ)	2295-3081 2595-3483
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	2370-3199 2679-3617
Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	3445-7542 3895-8525

| [Revenue Auditor I](#)

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(States Other Than California and New Jersey)	3105-4480
(CA, NJ)	3510-5065
Revenue Auditor II	
(States Other Than California and New Jersey)	3587-5295
(CA, NJ)	4055-5985
Revenue Auditor III	
(States Other Than California and New Jersey)	4226-6301
(CA, NJ)	4778-7123
Revenue Auditor Trainee	
(States Other Than California and New Jersey)	2645-3657
(CA, NJ)	2990-4134
Revenue Tax Specialist I	
(States Other Than California and New Jersey)	2645-3657
(CA, NJ)	2990-4134
Revenue Tax Specialist II	
(States Other Than California and New Jersey)	2861-4047
(CA, NJ)	3234-4575
Revenue Tax Specialist Trainee	
(States Other Than California and New Jersey)	2448-3335
(CA, NJ)	2768-3770
Senior Public Service Administrator	
(States Other Than California and New Jersey)	4750-11161
(CA, NJ)	5369-12617

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 6105, effective April 14, 2005)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Assignment Coordinator	RC-062-20	01530
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst Associate	RC-062-15	04355
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Business Administrative Specialist	RC-062-16	05810
Buyer	RC-062-18	05900

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Carnival and Amusement Safety Inspector	RC-062-16	06550
Carnival and Amusement Safety Inspector Trainee	RC-062-10	06555
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protection Advanced Specialist	RC-062-19	07161
Child Protection Associate Specialist	RC-062-16	07162
Child Protection Specialist	RC-062-18	07163
Child Welfare Associate Specialist	RC-062-16	07216
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803
Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842

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Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Criminal Justice Specialist Trainee	RC-062-13	10236
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062-16	12537
Disability Claims Adjudicator II	RC-062-18	12538
Disability Claims Adjudicator Trainee	RC-062-13	12539
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-19	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713
Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770

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Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821
Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial Institution Examiner I	RC-062-16	14971
Financial Institution Examiner II	RC-062-19	14972
Financial Institution Examiner III	RC-062-22	14973
Financial Institution Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health and Safety Officer I	RC-062-14	18001
Health and Safety Officer II	RC-062-16	18002
Health and Safety Officer Trainee	RC-062-10	18006
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-25	18187
Health Services Investigator II – Opt. D	RC-062-25	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Rights Investigator I	RC-062-15	19774
Human Rights Investigator II	RC-062-17	19775
Human Rights Investigator III	RC-062-18	19776
Human Rights Specialist I	RC-062-14	19778
Human Rights Specialist II	RC-062-16	19779
Human Services Caseworker	RC-062-16	19785

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Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Information Technology/Communication Systems Specialist I	RC-062-19	21216
Information Technology/Communication Systems Specialist II	RC-062-24	21217
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Claims Examiner II	RC-062-19	21602
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner I	RC-062-14	21671
Insurance Performance Examiner II	RC-062-16	21672
Insurance Performance Examiner III	RC-062-20	21673
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Internal Auditor I	RC-062-17	21721
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430

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Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752
Local Historical Services Representative	RC-062-17	24000
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Advanced Specialist	RC-062-20	28833
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Network Control Center Specialist	RC-062-21	28873
Network Control Center Technician I	RC-062-13	28875
Network Control Center Technician II	RC-062-16	28876
Network Control Center Technician Trainee	RC-062-10	28879
Paralegal Assistant	RC-062-14	30860

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631
Program Integrity Auditor II	RC-062-19	34632
Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Public Information Officer III	RC-062-19	37003
Public Information Officer IV	RC-062-21	37004
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Real Estate Professions Examiner	RC-062-22	37760
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I (IL)	RC-062-16	38371
Revenue Auditor I (states other than IL, CA or NJ)	RC-062-19	38371
Revenue Auditor I (CA or NJ)	RC-062-21	38371
Revenue Auditor II (IL)	RC-062-19	38372
Revenue Auditor II (states other than IL, CA or NJ)	RC-062-22	38372
Revenue Auditor II (CA or NJ)	RC-062-24	38372
Revenue Auditor III (IL)	RC-062-22	38373
Revenue Auditor III (states other than IL, CA or NJ)	RC-062-24	38373
Revenue Auditor III (CA or NJ)	RC-062-26	38373
Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Computer Audit Specialist (IL)	RC-062-23	38425
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	RC-062-25	38425
Revenue Computer Audit Specialist (CA or NJ)	RC-062-27	38425
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Telecommunications Specialist	RC-062-15	45295
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent	RC-062-18	47096
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Vocational Assessment Specialist	RC-062-18	48160
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

Effective July 1, 2003

S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09Q	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09S	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10Q	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-062-10S	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11Q	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11S	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-062-12Q	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-062-12S	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12HQ	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12HS	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13Q	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13S	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14Q	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14S	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14HQ	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14HS	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15Q	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15S	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-16Q	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-062-16S	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17Q	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17S	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18Q	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-062-18S	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19Q	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19S	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-062-20Q	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-062-20S	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21Q	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21S	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22Q	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22S	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23Q	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23S	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24Q	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24S	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25Q	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25S	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

Effective December 2, 2004

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	<u>STEPS</u>										
	<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>RC-062-26</u>	<u>4861</u>	<u>5007</u>	<u>5158</u>	<u>5365</u>	<u>5657</u>	<u>5956</u>	<u>6259</u>	<u>6550</u>	<u>6844</u>	<u>7287</u>	<u>7506</u>

Effective January 1, 2005
RC-062

	<u>STEPS</u>										
	<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09Q	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09S	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10Q	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10S	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11Q	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11S	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420
12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12Q	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12S	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12H	15.06	15.44	15.83	16.23	16.83	17.39	18.04	18.63	19.32	20.36	20.97
12HQ	15.56	15.94	16.35	16.78	17.40	17.98	18.68	19.30	20.02	21.10	21.74
12HS	15.88	16.27	16.68	17.11	17.74	18.33	19.03	19.67	20.39	21.48	22.12
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13Q	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13S	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14Q	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14S	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
14H	16.25	16.67	17.12	17.58	18.25	18.95	19.78	20.50	21.29	22.52	23.20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14HQ	16.79	17.24	17.70	18.18	18.89	19.65	20.50	21.27	22.09	23.37	24.07
14HS	17.13	17.58	18.04	18.53	19.26	20.01	20.87	21.64	22.46	23.74	24.46
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15Q	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15S	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174
16Q	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16S	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17Q	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17S	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18Q	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18S	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19Q	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118
19S	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20Q	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20S	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21Q	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21S	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22Q	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22S	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23Q	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23S	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24Q	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24S	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25S	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25Q	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506
<u>26</u>	<u>4958</u>	<u>5107</u>	<u>5261</u>	<u>5472</u>	<u>5770</u>	<u>6075</u>	<u>6384</u>	<u>6681</u>	<u>6981</u>	<u>7433</u>	<u>7656</u>
<u>27</u>	<u>5241</u>	<u>5398</u>	<u>5561</u>	<u>5839</u>	<u>6157</u>	<u>6482</u>	<u>6812</u>	<u>7129</u>	<u>7449</u>	<u>7931</u>	<u>8169</u>

(Source: Amended by peremptory rulemaking at 29 Ill. Reg. 6105, effective April 14, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 12, 2005 through April 18, 2005 and have been scheduled for review by the Committee at its May 17, 2005 meeting in Springfield. 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>
5/26/05	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	7/16/04 28 Ill. Reg. 9936	5/17/05
5/27/05	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	2/25/05 29 Ill. Reg. 2884	5/17/05
5/27/05	<u>Department of Natural Resources</u> , General (62 Ill. Adm. Code 1700)	12/17/04 28 Ill. Reg. 16079	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Areas Designated by Act of Congress (62 Ill. Adm. Code 1761)	12/17/04 28 Ill. Reg. 16085	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations (62 Ill. Adm. Code 1762)	12/17/04 28 Ill. Reg. 16100	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Requirements for Coal Exploration (62 Ill. Adm. Code 1772)	12/17/04 28 Ill. Reg. 16103	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Requirements for Permits and Permit Processing (62 Ill. Adm. Code 1773)	12/17/04 28 Ill. Reg. 16110	5/17/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

5/27/05	<u>Department of Natural Resources</u> , Field Trials on Department-Owned or Managed Sites (17 Ill. Adm. Code 910)	2/14/05 29 Ill. Reg. 2149	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Field Trials on Non-Department Owned or Managed Lands (17 Ill. Adm. Code 930)	2/14/05 29 Ill. Reg. 2161	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)	2/18/05 29 Ill. Reg. 2603	5/17/05
5/27/05	<u>Department of Natural Resources</u> , Regulation of Public Waters (17 Ill. Adm. Code 3704)	2/18/05 29 Ill. Reg. 2607	5/17/05
5/29/05	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	1/28/05 29 Ill. Reg. 1499	5/17/05

DEPARTMENT OF PUBLIC AID

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) The Notice of Proposed Amendments being corrected appeared at 29 Ill. Reg. 4706, dated April 1, 2005.
- 4) The information being corrected is as follows: Information appeared in the introductory notice pages of these proposed amendments that stated the amendments may have an impact on small businesses, small municipalities, and non-for-profit corporations. This information appeared in error. The proposed amendments are not expected to have any such impact. The Department regrets any inconvenience this error may have caused.

DEPARTMENT OF PUBLIC AID

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) The Notice of Proposed Amendments being corrected appeared at 29 Ill. Reg. 4459, dated March 25, 2005.
- 4) The information being corrected is as follows: Information appeared in the introductory notice pages of these proposed amendments that stated the amendments may have an impact on small businesses, small municipalities, and non-for-profit corporations. This information appeared in error. The proposed amendments are not expected to have any such impact. The Department regrets any inconvenience this error may have caused.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Manufactured Home Community Code

Code Citation: 77 Ill. Adm. Code 860

<u>Section Numbers:</u>	860.20	860.200	860.210
	860.250	860.360	860.270
	860.280	860.Appendix B	860.Table B

Date Originally Published in Illinois Register: 1/30/04
28 Ill. Reg. 1652

Date Filing Prohibition Published in Illinois Register: 1/28/05

Date Filing Prohibition Became Effective: 1/11/05

Date Filing Prohibition Withdrawn: 4/12/05

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 220.1000(c)(6), the Joint Committee, at its meeting on 4/12/05, has withdrawn the prohibition against the filing of the Department of Public Health's rulemaking titled Manufactured Home Community (77 Ill. Adm. Code 860). The Committee originally issued this prohibition at its 1/11/05 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Illinois Manufactured Home Tiedown Code

Code Citation: 77 Ill. Adm. Code 870

<u>Section Numbers:</u>	870.10	870.20	870.30	870.40
	870.50	870.60	870.70	870.Table A

Date Originally Published in Illinois Register: 1/30/04
28 Ill. Reg. 1674

Date Filing Prohibition Published in Illinois Register: 1/28/05

Date Filing Prohibition Became Effective: 1/11/05

Date Filing Prohibition Withdrawn: 4/12/05

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill Adm. Code 220.1000(c)(6), the Joint Committee, at its meeting on 4/12/05, has withdrawn the prohibition against the filing of the Department of Public Health's rulemaking titled Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870). The Committee originally issued this prohibition at its 1/11/05 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARMTENT OF PUBLIC HEALTH

Heading of the Part: Manufactured Home Installation Code

Code Citation: 77 Ill. Adm. Code 870

<u>Section Numbers:</u>	870.10	870.20	870.30	870.40
	870.50	870.55	870.60	870.65
	870.70	870.75	870.80	870.90
	870.100	870.110	870.120	870.130
	870.140	870.150	870.160	870.170
	870.180	870.190	870.200	870.210
	870.220	870.230	870.240	870.Table A
	870.Table B	870.Table C	870.Table D	870.Table E
	870.Table F	870.Table G	870.Table H	

Date Originally Published in Illinois Register: 2/13/04; 28 Ill. Reg. 2613

Date Filing Prohibition Published in Illinois Register: 1/28/05

Date Filing Prohibition Became Effective: 1/11/05

Date Filing Prohibition Withdrawn: 4/12/05

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill Adm Code 220.1000(c)(6), the Joint Committee, at its meeting on 4/12/05, has withdrawn the prohibition against the filing of the Department of Public Health's rulemaking titled Manufactured Home Installation Code (77 Ill. Adm. Code 870). The Committee originally issued this prohibition at its 1/11/05 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Illinois Modular Dwellings and Mobile Structures Code

Code Citation: 77 Ill. Adm. Code 880

<u>Section Numbers:</u>	880.5	880.10	880.15	880.20
	880.30	880.40	880.50	880.60
	880.65	880.70	880.Appendix A	

Date Originally Published in Illinois Register: 1/30/04; 28 Ill. Reg. 1684

Date Filing Prohibition Published in Illinois Register: 1/28/05

Date Filing Prohibition Became Effective: 1/11/05

Date Filing Prohibition Withdrawn: 4/12/05

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill Adm Code 220.1000(c)(6), the Joint Committee, at its meeting on 4/12/05, has withdrawn the prohibition against the filing of the Department of Public Health's rulemaking titled Illinois Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880). The Committee originally issued this prohibition at its 1/11/05 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Manufactured Home Installer Course Accreditation Code

Code Citation: 77 Ill. Adm. Code 885

Section Numbers: 885.10 885.20 885.30
885.40 885.50

Date Originally Published in Illinois Register: 1/30/04
28 Ill. Reg. 1717

Date Filing Prohibition Published in Illinois Register: 1/28/05

Date Filing Prohibition Became Effective: 1/11/05

Date Filing Prohibition Withdrawn: 4/12/05

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and 1 Ill Adm Code 220.1000(c)(6), the Joint Committee, at its meeting on 4/12/05, has withdrawn the prohibition against the filing of the Department of Public Health's rulemaking titled Manufactured Home Installer Course Accreditation Code (77 Ill. Adm. Code 885). The Committee originally issued this prohibition at its 1/11/05 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

PROCLAMATIONS

2005-112**THE CHORALE IN ITALY DAYS**

WHEREAS, the CHORALE, a community choral ensemble in Champaign-Urbana, has been selected to represent the State of Illinois in a major 2005 international music festival in Italy, honoring its rich musical and cultural heritage; and

WHEREAS, the CHORALE, under the direction of its founding director, Julie Beyler, was selected on the basis of high recommendations, an audition process and its past music achievements in the area of choral music in the community; and

WHEREAS, this honor exemplifies the dedication of choral singers from eleven East-Central Illinois communities who join together in their mission “to provide ongoing choral opportunities for singers and audiences to enjoy quality choral literature and to support music education”; and

WHEREAS, the CHORALE will perform concerts and participate in masses in some of the finest venues, churches and cathedrals in Rome, Florence, Venice and Milan, between June 2-11, 2005. Throughout this time, the CHORALE’s participation in this event will enrich participants’ understanding and appreciation for the dynamic cultural present and past of Italy; and

WHEREAS, the CHORALE will bring folk music of the United States and other countries’ sacred classics and a mass of peace in the hopes of promoting a greater understanding through music:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2 - 11, 2005 as **THE CHORALE IN ITALY DAYS** in Illinois, and urge all citizens to recognize the wonderful music that this choral ensemble performs, and wish them the best for their upcoming trip to Italy.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005.

2005-113**CESAREAN AWARENESS MONTH**

WHEREAS, in 2005, approximately one in four babies born in the State of Illinois will be born surgically via cesarean section; and

WHEREAS, a cesarean can be lifesaving for both mother and baby in the right circumstances; and

WHEREAS, unnecessary cesareans can be avoided if childbearing families are properly educated about their choices in managing labor and delivery; and

WHEREAS, the United States Department of Health and Human Services Healthy People 2010 goals strive toward a reduction in the cesarean rate to 15 percent among low risk first time mothers and 63 percent for women with prior cesareans; and

WHEREAS, women who do undergo cesarean births have a longer recovery time and are subject to increased complications, including complications with their future reproductive life.

PROCLAMATIONS

Such complications can mean increased rates of unexplained stillbirth, placental abnormalities and uterine rupture; and

WHEREAS, maternal-child health is improved by preventing unnecessary cesareans through education, providing support for cesarean recovery, and promoting normal birth after cesarean; and

WHEREAS, Illinois women have the right to full and complete information on the risks and benefits of natural and cesarean birth and the corresponding right to make informed choice about their health care:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as **CESAREAN AWARENESS MONTH**, and encourage all citizens to become educated about the effects both natural and cesarean births have on women and children.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005 .

2005-114**DAY OF REMEMBRANCE**

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, during this sad time in history, six million were murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the state of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of victims of the Holocaust to be Sunday, April 18 through Sunday, April 25, 2004, including the International Day of Remembrance known as Yom Hashoah, April 17:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2005 as a **DAY OF REMEMBRANCE** in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor April 13, 2005.

PROCLAMATIONS

Filed by the Secretary of State April 13, 2005 .

2005-115**HEALTH CARE WORKERS DAY**

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and

WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals serve a vital role in the success of the team as a whole; and

WHEREAS, health care employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area's reputation for health care excellence; and

WHEREAS, the 145 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20, 2005 as **HEALTH CARE WORKERS DAY** in Illinois, and urge all citizens to recognize all the devoted health care workers in this state.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005.

2005-116**RADIOLOGIC TECHNOLOGY WEEK**

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, qualified practitioners who specialize in the use of medical radiation and imaging technology to aid in the diagnosis and treatment of disease, share a commitment to creating for the people of this State a safer and more compassionate environment; and

WHEREAS, professionals in the radiologic sciences continually maintain their highest standard of professionalism through education, lifelong learning, credentialing and personal commitment; and

WHEREAS, Radiologic Technology Week, in conjunction with the 70th Annual Illinois State Society of Radiologic Technologists (ISSRT) Conference, will focus on the safe, medical radiation environment provided through the skilled and conscientious efforts of radiologic technologists:

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THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 - 22, 2005 as **RADIOLOGIC TECHNOLOGY WEEK** in Illinois, and urge all citizens to recognize the importance of radiologic technology to the health industry.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005.

2005-117**LINC-TELACU SCHOLARS DAY**

WHEREAS, the TELACU Scholarship Program was created in 1983 to help raise the promise, performance and potential of Latino Students dedicated to continuing their education; and

WHEREAS, in 1991, the TELACU Education Foundation was established to expand the TELACU Scholarship Program in an effort to provide a comprehensive program of counseling, mentoring and advancement opportunities; and

WHEREAS, in 2000, TELACU expanded its educational efforts on a national level with the creation of Latino Initiative for the New Century (LINC); and

WHEREAS, LINC-TELACU Scholarships have impacted many lives, supporting more than 600 students each year through a unique collaboration of business and colleges and universities; and

WHEREAS, the LINC-TELACU Education Foundation has an established record of success, with one hundred percent of all high school and college senior award recipients completing graduation; and

WHEREAS, this year's LINC-TELACU Scholarship Award Recipients are to be commended for their outstanding record of achievement, dedication to their community, and hard work in meeting higher academic goals; and

WHEREAS, on October 7, 2005, the LINC-TELACU Education Foundation will honor its talented scholarship recipients and celebrate its accomplishments and lasting contributions to society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7, 2005, as **LINC-TELACU SCHOLARS DAY** in Illinois, and urge all citizens to recognize LINC-TELACU for their great efforts in the academic advancement of Latino students.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005 .

2005-118**MUNICIPAL CLERKS WEEK**

WHEREAS, the Office of Municipal Clerk is a time-honored and vital part of local government in countries throughout the world that exists to provide a professional link between

PROCLAMATIONS

citizens, local governing bodies, and agencies of government at other levels, while serving as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, the Illinois Municipal Clerks, an organization dedicated to pursuing state legislation that upgrades the professional and educational opportunities of the Municipal Clerk and representing the interests of Illinois' Municipal Clerks, is celebrating their 40th Anniversary this year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – May 7, 2005 as **MUNICIPAL CLERKS WEEK** in Illinois, and extend my gratitude to all Municipal Clerks for the vital services they perform, and their exemplary dedication to the communities they represent.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005 .

2005-119
MCDONALD'S DAY

WHEREAS, it was in 1954 that Ray Kroc, then 52 years of age, walked into a small hamburger restaurant in San Bernadino, California and laid the foundation for a business relationship with the restaurant's two owners, Dick and Mac McDonald. From that day forward, the face of the food service industry across the globe would be forever changed; and

WHEREAS, in Des Plaines, Illinois on April 15, 1955, Ray Kroc's first McDonalds restaurant opened its doors. Rather than change a successful format, Kroc retained the McDonald brothers' formula of a limited menu, quality food, an assembly line production system, fast, friendly service, and a high standard for cleanliness; and

WHEREAS, McDonald's was immediately successful, but it wasn't until he began franchising that Ray Kroc's business really took off. At the end of 1956, McDonald's 14 restaurants reported sales of \$1.2 million and had served about 50 million hamburgers. Just four years later, there were 228 restaurants reporting \$37.6 million in sales, and the company had sold its 400 millionth hamburger mid-way through 1960; and

WHEREAS, over the next several years, McDonald's continued to grow and develop into the giant company that it is today. At the time of Ray Kroc's passing in 1984, they boasted over 6,000 restaurants in more than 27 countries, generating sales of \$6.2 billion; and

WHEREAS, since their inception, billions of people throughout the world, both children and adults, have enjoyed the food and atmosphere of McDonald's restaurants. Through their involvement in a wide-array of charitable endeavors, McDonald's has also had a positive impact on numerous communities both nationally and internationally. It's safe to say that the great success they have achieved is simply unprecedented; and

PROCLAMATIONS

WHEREAS, this year, the McDonald's Corporation is celebrating the 50th anniversary of its founding, and will mark this milestone occasion with a celebration on April 15. Illinois, the state in which the very first McDonald's restaurant was located, is proud to join each and every McDonald's employee of the past and present in celebrating such a wonderful achievement for such a terrific company:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2005 as **MCDONALD'S DAY** in Illinois, and encourage all citizens to join in commemorating the significant achievements of this global institution.

Issued by the Governor April 13, 2005.

Filed by the Secretary of State April 13, 2005 .

2005-120**KIDS IN DANGER'S BEST FRIENDS DAY**

WHEREAS, there are millions of children's products on the market today, and it is extremely important to ensure the safety of those products before they are used by our children; and

WHEREAS, each year, an estimated 61,000 children under the age of five are treated in hospital emergency rooms for injuries from children's products, and more than 50 children die annually in incidents associated with nursery products; and

WHEREAS, Kids In Danger (KID) is a non-profit organization founded in Chicago, Illinois in 1998 with the mission of protecting children by improving children's product safety; and

WHEREAS, Illinois led the country in adopting the Children's Product Safety Act in 1999, which prohibits the sale and use among childcare professionals of dangerous or recalled children's products; and

WHEREAS, the State of Michigan, encouraged by then-Attorney General Jennifer M. Granholm, became the second state to put this protection in place; and

WHEREAS, Michigan Governor Granholm is now being honored by Kids In Danger with their 2005 Best Friend Award; and

WHEREAS, the State of Illinois recognizes the great work performed by KID each day and by their Best Friends, including Michigan Governor Jennifer M. Granholm and it is fitting that we take the time to recognize their dedicated efforts to keep children safe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 19, 2005 as **KIDS IN DANGER'S BEST FRIENDS DAY** in Illinois, and encourage all citizens to become cognizant of the safety of children's products to ensure that our youth are not unnecessarily harmed.

Issued by the Governor April 14, 2005.

Filed by the Secretary of State April 15, 2005.

2005-121**ASIAN LONGHORNED BEETLE AWARENESS DAY**

PROCLAMATIONS

WHEREAS, the Asian Longhorned Beetle is an invasive species that originated in Asia and poses a tremendous threat to the trees and forest resources of North America; and

WHEREAS, the Asian Longhorned Beetle was first detected in the United States in New York City and has also been found in Illinois and New Jersey; and

WHEREAS, infested trees numbering 1,770 have been found and removed from Northeastern Illinois and over 2,682 non-host trees have been replanted; and

WHEREAS, over the last several years, potential host trees have been treated with insecticide as a protective measure against infestation development, with 91,644 trees being treated in 2004 alone; and

WHEREAS, various groups and organizations including the United States Department of Agriculture's Animal & Plant Health Inspection Service, the Illinois Department of Agriculture, the City of Chicago, and other towns and villages in Northeastern Illinois have worked tremendously well together to detect, control and possibly eradicate this pest from our State; and

WHEREAS, two quarantined areas referred to as Summit and Addison were deregulated in 2004 and several other quarantined areas known as Kilbourne Park, Park Ridge, Bensenville and Loyola have experienced over two years of negative beetle survey results and are being deregulated by the State of Illinois' Director of Agriculture on April 21, 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21, 2005 as **ASIAN LONGHORNED BEETLE AWARENESS DAY** in Illinois, and urge all citizens to recognize the tremendous work put forth by these groups involved and to join their efforts in the complete eradication of this pest.

Issued by the Governor April 15, 2005.

Filed by the Secretary of State April 15, 2005.

ILLINOIS ADMINISTRATIVE CODE

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