

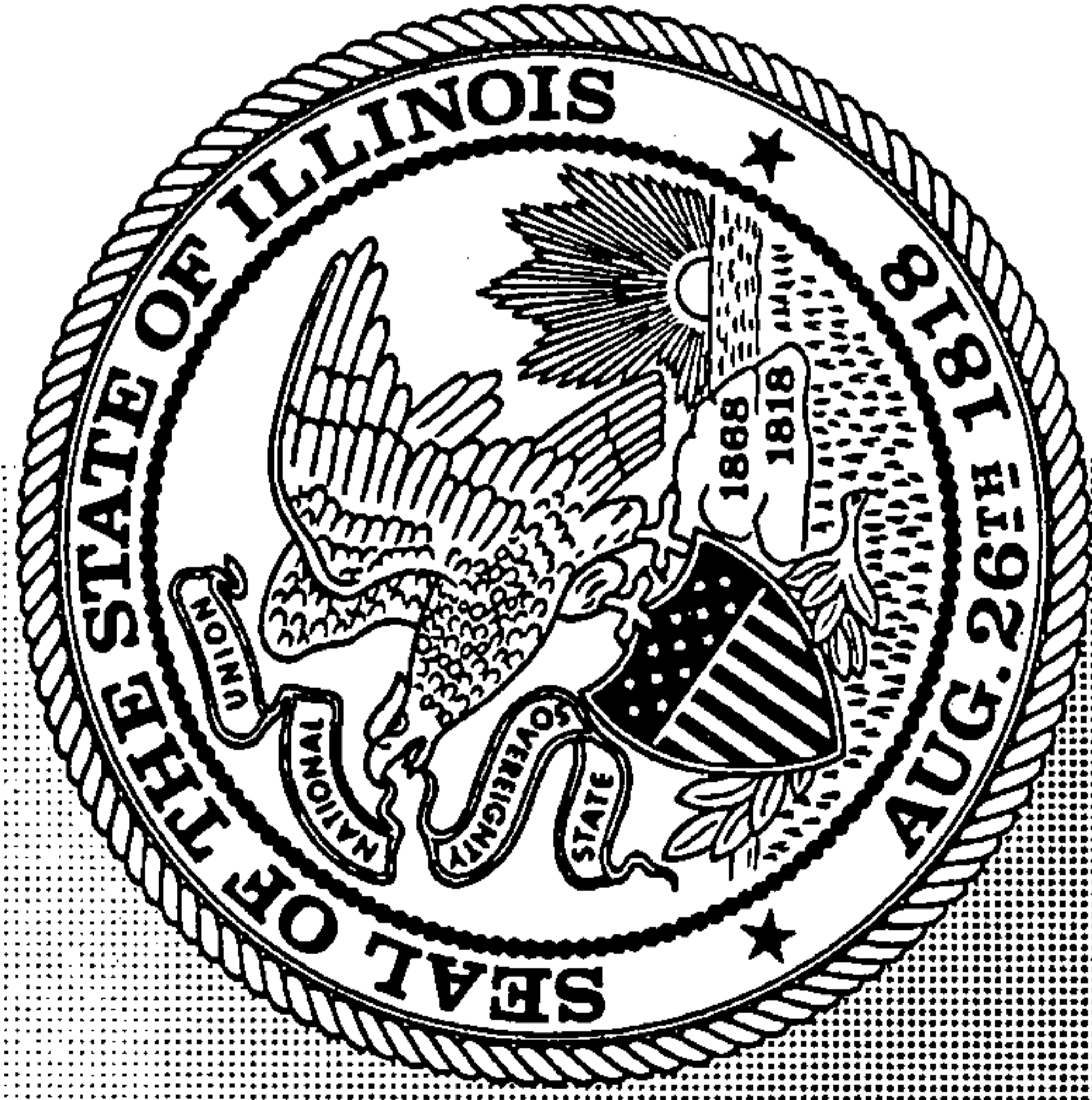
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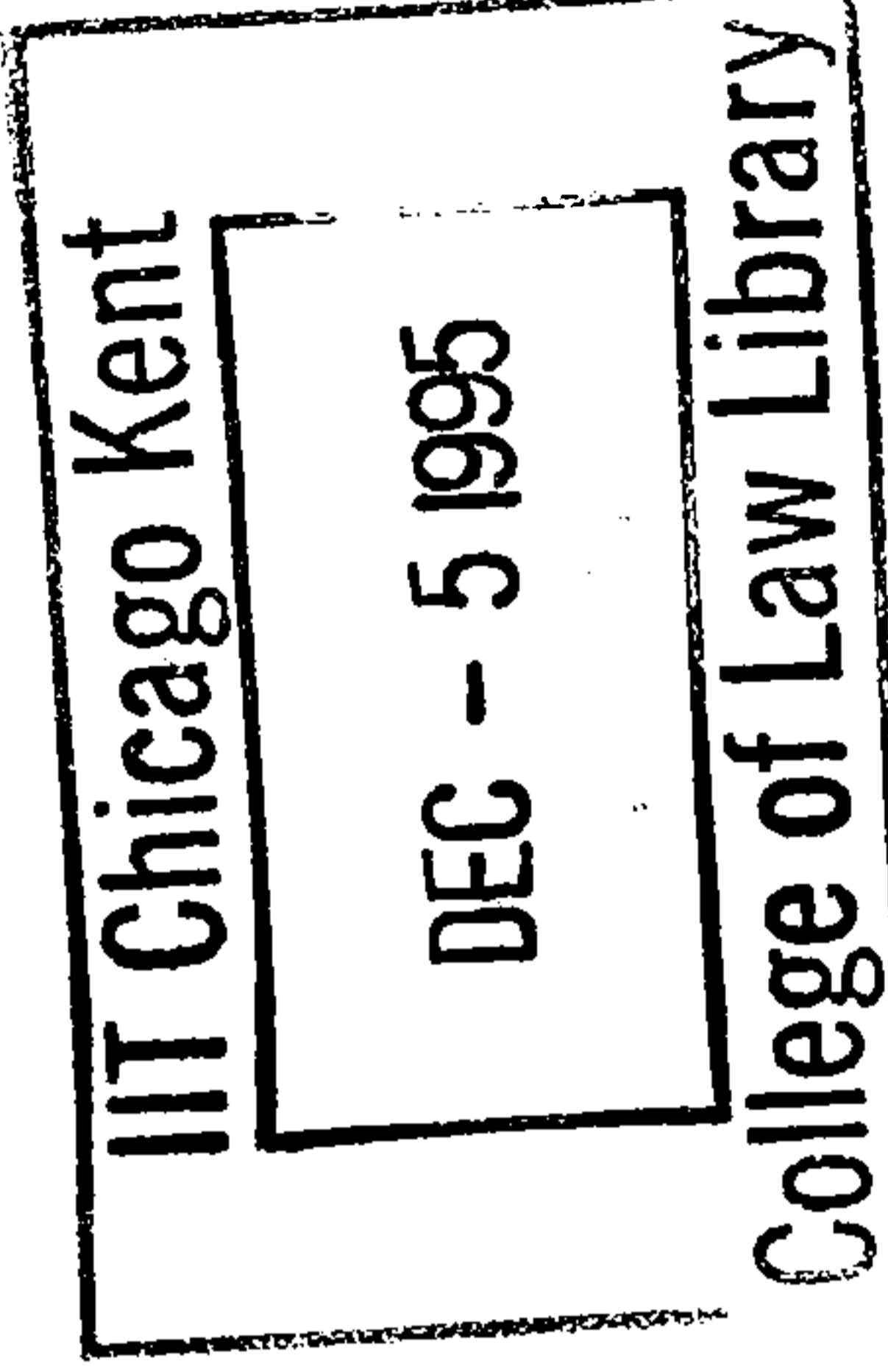
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Rules of Governmental Agencies

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Secretary of State

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April	14, 1995 - Issue 15: Through	March	31, 1995
July	14, 1995 - Issue 28: Through	June	30, 1995
October	13, 1995 - Issue 41: Through	September	30, 1995
January	12, 1996 - Issue 2: Through	December	31, 1995 (Annual)

REGISTER PUBLICATION SCHEDULE 1995

<u>Material Rec'd</u> <u>after 12:00 p.m. on:</u>	<u>And before</u> <u>12:00 p.m. on:</u>	<u>Will be in</u> <u>Issue #:</u>	<u>Published</u> <u>on:</u>	<u>Material Rec'd</u> <u>after 12:00 p.m. on:</u>	<u>And before</u> <u>12:00 p.m. on:</u>	<u>Will be in</u> <u>Issue #:</u>	<u>Published</u> <u>on:</u>
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
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Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
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May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
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June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment has no impact on small businesses or small municipalities as defined in Sections 1-75 and 1-80 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80]. However, this proposed amendment does have an impact on not-for-profit corporations as defined in Section 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-85]. 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 a not-for-profit corporation as part of any written comments that they submit to the Department.

2) Initial Regulatory Flexibility Analysis:

A) Types of small business, small municipalities and not for profit corporations affected: The proposed rule affects nonprofit hospitals. Reporting, bookkeeping or other procedures required for compliance: Hospitals wishing to avail themselves of the benefit of this rulemaking must have certified professionals to prepare the required financial statements.

3) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was also submitted as an emergency rule; there was no time to include this rulemaking in a Regulatory Agenda.

The full text of the proposed amendment is identical to the emergency amendment that begins on page 16115

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties

2) Code Citation: 56 Ill. Adm. Code 2765

3) Section Numbers: Proposed Action:

2765.73 New Section

4) Statutory Authority: 820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600.

5) Complete Description of the Subjects and Issues Involved: Nonprofit hospitals which have sustained large operating losses over the past few years cannot remain open and provide vital services to the communities that they serve without some relief from creditors and the opportunity to obtain needed financing. This emergency amendment to Part 2765 provides for a waiver of interest when such hospitals enter into deferred payment agreements to remove delinquencies which accrued during those years of operating losses.

6) Will this proposed amendment replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives? This amendment does 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:

Gregory J. Ramei, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
(312) 793-4240

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Required Procedure For Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
916.30	Amended
916.40	Amended
916.50	Amended
916.Exhibit A	Amended
916.Exhibit B	Amended
916.Exhibit C Illustration A	Amended
916.Exhibit C Illustration B	Amended
916.Exhibit C Illustration C	Amended
- 4) Statutory Authority: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 10 of the Vision Service Plan Act [215 ILCS 160/10] and Section 10 of the Dental Service Plan Act [215 ILCS 110/10] and Section 24 of the Pharmaceutical Service Plan Act [215 ILCS 135/24] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to further clarify our regulatory requirements. We are doing housekeeping changes, and we are adding provisions which will allow companies to electronically file policy forms.
- 6) Will this proposed amendment replace emergency rule currently in effect? No
- 7) Does this amendment 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: These amendments will not require the Department to establish, expand or modify our activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout
Assistant Chief Counsel
Department of Insurance
320 West Washinton
Springfield, IL 62767
(217) 782-2867

Denise Fuchs
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, IL 62767
(217) 785-8560

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not affect small businesses.
 - 13) Regulatory Agenda on which this amendment was summarized: January 1995
- The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 916

REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF LIFE INSURANCE, ANNUITY AND ACCIDENT AND HEALTH

INSURANCE, VOLUNTARY HEALTH SERVICES PLANS, VISION SERVICE PLANS, DENTAL SERVICE PLANS, PHARMACEUTICAL SERVICE PLANS, LIMITED HEALTH

SERVICE ORGANIZATIONS AND HEALTH MAINTENANCE ORGANIZATIONS POLICY FORMS

Section

916.10 Authority

916.20 Purpose and Scope

916.30 Definitions

916.40 Filing Procedures Procedure

916.50 Certification of Compliance and Procedure for Order of Withdrawal

Consent-to-Future-Biscontinance-of-Use-of-Approved-Policy-Form

916.60 Effective Date (Repealed)

EXHIBIT A Certificate of Compliance and Consent-to-Future-Biscontinance

of-Use-of-Approved-Policy-Form

EXHIBIT B Coding Guide

EXHIBIT C General Transmittal Instructions and Transmittal Sheet

ILLUSTRATION A Replacement/Withdrawal Transmittal Instructions and

Transmittal Sheet

ILLUSTRATION B Certificate of Assumption Transmittal Instructions and

Transmittal Sheet

ILLUSTRATION C Informational Filing Transmittal Instructions

and Transmittal Sheet

AUTHORITY: Implementing Section 143 of the Illinois Insurance Code [215 ILCS

5/143] and Section 10 of the Voluntary Health Services Plans Act [213 ILCS

165/10] and Section 10 of the Vision Service Plan Act [215 ILCS 160/10] and

Section 10 of the Dental Service Plan Act [215 ILCS 110/25] and Section 24 of

the Pharmaceutical Service Organization Act [215 ILCS 30/4003] and Section 5-3 of

the Health Maintenance Organization Act [215 ILCS 125/5-3] and authorized by

Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed November 13, 1975, effective December 1, 1975; codified at 6

ILL. Reg. 14844; amended at 9 ILL. Reg. 18139, effective February 13, 1986;

amended at 17 ILL. Reg. 15853, effective September 14, 1993; amended at 20 ILL.

Reg.

, effective

Section 916.30 Definitions

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Category means the general classification of the policy form to be issued or delivered.

Certificate of Assumption Transmittal Sheet means a coding blank to be completed when one company assumes a block of business from another company. Instructions for completing the Certificate of Assumption Transmittal Instructions and Transmittal Sheet are found in Exhibit C, Illustration B.

Certificate of Compliance can be found in Exhibit A of this part.

Code means a general description of the policy form to be issued or delivered. (Exhibit B, Coding Guide).

Coding Guide represents by abbreviation types of coverage. (Exhibit B, Coding Guide).

Combination Form means a policy form which will be used for both Life and Accident and Health.

Company means any entity which is defined as a "company" in Section 2 of the Illinois Insurance Code [215 ILCS 5/2] in Section 2 of the Voluntary Health Services

Plans Act [215 ILCS 165/2] in Section 2 of the Vision Service Plan Act [215 ILCS 165/2

165/2] in Section 2 of the Vision Service Plan Act [215 ILCS 160/2] in Section 3 of the

State [215 ILCS 160/2] in Section 3 of the Dental Service Plan Act [215 ILCS 110/3] in Section 3 of the

Section 3 of the Dental Service Plan Act [215 ILCS 110/3] in Section 3 of the

Pharmaceutical Service Plan Act [215 ILCS 30/4003] in Section 5-3 of the

Health Service Organization Act [215 ILCS 125/5-3] in Section 102 of the Limited

Health Service Organization Act [215 ILCS 130/1002] in Section 1-2 of the

Health Maintenance Organization Act [215 ILCS 130/1002] in Section 1-2 of the

Health Maintenance Organization Act [215 ILCS 130/1002] in Section 1-2 of the

Health Maintenance Organization Act [215 ILCS 130/1002] in Section 1-2 of the

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Health Maintenance Organization Act [215 ILCS 130/1002] in Section 1-2 of the

Health Maintenance Organization Act [215 ILCS 130/1002] in Section 1-2 of the

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Electronic Mail Identification Number. The Electronic Mail address that Department policy analysts may use to communicate electronically with the named contact person. Filers who use IBM mail shall include their IBM mail identification number. Internet users shall contact

DEPARTMENT OF INSURANCE

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the Department for more information. Filing acknowledgement postcards from the Department will include the electronic mail address of the analyst first assigned to review this filing.

Filing Identification Number means the number assigned by the company, not to exceed 15 characters, and is used to distinguish one filing from any other filing submitted by that same company. All policy forms submitted in a filing shall be for the same line of business and same category.

General Purpose Form means a policy form may be used with either a group or individual policy form.

General Transmittal Sheet means a coding blank which ~~shall~~ must be attached to the letter of submittal. Instructions for completing the General Transmittal Sheet follow as Exhibit C. All policy forms submitted on a general transmittal sheet shall be for the same line of business and the same category.

Informational Type means a filing of Policy-(INP)-means a policy, rate or other informational material which does not require approval by the Director of Insurance, but is filed for informational purposes only. Such filings policies would include, but not be limited to information policy (INP), other state approvals (OSA), calculations (CAL) and variable material (VAM). Anything listed as an Informational Type from Exhibit B of this Part shall be submitted on an informational transmittal sheet. ~~out-of-state-multiple-employer-trusts-(MET+s)-or excess-loss-coverages.~~

Informational Transmittal Sheet means a coding blank to be completed when submitting an informational filing. See Exhibit C, Illustration C. Instructions for completing the Informational Transmittal Sheet are also found in Exhibit C, Illustration C. If the filing and form numbers of the policies to which this information is related are not listed, the informational filing will not be processed.

Matrix/Insert Page (MIP) means the type of policy forms submitted for review with consideration given to each provision or individual page. Each matrix insert page shall be identified with its own policy form number located in the lower left hand corner of the document. Each matrix insert page shall be associated to a policy or certificate. Optional endorsement riders (Type OER) shall not be made up of matrix insert pages.

Optional Endorsement/Rider (OER) means an endorsement which is not required by regulation or statute, and at the applicant/insured or insurer's option is may-be attached to various policies. Optional endorsement riders (Type OER) shall not be made up of matrix insert

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pages. For purposes of completing the general transmittal sheet an OER is a policy form and does not require an association record.

Policy Form form means any form to be issued or delivered in the State of Illinois constituting in form and content a policy, group contract or certificate of insurance or evidence of coverage, endorsement, rider, by-law or other matter incorporated by reference, or application blank or discretionary group forms requiring the Director's approval pursuant to Section 230.2 and 367.3 of the Illinois Insurance Code [215 ILCS 5/230.2 and 5/367.3]. It does not include riders or endorsements issued or made at the request of the individual policyholder relating to the manner of distribution of benefits or to the reservation of rights and benefits under a life insurance policy. A policy Policy form does not include any rider or endorsement made a part of a policy subsequent to the date the policy is issued and unilaterally reduces benefits; such riders or endorsements shall be reviewed and approved by the Director prior to their issuance or delivery pursuant to Section 143 of the Illinois Insurance Code ~~(Ill. Rev. Stat. 1991, ch. 73, par. 755)~~ [215 ILCS 5/143]. A transmittal sheet is required to be submitted with all policy forms, including subsequently issued riders or endorsements.

Replacement/Withdrawal Transmittal Sheet means a coding blank to be completed ~~when a pending policy form is withdrawn, or~~ when an approved policy form is being replaced, or when an approved policy form is no longer being issued. Instructions for completing the Replacement/Withdrawal Transmittal Sheet are found in Exhibit C, Illustration A.

Required Endorsement/Rider (RER) means an endorsement that incorporates a mandatory contract provisions which is required by regulation or statute. Such RER shall and--must be attached to a policy form either as a condition of approval or to incorporate new contract provisions. Required endorsement/riders (Type RER) shall not be made up of matrix insert pages.

Required Informational Material (RIM) includes, but is not limited to, those identified in 50 Ill. Adm. Code 1407.50 and 2012.60(f)(1) through (f)(3).

Schedule Page(s) (SCP) means a policy form which changes the terms or benefits of the policy or certificate to which it is attached. When a single policy or certificate could be issued with a multiple of different schedule pages, each schedule page shall be identified with a unique form number. A filing fee is required for each schedule page.

Subcode means a detailed description of the policy form, found in

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Exhibit B.

Type means the characteristic of the policy form found in Exhibit B.

(Source: Amended at 20 ILL. Reg. effective

Section 916.40 Filing Procedures Procedure

a) Effective July 1, 1996 and each July 1 thereafter, each company doing

business in the State of Illinois shall submit a "Certification of Compliance" for all previously approved policy forms on file with the Department and for all policy form filings to be made during the next fiscal year. Every May a listing of approved policy forms on file with the State of Illinois will be provided to each company. Each company is responsible for withdrawing the policy forms included in this listing which the company is no longer issuing or marketing. However, policy forms which require related informational rate filing to be made should not be withdrawn. Each company will be responsible for certifying that the remaining policy forms either in use or being issued are in compliance by submitting the Certificate of Compliance found in Part 916, Exhibit A (50 ILL. Adm. Code 916).

b a) Each company shall file with and secure the approval of the Director of Insurance for each policy form before it is issued or delivered. b) Each policy form filing shall include:

1) A letter of submission giving a detailed description of: A) the purpose for the policy form and the manner in which it will be marketed; B) a cross reference filing number for identical submissions made by affiliated companies;

2) The policy form(s) in duplicate;

3) A typewritten A-getticate-of-comptiance-and-consent-for-future-biscontinance-of-base-as-set-forth-in-Exhibit-A-to-this-Part along-with-the-General-Transmittal-Sheet, as set forth in Exhibit C, in duplicate identifying the company filing number and listing the policy form numbers. All forms in such filings shall be for the same line of business and the same category. Identify the identifying-each-by-the-category-type, code, and subcode as set forth in the Exhibit B of this part. The transmittal sheets required for policy form filings shall be substantially similar to those set forth in Exhibit C of this part. Instructions for completing the General Transmittal Sheet and applying the category, code and subcode for each policy form are included in Exhibit C. Combination forms shall be submitted as two separate filings. Each shall be identified by its own filing identification number and category.

4) The text of each policy form shall be made out in "John Doe" fashion, bracketing as-it-is-to-be-delivered-to-a-policyholder-or

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

certificcate-owner-except-for-any-appropriate-variable-material. The form number shall appear in the lower left-hand corner of the policy form to be approved, and shall not exceed 30 characters.

5) On-the-certificcate-section--required-by--section--916-507--the-namey address-and-telephone-number-of-the-individual-most-familiar-with the-contents-of-the-form-filing-must-be-provided--the-department with-contact-that-named-individual-in-the-event-any-questions--or comments-are-necessary-as-a-result-of-the-filing-

56) Resubmission of pending policy forms within a filing shall be submitted under their original "Filing Identification Number". Riders or endorsements which unilaterally reduce benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and formally approved by the Director prior to their issuance or delivery and shall be submitted on a separate typewritten general transmittal sheet. A Certificate of Compliance is not applicable to these formally approved policy forms.

d) Substitution of any new policy form for a form previously approved, where such new policy form bears the same form number or identification as the previously approved form, shall be accompanied by a statement that the filing is a substitution and the number or identification of the previously approved form and the date of the previous approval. Together with advice that the previously approved policy form was never issued. Substitution filings shall must be assigned their own filing identification number, and the substituted filing shall be withdrawn by completing a typewritten replacement/withdrawal transmittal sheet.

e) A-policy-form-submitted-for-filing-under-this-Part-may-be-saved--or delivered-only-after-the-policy-form-has-been-approved-by-the-Director of-Insurance. Each-getticate-of-comptiance-and-consent-to-future-biscontinance of-base-must-be-in-a-form-substantially-similar-to-that-set-forth-in-Exhibit-A-of-this-Part-

e9) Individual accident and health policy form filings shall be accompanied by an informational rate filing which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form as a separate informational filing. Subsequent rates shall be submitted as information on a typewritten informational transmittal sheet an-informational-type-filing pursuant to subsection (1) (k) below.

f) Credit policy form filings shall be accompanied by an informational rate filing which provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form as a separate informational filing. Subsequent credit rates shall be submitted on a typewritten informational transmittal sheet pursuant to subsection (1) below.

g) An invoice will be mailed to the company by the Department for the

DEPARTMENT OF INSURANCE

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required filing fee on a quarterly basis.

hi) Each ~~Replacement~~ ~~replacement/Withdrawal~~ withdrawal of a policy form shall include:

- 1) A letter of explanation.
- 2) A typewritten Replacement/Withdrawal Transmittal Sheet, Exhibit C, Illustration A, in duplicate listing the filing identification number ~~Filing-Identification-Number~~ and policy ~~Policy~~ form number of the forms to be withdrawn.
- 3) Each time a company's policy form will no longer be issued, it is the responsibility of the company to notify the Director of such action, on the Replacement/Withdrawal Transmittal Sheet, Exhibit C, Illustration A. Instructions for completing the Replacement/Withdrawal Transmittal Sheet are found in Exhibit C, Illustration A.
- 4) For withdrawals without replacement, each company will be required to notify the Department at the end of the fiscal year of the policy forms in use by said company. Each May a listing of approved policy forms on file with the State will be provided to each company. The company will be responsible for withdrawing the policy forms included on this annual listing which are no longer being issued or marketed.
- 5) Individual accident and health and Medicare supplement policy forms which require premium rate filings may not be withdrawn.

ij) Each Certificate of Assumption submitted shall include:

- 1) A letter of submission;
- 2) The assumption certificate in duplicate;
- 3) A typewritten A-Certificate-of-Compliance-and-Consent-for-Future-Discontinuance-of-Use, as set forth in Exhibit A of this Part, along with the Certificate of Assumption Transmittal Sheet in duplicate, Exhibit C, Illustration B. An assumption certificate will not be approved until the assumed policy forms are listed on the required transmittal sheet. In instances where a company merges with another, or where a company assumes a block of business from another, the filing identification number ~~Filing Identification-Number~~ is prefixed with the FEIN of the ceded company followed by a dash. Instructions for completing the Certificate of Assumption Transmittal Sheet are found in Exhibit C, Illustration B.

jk) Each Informational Filing shall include:

- 1) A letter of submission ~~in duplicate~~;
- 2) The informational material to be filed in duplicate;
- 3) A typewritten An Informational Transmittal Sheet in duplicate. Instructions for completing the Informational Transmittal Sheet are found in Exhibit C, Illustration C.

(Source: Amended at 20 Ill. Reg. _____, effective

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Section 916.50 Certification of Compliance and ~~Consent-to-Future-Discontinuance-of-Use-of-Approved-Policy-Form~~ Procedure for Order of Withdrawal

~~Each As-a-condition-to-the-utilization-of-the-foregoing-procedure-for-the-filing-and-approval-of-policy-forms, each company shall, as of July 1, 1996 and each July 1 thereafter, submit a "Certification of Compliance and-Consent-to-Future-Discontinuance-of-Use-of-Approved-Policy-Form" for all previously approved policy forms on file with the Department and for all filings to be made during the next fiscal year. The certification shall be signed by an officer of the company, identified by title, who has the authority to obligate said company by such signature. In this manner, the company shall agree and consent to the discontinuance by-the-company of future use of any such approved policy form, (30) days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set-from-the-Director-of-Insurance-setting forth the reasons why such previously approved policy form is violative of or contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within that 30 day period. Such request shall be made in writing to the Director. The -provided-however-that if-the-company-within-the-30-day-period-after-receipt-of-such-certified-mail notice, notifies-the-Director-of-Insurance-of-its-desire-and-request-for-a hearing, order of withdrawal shall be stayed and the company shall be given afforded-an-early-opportunity-for a hearing under such provisions of Sections 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code (111 Rev. Stat. 1993, ch. 73, pars. 755(1), 1013(c), 1013.1, 1014(2), 1033, 1036) [215 ILCS 5/143(1), 5/401(c), 5/401.1, 5/402(2), 5/426 and 5/429] and 50 Ill. Adm. Code 2402 as may be applicable to determine:~~

- a) whether ~~or-not~~ such policy form shall be disapproved, and
- b) whether what further orders of the Director ~~of-Insurance~~ may be appropriate ~~under-the-particular-circumstances~~.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 916.EXHIBIT A Certificate of Compliance and Consent to Future Discontinuance of Base of Approved Policy Form

Each company shall as of July 1, 1996 and each July 1 thereafter submit a policy form fitting under part 916-shall-be-accompanied-by-the-following "Certificate of Compliance and Consent to Future Discontinuance of Base" in substantially this format. form:

Certificate of Compliance and Consent to Future Discontinuance of Base of Approved Policy Form

(company name) by (name) (title), its (title), does hereby certify that the accompanying policy form(s) as identified by either the Departmental listing attached hereto, or those filed by the Company during this fiscal year does (do) comply:

- (a) with all provisions of the Illinois Insurance Code applicable to the policy forms fitting(s) submitted-herewith; and
- (b) with 50 Ill. Adm. Code; (c) and does further certify to the best of our knowledge and belief that:
 - 1) the form(s) does (do) not contain any inconsistent, ambiguous or misleading clauses;
 - 2) the form(s) does (do) not contain specifications or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy form(s);
 - 3) the only variation from the usual provisions of the policy form(s) of the kind submitted-herewith are clearly marked or otherwise indicated on the respective pages ----- of the attached-form(s)-or-in-an-addendum-attached-hereof;
 - 4) the policy form language as submitted or approved shall be attached-form(s)-is-(are)-in-final-printed-format-and-is-(are) exactly as they have been or will be offered for issuance or delivery in the state of Illinois as approved after-approval by the Director of Insurance, except for hypothetical data and other appropriate variable material; and
 - 5) the policy form(s) the-attached-form(s)-does-(do) not contain any provision or clause currently being disapproved by the Director of Insurance.

In utilizing the procedure for policy form filing and approval set forth in Part 916 (Company Name) hereby expressly agrees and consents to a review, by the Director, of Insurance to be made at any time, and further hereby expressly agrees and consents to the discontinuance by the company of future use of such approved policy form(s), thirty-(30) days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set of Insurance setting forth the reasons why such previously approved policy form(s) is (are) violative of or contrary to the provisions of the Illinois Insurance Code or 50 Ill. Adm. Code. Each company shall have the right to request a hearing within

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that 30 day period. Such request shall be made in writing to the Director. The provisions of the Illinois Insurance Code shall be stayed and the company shall be afforded an opportunity for a hearing under the applicable provisions of Section 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 755(1), 1013(c), 1013.1, 1014(2), 1033 and 1036) [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402 as may be applicable to determine: (f) whether or not such policy form shall be disapproved, and; (g) whether what further orders of the Director of Insurance may be appropriate under the particular circumstances.

(Company Name)

By: _____ Its _____ (Officer Title)

Individual responsible for this filing:

Name: _____ Address: _____ Phone-Number: _____ Date: _____

(Source: Amended at 20 Ill. Reg. _____, effective

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Section 916. EXHIBIT B Coding Guide

LIFE

Category

Determine if the your policy is a general, individual or group life policy form. With this information, determine the category.

GPL	GENERAL PURPOSE LIFE
INB	INDIVIDUAL LIFE
GRL	GROUP LIFE
INL	<u>INDIVIDUAL LIFE</u>

Type

The type of policy form determines how the policy form is to be used. Choose the type that best fits the your policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

APP	APPLICATION
P0B	POLICY
CER	CERTIFICATE
P0C	POLICY/CERTIFICATE
COP	COMBINATION POLICY
CPC	COMBINATION POLICY CERTIFICATE
OER	OPTIONAL ENDORSEMENT/RIDER
POC	<u>POLICY/CERTIFICATE</u>
POL	<u>POLICY</u>

Attachment Type

Is the policy form an attachment type? Determine which policy filing(s) and form(s) this attachment type will be associated with.

RER	REQUIRED ENDORSEMENT/RIDER
MIP	MATRIX/INSERT PAGE
SEP	SCHEDULE PAGE
ASC	ASSUMPTION CERTIFICATE
<u>MIP</u>	<u>MATRIX/INSERT PAGE</u>
<u>RER</u>	<u>REQUIRED ENDORSEMENT RIDER</u>
<u>SCP</u>	<u>SCHEDULE PAGE</u>

Informational Type/No Related Policy Forms Required

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What is the information to be you-are submitted submitting? If-the-information is-being-submitted-under-the-same-filing-number-as-the-policy-form,-a--separate informational-filing-and-transmittal-sheet-are-not-necessary-

<u>DSF</u>	<u>DOMESTIC STATE FILING</u>
<u>INP</u>	<u>INFORMATIONAL POLICY</u>
<u>OSA</u>	<u>OTHER STATE APPROVAL</u>
<u>RIM</u>	<u>REQUIRED INFORMATIONAL MATERIAL</u>

Informational Type/Related Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

RAT	RATE
CAL	CALCULATIONS
U0B	UNIVERSAL LIFE INFO
VAM	VARIABLE MATERIAL
DGI	DISCRETIONARY GROUP INFORMATION
VAA	VARIABLE ACCOUNT ADVERTISING
OSA	OTHER STATE APPROVAL
INP	INFORMATIONAL POLICY
RIM	REQUIRED INFORMATIONAL MATERIAL
<u>OOC</u>	<u>OUTLINE OF COVERAGE</u>
<u>POJ</u>	<u>POLICY JACKET</u>
<u>RAT</u>	<u>RATE</u>
<u>RIM</u>	<u>REQUIRED INFORMATIONAL MATERIAL</u>
<u>ULI</u>	<u>UNIVERSAL LIFE INFORMATION</u>
<u>VAA</u>	<u>VARIABLE ACCOUNT ADVERTISING</u>
<u>VAM</u>	<u>VARIABLE MATERIAL</u>

Code

Choose the code that best identifies the your policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the your policy form.

ACD	ACCIDENTAL DEATH
ADD	ACCIDENTAL DEATH AND DISMEMBERMENT
CIB	CHILDRENS INSURANCE BENEFIT
CON	CONVERSION
DII	DISABILITY INCOME
END	ENDOWMENT
EXC	EXCLUSION
FIB	FAMILY INSURANCE BENEFIT
GUI	GUARANTEED INSURABILITY
INL	INDUSTRIAL LIFE

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BIG	DISCRETIONARY-GROUP	M-B-F-
FMB	TRUST/M-E-W-A-	
ASS	ASSOCIATION	
FRA	FRANCHISE	

ADB	ACCELERATED DEATH BENEFIT	
ASS	ASSOCIATION	
DEB	DECREASING BENEFIT	
DEP	DECREASING PREMIUM	
DIG	DISCRETIONARY GROUP	
DUB	DUAL BENEFIT	
FIP	FIXED PREMIUM	
FLP	FLEXIBLE PREMIUM	
FRA	FRANCHISE	
IDP	INDETERMINATE PREMIUM	
INB	INCREASING BENEFIT	
INP	INCREASING PREMIUM	
LEB	LEVEL BENEFIT	
MET	M.E.T.	
MOF	MODIFIED PREMIUM	
NOR	NONRENEWABLE	
OPB	OPTIONAL BENEFIT	
PFB	PREARRANGED FUNERAL BENEFIT	
REN	RENEWABLE	
SCB	SINGLE CASE BASIS	
SIP	SINGLE PREMIUM	
TME	TRUST/M.E.W.A.	

ANNUITIES

Category

GRA	GROUP ANNUITY
INA	INDIVIDUAL ANNUITY
GN	GENERAL PURPOSE ANNUITY

Type

Determine if the year policy form is an individual or group policy form. With this information, determine the category.

The type of policy form determines how the policy form is to be used. Choose the type that best fits the year policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

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JTL	JOINT TERM LIFE
JWL	JOINT WHOLE LIFE
LAS	LAST SURVIVOR
LEE	LEGAL EXPENSE
LEG	LONG-TERM-CARE
LTP	LONG TERM (PARTNERSHIP)
LTT	LONG TERM (TRADITIONAL)
MOI	MORTGAGE INSURANCE
PAW	PAYOR WAIVER
SPB	SPECIFIED-DISEASE
SIB	SPOUSE INSURANCE BENEFIT
SPD	SPECIFIED DISEASE
SUB	SUPPLEMENTAL BENEFIT
FEB	TERM-BIPH
TEI	TERMINAL ILLNESS
TEL	TERM LIFE
UNI	UNISEX
UNL	UNIVERSAL LIFE
VAB	VARIABLE-UNIVERSAL-BIPH
VAL	VARIABLE LIFE
VUL	VARIABLE UNIVERSAL LIFE
WOP	WAIVER-OF-PREMIUM
WHL	WHOLE LIFE
WOP	WAIVER OF PREMIUM

The purpose of the subcode is to describe the code in more detail, and/or the type of policy being issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

Subcode

ABB	ACCELERATED-DEATH-BENEFIT
OPB	OPTIONAL-BENEFIT
DBB	DEATH-BENEFIT
INB	INCREASING-BENEFIT
BBB	BENEFIT
BBB	BENEFIT
REB	RENEWABLE-BENEFIT
PFB	PREARRANGED-FUNERAL-BENEFIT
REN	RENEWABLE
NOR	NONRENEWABLE
SIP	SINGLE-PREMIUM
FIP	FIXED-PREMIUM
FEB	FLEXIBLE-PREMIUM
INP	INCREASING-PREMIUM
BBP	BENEFIT-PREMIUM
MBP	MODIFIED-PREMIUM
WOP	WAIVER-OF-PREMIUM

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APP APPLICATION
 PEB POLICY
 CER CERTIFICATE
 PCE POLICY/CERTIFICATE
 OER OPTIONAL ENDORSEMENT/RIDER
 POC POLICY/CERTIFICATE
 POL POLICY

Attachment Type

Is the policy form an attachment type? Determine which policy filing(s) and form(s) this attachment type will be associated with.

RER REQUIRED-ENDORSEMENT/RIDER
 MIP MATRIX/INSERT-PAGE
 SEP SCHEDULED-PAGE
 ASC ASSUMPTION CERTIFICATE
 MIP MATRIX/INSERT PAGE
 RER REQUIRED ENDORSEMENT RIDER
 SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitted you are submitting? If the information is being submitted under the same filing number as the policy form, a separate informational filing and transmittal sheet are not necessary.

VAA VARIABLE-ACCOUNT-ADVERTISING
 VAM VARIABLE-MATERIALS
 OSA OTHER-STATE-APPROVAL
 INP INFORMATIONAL-POLICY
 DSF DOMESTIC STATE FILING
 INP INFORMATIONAL POLICY
 OSA OTHER STATE APPROVAL
 VAA VARIABLE ACCOUNT ADVERTISING

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

Code

Choose the code that best identifies the your policy form filing. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of your policy form.

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FIP FIXED PREMIUM
 FLP FLEXIBLE PREMIUM
 SIP SINGLE PREMIUM
 SUB SUPPLEMENTAL BENEFIT

Subcode

The purpose of the subcode is to describe the code in more detail. Three subcodes are allowed for each policy form filing. If a subcode does not apply, it is not required.

EII EXTERNAL-INTEREST-INDEXED
 DII DUAL-INTEREST-INDEXED
 INS INTEREST-SENSITIVE
 VAR VARIABLE
 DEF DEFERRED>
 IMM IMMEDIATE
 DEF DEFERRED
 DII DUAL INTEREST INDEXED
 EII EXTERNAL INTEREST INDEXED
 IMM IMMEDIATE
 INS INTEREST SENSITIVE
 SCB SINGLE CASE BASIS
 VAR VARIABLE

CREDIT

Category

First, determine if the your policy form is an individual or group policy form. Second, determine if the your policy form is credit accident and health or credit life policy form. With this information, determine the category.

GEB GROUP-CREDIT-LIFE
 GCA GROUP CREDIT ACCIDENT AND HEALTH
 GCL GROUP CREDIT LIFE
 ICL INDIVIDUAL CREDIT LIFE
 ICA INDIVIDUAL CREDIT ACCIDENT AND HEALTH

Type

The type of policy form determines how the policy form is to be used. Choose the type that best fits the your policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

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RIM REQUIRED INFORMATIONAL MATERIAL
VAM VARIABLE MATERIAL

Code

Choose the code that best identifies the year policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the year policy form.

BBB DECREASING BENEFIT
SAB APPROPRIATE BENEFIT
LEB LEVEL BENEFIT
MOB MONTHLY OUTSTANDING BENEFIT
SUB SUPPLEMENTAL BENEFIT

Subcode

The purpose of the subcode is to describe the code in more detail. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

CBB CRITICAL PERIOD BENEFIT
FRB FRAGMENTED BENEFIT
NBB NONSTANDARD BENEFIT
SFB SINGLE PREMIUM
MFB MONTHLY OUTSTANDING PREMIUM
LEB LEVEL PREMIUM
MOB MONTHLY OUTSTANDING PREMIUM
NOB NONSTANDARD BENEFIT
SFB SINGLE PREMIUM
TRB TRUNCATED BENEFIT

ACCIDENT AND HEALTH

Category

Determine if the year policy form is general purpose, individual or group. With this information, determine the category.

GPA GENERAL PURPOSE-A&H
IAH INDIVIDUAL A&H
GAH GROUP A&H
IAH INDIVIDUAL A&H
GPA GENERAL PURPOSE-A&H

Type

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APP APPLICATION
CER CERTIFICATE
COP COMBINATION POLICY
CPC COMBINATION POLICY CERTIFICATE
OER OPTIONAL ENDORSEMENT/RIDER
POC POLICY/CERTIFICATE
POL POLICY
OER OPTIONAL ENDORSEMENT/RIDER

Attachment Type

Is the policy form an attachment type? Determine which policy filing(s) and form(s) this attachment type will be associated with.

RBR REQUIRED-BENEFIT/RIDER
MFB MATRIX/INSERT PAGE
SEP SEPARATE PAGE
ASC ASSUMPTION CERTIFICATE
MFB MATRIX/INSERT PAGE
RER REQUIRED ENDORSEMENT/RIDER
SCP SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitting you are submitting? If the information is being submitted under the same filing number as the policy form a separate informational filing sheet and transmit sheet are not necessary.

DSF DOMESTIC STATE FILING
INF INFORMATIONAL POLICY
OSA OTHER STATE APPROVAL
RIM REQUIRED INFORMATIONAL APPROVAL

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

RAP RATE
GAP GARANTIES
VAM VARIABLE MATERIAL
BGI BENEVOLENT SOCIETY INFORMATION
OSA OTHER STATE APPROVAL
INF INFORMATIONAL POLICY
RIM REQUIRED INFORMATIONAL MATERIAL
CAL CALCULATIONS
RAT RATE

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The type of policy form determines how the policy form is to be used. Choose the type that best fits the your policy form.

Policy Form Type

Is the policy form an application, a policy or certificate?

APP	APPLICATION
P05	POLICY
CER	CERTIFICATE
P06	POLICY/CERTIFICATE
COP	COMBINATION POLICY
CPC	COMBINATION POLICY CERTIFICATE
OER	OPTIONAL ENDORSEMENT/RIDER
POC	POLICY/CERTIFICATE
POL	POLICY

Attachment Type

Is the policy form an attachment type? Determine which Policy filing(s) and form(s) this attachment type will be associated with.

RER	REQUIRED-ENDORSEMENT/RIDER
MIP	MATRIX/INSERT-PAGE
SEP	SCHEDULE-PAGE
ASC	ASSUMPTION CERTIFICATE
MIP	MATRIX/INSERT PAGE
RER	REQUIRED ENDORSEMENT/RIDER
SCP	SCHEDULE PAGE

Informational Type/No Related Policy Forms Required

What is the type of information to be submitted you--are--submitting? if--the information-is-being-submitted-under-the-same-filing-number-as-the-policy-form, a-separate-informational-filing-form-and-Transmittal-sheet-are-not-necessary.

ADV	ADVERTISING
DSF	DOMESTIC STATE FILING
IEP	INFORMATIONAL EXCESS POLICY
INP	INFORMATIONAL POLICY
OSA	OTHER STATE APPROVAL
RIM	REQUIRED INFORMATIONAL MATERIAL

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

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RAT	RATE
CAL	CALCULATIONS
ADV	ADVERTISING
VAM	VARIABLE-MATERIAL
DGI	DISCRETIONARY-GROUP- <u>INFORMATION</u>
OSA	OTHER-STATE-APPROVAL
006	OUTLINE-OF-COVERAGE
INP	INFORMATIONAL-POLICY
RIM	REQUIRED- <u>INFORMATIONAL-MATERIAL</u>
ADV	ADVERTISING
CAL	CALCULATIONS
DGI	DISCRETIONARY GROUP <u>INFORMATION</u>
006	OUTLINE OF <u>COVER</u> AGE
RAT	RATE
VAM	VARIABLE <u>MATERIAL</u>
RIM	REQUIRED <u>INFORMATIONAL MATERIAL</u>

Code

Choose the code that best identifies the your policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the your policy form.

ABB	ACCIDENTAL-DEATH-AND-DISMEMBERMENT
ACO	ACCIDENT ONLY
ADD	ACCIDENTAL DEATH AND DISMEMBERMENT
AMC	AMBULANCE COVERAGE
BLA	BLANKET
CAN	CANCER
COM	COMPREHENSIVE MEDICAL
CON	CONVERSION
CUS	CUSTODIAL
DEN	DENTAL
DII	DISABILITY INCOME
EXE	EXCESS
EXC	EXCLUSION
EXE	EXCESS
HHC	HOME HEALTH CARE
HOI	HOSPITAL INDEMNITY
HSM	HOSPITAL/SURGICAL MEDICAL
LEE	LEGAL EXPENSE
ETC	LONG-TERM-CARE
LTP	LONG TERM (PARTNERSHIP)
LTT	LONG TERM (TRADITIONAL)
MAM	MAJOR MEDICAL
MAT	MATERNITY
MES	MEDICARE SUPPLEMENT
NHC	NURSING HOME CARE

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Is the policy form an attachment type? Determine which policy filing(s) and form(s) this attachment type will be associated with.

<u>RER</u>	<u>REQUIRED-ENDORSEMENT/RIDER</u>
<u>MIP</u>	<u>MATRIX/INSERT PAGE</u>
<u>SEP</u>	<u>SCHEDULE PAGE</u>
<u>ASC</u>	<u>ASSUMPTION CERTIFICATE</u>
<u>MIP</u>	<u>MATRIX/INSERT PAGE</u>
<u>RER</u>	<u>REQUIRED ENDORSEMENT/RIDER</u>
<u>SCP</u>	<u>SCHEDULE PAGE</u>

Informational Type/No Related Policy Forms Required

What is the type of information to be submitted you are submitting? If the information is being submitted under the same filing number as the policy form, a separate informational filing and transmittal sheet are not necessary.

<u>RAF</u>	<u>RATE</u>
<u>ADV</u>	<u>ADVERTISING</u>
<u>VAM</u>	<u>VARIABLE MATERIAL</u>
<u>FBB</u>	<u>FEDERAL BENEFIT BROCHURE</u>
<u>MEH</u>	<u>MEMBER HANDBOOK</u>
<u>IDE</u>	<u>IDENTIFICATION CARD</u>
<u>ASO</u>	<u>ADMINISTRATIVE SERVICE ONLY</u>
<u>RIM</u>	<u>REQUIRED INFORMATIONAL MATERIAL</u>
<u>FBB</u>	<u>FEDERAL BENEFIT BROCHURE</u>
<u>GRP</u>	<u>GRIEVANCE PROCEDURES</u>
<u>RIM</u>	<u>REQUIRED INFORMATIONAL MATERIAL</u>

Informational Type/Related Policy Forms Required

What is the type of information to be submitted? If the informational type requires related forms, the filing and form number of the related policy form must be listed on the informational transmittal sheet.

<u>RAT</u>	<u>RATE</u>
<u>RIM</u>	<u>REQUIRED INFORMATIONAL MATERIAL</u>
<u>VAM</u>	<u>VARIABLE MATERIAL</u>

Code

Choose the code that best identifies the your policy form. Two codes may be used per policy form. Therefore, choose either one code or two codes which summarize the general terms of the your policy form filing.

<u>AMC</u>	<u>AMBULANCE COVERAGE</u>
<u>BHC</u>	<u>BASIC HEALTH COVERAGE</u>
<u>CLL</u>	<u>CLINICAL LABORATORY</u>

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<u>CON</u>	<u>CONVERSION</u>
<u>DEN</u>	<u>DENTAL</u>
<u>EXC</u>	<u>EXCLUSION</u>
<u>MED</u>	<u>MEDICARE</u>
<u>MES</u>	<u>MEDICARE SUPPLEMENT</u>
<u>PHC</u>	<u>PHARMACEUTICAL COVERAGE</u>
<u>POC</u>	<u>PODIATRIC COVERAGE</u>
<u>VEE</u>	<u>VISION COVERAGE</u>
<u>SUB</u>	<u>SUPPLEMENTAL BENEFIT</u>
<u>VIC</u>	<u>VISION COVERAGE</u>

Subcode

The purpose of the subcode is to describe the code in more detail, and/or the type of policy being issued, i.e., Discretionary Group, Association, M.E.T., etc. Three subcodes are allowed for each policy form. If a subcode does not apply, it is not required.

<u>EMP</u>	<u>COMPETITIVE-MARKETING-PLAN</u>
<u>EEC</u>	<u>COST-CONTRACT</u>
<u>HCP</u>	<u>HEALTH-CARE-PREPAYMENT-PLAN</u>
<u>PAB</u>	<u>PUBLIC-AID-BENEFITS</u>
<u>POS</u>	<u>POINT-OF-SERVICE</u>
<u>RIC</u>	<u>RISK-CONTRACT</u>
<u>SCB</u>	<u>SINGLE-CASE-BASIS</u>
<u>SOI</u>	<u>STATE-OF-ILLINOIS</u>
<u>PPA</u>	<u>PREFERRED-PROVIDER-ARRANGEMENT</u>
<u>DIG</u>	<u>DISCRETIONARY-GROUP</u>
<u>MET</u>	<u>M.E.T.</u>
<u>TME</u>	<u>TRUST/M.E.W.A.</u>
<u>ASS</u>	<u>ASSOCIATION</u>
<u>DUO</u>	<u>DUAL-OPTION</u>
<u>ASS</u>	<u>ASSOCIATION</u>
<u>CMP</u>	<u>COMPETITIVE MARKETING PLAN</u>
<u>COC</u>	<u>COST CONTRACT</u>
<u>DIG</u>	<u>DISCRETIONARY GROUP</u>
<u>DUO</u>	<u>DUAL OPTION</u>
<u>HCP</u>	<u>HEALTH CARE PREPAYMENT PLAN</u>
<u>MET</u>	<u>M.E.T.</u>
<u>PAB</u>	<u>PUBLIC AID BENEFITS</u>
<u>POS</u>	<u>POINT OF SERVICE</u>
<u>PPA</u>	<u>PREFERRED PROVIDER ARRANGEMENT</u>
<u>RIC</u>	<u>RISK CONTRACT</u>
<u>SEP</u>	<u>SMALL EMPLOYER PORTABLE</u>
	<u>[215 ILCS 95]</u>
<u>SCB</u>	<u>SINGLE CASE BASIS</u>
<u>SOI</u>	<u>STATE OF ILLINOIS</u>
<u>TME</u>	<u>TRUST/M.E.W.A.</u>

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Section 916, EXHIBIT C General Transmittal Instructions and Transmittal Sheet

1) Company Name

2) Company Contact Person Mailing Address

3) Company FEIN - Federal Employer Identification Number

4) Company Filing Number - Number used to distinguish this policy form filing from any other policy form filing submitted to the Department of Insurance for approval or withdrawal. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored. When withdrawing a pending filing from further consideration, the Company Filing Number for the withdrawal filing shall be the same as the Company Filing Number assigned when the filing was originally submitted.

5) Company Contact Person - The individual's name who is most familiar with this form filing

6) Contact Person Phone Number - Telephone number of Contact Person

7) Electronic Mail Identification Number

87) Submittal Date - Date filing is sent to Department of Insurance

88) New Policy Forms

A) SEQ # - Sequence number is used to facilitate future retrieval of microfilm forms at the Department. This number identifies the physical placement of a form within a filing. The sequence number shall follow the physical order of forms within a filing.

B) New Policy Form # - Identification in the lower left-hand corner of policy form being submitted. This number is limited to 30 characters. Do not use blank spaces when identifying a policy form. Blank spaces will be ignored.

C) Category - The classification of the policy form taken from the Coding Guide (Exhibit B of this Part). Note that every form in the filing must be for the same category. Category GPL, and GPA and GPN apply only to applications and endorsements.

D) Type - The characteristic abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Note: For purposes of completing this transmittal sheet, an optional endorsement/rider (Type OR) is considered a policy form.

E) Code - The descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank.

F) Subcode - A more detailed descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank.

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(Source: Amended at 20 III. Reg. effective

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blank).

- G) P/N - Indicate if the policy form is Participating or Non-Participating by placing a P or an N in the blank. If the term is not applicable, leave the space blank.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight five and the appropriate page number.

- 109) New Attachments (Type RER) Required Endorsement/Rider, (Type MIP) Matrix/Insert Page, (Type SCP) Schedule Page) to be added to every Policy Form listed in Section 9 7 and/or Section 11 9. A Required Endorsement/Rider is one which is required by statute or Administrative Code and shall must be attached to the policy as a condition for approval or to incorporate new contract provisions. If the attachments do not associate attach to all policy forms listed in Section 9 7 and/or Section 11 9, those attachments shall must be submitted on a separate transmittal sheet.

- A) SEQ # - Sequence number is used to facilitate future retrieval of forms by this Department. This number identifies the physical placement of a form within a filing. The sequence number shall must follow the physical order of forms within a filing.
- B) New Attachment Form # - Identification in the lower left-hand corner of policy form being submitted. This number is limited to 30 characters. Do not use blank spaces when identifying a policy form.
- C) Category - The classification of the policy form taken from the Coding Guide (Exhibit B of this Part).
- D) Type - The characteristic abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part).
- E) Code - The descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part). Choose one or two codes which best fit the general terms of your policy form filing. If a code does not apply, leave the space blank.
- F) Subcode - A more detailed descriptive abbreviation of the policy form taken from the Coding Guide (Exhibit B of this Part) (if only one subcode applies, then leave the other spaces blank; if a subcode does not apply, leave the space blank).

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight five and the appropriate page number.

- 1110) Attachments added to previously approved Policy Form.

- A) Previously Approved Filing # - If the attachment in Section

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10 8 (Type MIP), (Type RER ENB) or (Type SCP) is to be added to a previously approved policy form, list the original filing number of that policy form filing here.

Note: If forms are acquired through a merger, use the original filing number prefixed with the FEIN of the original company followed by a dash.

- B) Previously Approved Policy Form # - Identification of the previously approved policy form shall must be listed here.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight five and the appropriate page number.

- 1211) Previously Approved Attachments - IF these attachments will be issued with the new policy form listed in Section 9 7, list here. These attachments include required endorsements (Type RER) or matrix/insert pages (Type MIP) or schedule pages (Type SCP).

- A) Previously Approved Attachment Filing # - The original filing number of the policy form to be maintained as an attachment.

- B) Previously Approved Attachment Form # - Identification for the policy form to be maintained as an attachment to the policy listed in Section 9 7.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight five and the appropriate page number.

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GENERAL TRANSMITTAL SHEET

- 1) COMPANY NAME _____
- 2) COMPANY CONTACT PERSON MAILING ADDRESS _____
- 3) COMPANY FEIN _____
- 4) COMPANY FILING NUMBER _____
- 5) COMPANY CONTACT PERSON _____
- 6) CONTACT PERSON PHONE NUMBER _____
- 7) ELECTRONIC MAIL ID # _____
- 7a) SUBMITTAL DATE _____
- 8a) NEW POLICY FORMS _____

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Page _____ of _____

SEQ #	NEW POLICY FORM #	CAT	TYPE CODE	SUB-CODE	P/N
(a)	(b)	(c)	(d)	(e)	(f)
(g)					

9 10) NEW ATTACHMENTS (Required Endorsement/Rider (Type RER), Matrix/Insert Page (Type MIP), Schedule Page (Type SCP)) to be added to every Policy Form listed in Section 7 9 and/or Section 8 11. A Required Endorsement/Rider is one which is required by statute or must shall be attached to the policy as a condition for approval or to incorporate new contract provisions.

SEQ #	NEW ATTACHMENT FORM #	CAT	TYPE CODE	SUB-CODE
(a)	(b)	(c)	(d)	(e)
(f)				

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PREVIOUSLY APPROVED POLICY FORMS (If the new attachments (Type MIP), (Type RER), (Type SCP) in Section 8 11 are to be added to a previously approved Policy Form, list below.

PREVIOUSLY APPROVED FILING #	PREVIOUSLY APPROVED POLICY FORM #
(a)	(b)

11 12) PREVIOUSLY APPROVED ATTACHMENTS (If a previously approved attachment is to be used with a new Policy Form listed in Section 7 9, list these attachments below.

PREVIOUSLY APPROVED ATTACHMENT FILING #	PREVIOUSLY APPROVED ATTACHMENT FORM #
(a)	(b)

13) PREVIOUSLY APPROVED ATTACHMENTS (If a previously approved attachment is to be used with a new Policy Form listed in Section 7 9, list these attachments below.

PREVIOUSLY APPROVED ATTACHMENT FILING #	PREVIOUSLY APPROVED ATTACHMENT FORM #
(a)	(b)

(Source: Amended at 20 Ill. Reg. effective _____)

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 916. ILLUSTRATION A Replacement/Withdrawal Transmittal Instructions and Transmittal Sheet

- 1) Company Name
- 2) Company Contact Person Mailing Address
- 3) Company FEIN - Federal Employer Identification Number
- 4) Company Filing Number - Number used to distinguish this policy form withdrawal filing from any other policy form withdrawal filing submitted to Illinois. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored.
- 5) Company Contact Person - The individual's individual's name who is most familiar with this filing.
- 6) Company Contact Person Phone Number - Telephone number of Contact Person Phone-number-for-individual-most-familiar-with-this-filing
- 7) Electronic Mail Identification Number
- 8) Submittal Date - Date Replacement/Withdrawal is sent to Department.

97) A withdrawn form is considered to be a previously approved form one which will no longer be issued in the State of Illinois, a pending---form---you---wish---to---have---withdrawn---from---further consideration, or a policy form which has been substituted.

A) Company Filing # - The number identifying the your filing to be withdrawn when originally submitted. Do not use blank spaces in filing numbers.

B) Policy Form # - The Identification of the policy form you wish withdrawn. Do not use blank spaces when identifying policy numbers.

Note: The effective date of withdrawal is the date this request is processed at the Department of Insurance.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through eight four and the appropriate page number.

~~Note:--For withdrawals without replacement, your company has the option of notifying the Department at year end. Each December a listing of approved policy forms on file with the State of Illinois will be provided to your company. Your company will be responsible for withdrawing the policy forms included on this annual listing, which you are no longer issuing. Instructions for withdrawing such forms will be provided with the listing.~~

Note: For withdrawals without replacement, your company will be required to notify the Department of which policy forms are still in use. Such notification must be made at the end of the fiscal year. Each May listing of approved policy forms on file with the State of Illinois will be

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REPLACEMENT WITHDRAWAL TRANSMITTAL SHEET

Page _____ of _____

1) COMPANY NAME _____

2) COMPANY ADDRESS _____

3) COMPANY FEIN _____

4) COMPANY FILING NUMBER _____

5) COMPANY CONTACT PERSON _____

6) CONTACT PERSON PHONE NUMBER _____

7) If you are withdrawing an approved policy form, list below.

(b) POLICY FORM #

Grid for listing policy forms to be withdrawn.

(a) COMPANY FILING ID #

Grid for listing company filing IDs.

Note: The effective date of withdrawal is the date this request is processed at the Department of Insurance.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through four and the appropriate page number.

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provided to your company. Your company will be responsible for withdrawing the policy forms included on this annual listing which you are no longer issuing and for certifying that the remaining policy forms either in use or being issued are in compliance by submitting a certificate of compliance found in Exhibit A of this Part.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 916. ILLUSTRATION B Certificate of Assumption Transmittal Instructions and Transmittal Sheet

- 1) Assuming Company Name
 - 2) Assuming Company Contact Person Mailing Address
 - 3) Assuming Company FEIN - Federal Employer Identification Number
 - 4) Assuming Company Filing Number - Number used to distinguish this policy form filing from any other policy form filing submitted to Illinois for approval. Do not use blank spaces in filing numbers.
 - 5) Assuming Company Contact Person - The individual's individual's name who is most familiar with this filing.
 - 6) Contact Person Phone Number - Telephone number of Contact Person Phone-number-for-individual-most-familiar-with-this-filing.
 - 7) Electronic Mail Identification Number
 - ~~8~~8) Ceding Company Name
 - ~~9~~9) Ceding Company FEIN - Federal Employer Identification Number
 - 10) Submittal Date - Date Assumption Transmittal is sent to the Department
 - 11) Assumption Certificate
 - A) Policy Form # - Identification in the lower left-hand corner of policy form being submitted. Do not use blank spaces when identifying a policy form.
 - B) Category - The classification of the policy form taken from the coding guide (Exhibit B of this Part).
 - C) Type - The characteristic abbreviation "ASC" taken from the coding guide (Exhibit B of this Part).
 - ~~B) Code---The-descriptive-abbreviation-of-the-policy-form-taken-from-Exhibit-B-(if-the-code-does-not-apply-to--your--filing-leave-the-space-blank).~~
 - ~~E) Subcode---A--more-detailed-descriptive-numerical-designation-of-the-policy-form-taken-from-Exhibit-B-(if-only-one-subcode-applies--then-leave-the-other-spaces-blank).~~
 - ~~12~~12) Previously approved ceding company filing number and policy form # affected by the Assumption Certificate A. Do not use blank spaces in filing numbers or when identifying policy forms.
 - ~~11~~11) ~~Previously-approved-ceding-company-filing-number-and-policy--form--affected-by-Assumption-Certificate-B--Do-not-use-blank-spaces-in-filing-numbers-or-when-identifying-policy-forms.~~
 - ~~12~~12) ~~Previously-approved-ceding-company-filing-number-and-policy--form--affected-by-Assumption-Certificate-C--Do-not-use-blank-spaces-in-filing-numbers-or-when-identifying-policy-forms.~~
- Note: Assumption certificates will not be approved until the list of assumed policy forms is are listed on the required transmittal sheet.
- Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through

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(Source: Amended at 20 Ill. Reg. _____, effective
_____)

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Section 916. ILLUSTRATION C Informational Filing Transmittal Instructions and Transmittal Sheet

- 1) Company Name
- 2) Company Contact Person Mailing Address
- 3) Company FEIN - Federal Employer Identification Number
- 4) Company Contact Person - The individual's name who is individual most familiar with this informational filing
- 5) Contact Person Phone Number - Telephone number of Contact Person
- 6) Electronic Mail Identification Number
- 7) Submittal Date - Date Informational Transmittal is sent to the Department
- 8) Informational Filings:
 - A) Company Filing # - Number used to distinguish this informational filing from any other filing submitted to Illinois for filing. This number is limited to 15 characters. Do not use blank spaces in filing numbers. Blank spaces will be ignored.
 - B) Category - The classification of the policy form taken from the coding guide (Exhibit B of this Part).
 - C) Information Type - The characteristic abbreviation of the Informational Type taken from the Coding Guide (Exhibit B of this Part). If no related forms are required, as disclosed in Exhibit B of this Part, the transmittal is complete. If related forms are required, the following items must be completed.
 - D) Related Previously Approved Filing # - Number used for previously approved/filed form to for which this informational filing relates applies.
 - E) Related Previously Approved Form # - Identification of the previously approved policy form to which this information relates must be listed here.

Note: If the related previously approved filing # and form # are not listed on this transmittal, the informational filing will not be processed.

Note: Only one informational filing can be made per transmittal sheet.

Note: When submitting more policy forms than the transmittal sheet will allow for, continue completing the same section on an additional form, including the information in items one through seven and the appropriate page number.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Proposed Action:

211.101	Amended
211.484	New
211.485	New
211.1465	New
211.2110	Repealed
211.2130	Repealed
211.3990	Repealed
211.4010	Repealed
211.4130	Amended
- 4) Statutory Authority: 415 ILCS 5/27 and 28.5
- 5) A Complete Description of the Subjects and Issues Involved: This proposal is part of a rulemaking that addresses USEPA's conditional approval of Illinois' PM-10 State Implementation Plan ("SIP"). USEPA designated Lake Calumet and McCook areas in Cook County and Granite City in Madison County as moderate nonattainment areas for PM-10. As a result, Illinois developed the State Implementation Plan for PM-10. The USEPA conditionally approved the SIP on November 18, 1994 (59 F.R. 59653). The USEPA cited four issues which needed to be addressed in rulemaking prior to full SIP approval noting that failure to do so could subject Illinois to monetary and other sanctions. The amendments to this Part along with amendments proposed today in Part 212 will address USEPA concerns. A more complete description may be found in the Board's opinion and order of November 16, 1995 in this docket R96-5.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Policy Objectives: These proposed rules and amendments are required by the 1990 amendments to the Clean Air Act and do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

reference R96-5 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-6931

and

Rachel L. Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

Questions regarding these proposed amendments may be addressed to: Marie E. Tipsord, Attorney Assistant, Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, IL 60601, (312) 814-4925.

- 12) Initial Regulatory Flexibility Analysis: This proposal is part of a rulemaking that addresses USEPA's conditional approval of Illinois' PM-10 State Implementation Plan ("SIP").
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 20, 1995
 - B) Types of small businesses affected: Any small business which emits PM-10 located in Lake Calumet or McCook areas in Cook County or Granite City in Madison County which are moderate nonattainment areas for PM-10.
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rule(s) begins on the next page

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Asphalt Prime Coat	211.590
Automobile	211.610
Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant	211.630
Automobile or Light-Duty Truck Refinishing	211.650
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Bakery Oven	211.680
Basecoat/Clearcoat System	211.685
Batch Loading	211.690
Batch Operation	211.695
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Bulk Gasoline Terminal	211.810
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Concentrated Nitric Acid Manufacturing Process	211.1390

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SUBTITLE B: AIR POLLUTION	
CHAPTER I: POLLUTION CONTROL BOARD	
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS	
FOR STATIONARY SOURCES	
PART 211	
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211.1410 Condensate
 211.1430 Condensable PM-10
 211.1465 Continuous Automatic Stoking
 211.1470 Continuous Process
 211.1490 Control Device
 211.1510 Control Device Efficiency
 211.1530 Conventional Soybean Crushing Source
 211.1550 Conveyorized Degreasing
 211.1570 Crude Oil
 211.1590 Crude Oil Gathering
 211.1610 Crushing
 211.1630 Custody Transfer
 211.1650 Cutback Asphalt
 211.1670 Daily-Weighted Average VOM Content
 211.1690 Day
 211.1710 Degreaser
 211.1730 Delivery Vessel
 211.1750 Dip Coating
 211.1770 Distillate Fuel Oil
 211.1780 Distillation Unit
 211.1790 Drum
 211.1810 Dry Cleaning Operation or Dry Cleaning Facility
 211.1830 Dump-Pit Area
 211.1850 Effective Grate Area
 211.1870 Effluent Water Separator
 211.1875 Elastomeric Materials
 211.1880 Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings
 211.1890 Electrostatic Bell or Disc Spray
 211.1900 Electrostatic Prep Coat
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 211.1920 Emergency or Standby Unit
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 211.1970 Enamel
 211.1990 Enclose
 211.2010 End Sealing Compound Coat
 211.2030 Enhanced Under-the-Cup Fill
 211.2050 Ethanol Blend Gasoline
 211.2070 Excess Air
 211.2090 Excessive Release
 211.2110 Existing Grain-Drying Operation (Repealed)
 211.2130 Existing Grain-Handling Operation (Repealed)
 211.2150 Exterior Base Coat
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 211.2230 Fabric Coating

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211.2250 Fabric Coating Line
 211.2270 Federally Enforceable Limitations and Conditions
 211.2290 Fermentation Time
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 211.2310 Final Repair Coat
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 211.2450 Freeboard Height
 211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
 211.2490 Fugitive Particulate Matter
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 211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
 211.2610 Gel Coat
 211.2630 Gloss Reducers
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 211.2690 Grain-Handling and Conditioning Operation
 211.2710 Grain-Handling Operation
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 211.2890 Heavy Metals
 211.2910 Heavy Off-Highway Vehicle Products
 211.2930 Heavy Off-Highway Vehicle Products Coating
 211.2950 Heavy Off-Highway Vehicle Products Coating Line
 211.2970 High Temperature Aluminum Coating
 211.2990 High Volume Low Pressure (HVLP) Spray
 211.3010 Hood
 211.3030 Hot Well
 211.3050 Housekeeping Practices
 211.3070 Incinerator
 211.3090 Indirect Heat Transfer
 211.3110 Ink
 211.3130 In-Process Tank

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211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Interior-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles

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NOTICE OF PROPOSED AMENDMENTS

211.3965	Motor Vehicle Retinishing
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a
211.4230	Gasoline Dispensing Facility
211.4250	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvornish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
 211.4830 Polyester Resin Material(s)
 211.4850 Polyester Resin Products Manufacturing Process
 211.4870 Polystyrene Plant
 211.4890 Polystyrene Resin
 211.4910 Portable Grain-Handling Equipment
 211.4930 Portland Cement Manufacturing Process Emission Source
 211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
 211.4970 Potential to Emit
 211.4990 Power Driven Fastener Coating
 211.5010 Precoat
 211.5030 Pressure Release
 211.5050 Pressure Tank
 211.5060 Pressure/Vacuum Relief Valve
 211.5061 Pretreatment Wash Primer
 211.5065 Primary Product
 211.5070 Prime Coat
 211.5080 Primer Sealer
 211.5090 Primer Surfacer Coat
 211.5110 Primer Surfacer Operation
 211.5130 Primers
 211.5150 Printing
 211.5170 Printing Line
 211.5185 Process Emission Source
 211.5190 Process Emission Unit
 211.5210 Process Unit
 211.5230 Process Unit Shutdown
 211.5245 Process Vent
 211.5250 Process Weight Rate
 211.5270 Production Equipment Exhaust System
 211.5310 Publication Rotogravure Printing Line
 211.5330 Purged Process Fluid
 211.5340 Rated Heat Input Capacity
 211.5350 Reactor
 211.5370 Reasonably Available Control Technology (RACT)
 211.5390 Reclamation System
 211.5410 Refiner
 211.5430 Refinery Fuel Gas
 211.5450 Refinery Fuel Gas System
 211.5470 Refinery Unit or Refinery Process Unit
 211.5480 Reflective Argent Coating
 211.5490 Refrigerated Condenser
 211.5500 Regulated Air Pollutant
 211.5510 Reid Vapor Pressure
 211.5530 Repair
 211.5550 Repair Coat
 211.5570 Repaired
 211.5590 Residual Fuel Oil

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NOTICE OF PROPOSED AMENDMENTS

211.5600 Resist Coat
 211.5610 Restricted Area
 211.5630 Retail Outlet
 211.5650 Ringelmann Chart
 211.5670 Roadway
 211.5690 Roll Coater
 211.5710 Roll Coating
 211.5730 Roll Printer
 211.5750 Roll Printing
 211.5770 Rotogravure Printing
 211.5790 Rotogravure Printing Line
 211.5810 Safety Relief Valve
 211.5830 Sandblasting
 211.5850 Sanding Sealers
 211.5870 Screening
 211.5890 Sealer
 211.5910 Semi-Transparent Stains
 211.5930 Sensor
 211.5950 Set of Safety Relief Valves
 211.5970 Sheet Basecoat
 211.5980 Sheet-Fed
 211.5990 Shotblasting
 211.6010 Side-Seam Spray Coat
 211.6025 Single Unit Operation
 211.6030 Smoke
 211.6050 Smokeless Flare
 211.6060 Soft Coat
 211.6070 Solvent
 211.6090 Solvent Cleaning
 211.6110 Solvent Recovery System
 211.6130 Source
 211.6140 Specialty Coatings
 211.6145 Specialty Coatings for Motor Vehicles
 211.6150 Specialty High Gloss Catalyzed Coating
 211.6170 Specialty Leather
 211.6190 Specialty Soybean Crushing Source
 211.6210 Splash Loading
 211.6230 Stack
 211.6250 Stain Coating
 211.6270 Standard Conditions
 211.6290 Standard Cubic Foot (scf)
 211.6310 Start-Up
 211.6330 Stationary Emission Source
 211.6350 Stationary Emission Unit
 211.6355 Stationary Gas Turbine
 211.6360 Stationary Reciprocating Internal Combustion Engine
 211.6370 Stationary Source
 211.6390 Stationary Storage Tank

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 211.101 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) "Evaporation Loss from Floating Roof Tanks," American Petroleum Institute Bulletin 2517, 1962
b) Ringelman-Chart, Information--Circular--899--(Revision--of----107710)7 Bureau-of-Mines, U.S. Department-of-Interior, May-17--1967
b)e) Standard Industrial Classification Manual, Superintendent of Documents, Washington, D.C. 20402, 1972
c)d) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

- A.S.T.M. D-86
A.S.T.M. D-240-64
A.S.T.M. D-323
A.S.T.M. D-369-69 (1971)
A.S.T.M. D-396-69
A.S.T.M. D-900-55
A.S.T.M. D-975-68
A.S.T.M. D-1826-64
A.S.T.M. D-2015-66
A.S.T.M. D-2880-71

d)e) 40 CFR 51.100 (1987)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 211.484 Animal

"Animal" means any organism other than a human being of the kingdom Animal, distinguished from plants by certain typical characteristics such as the power of locomotion, fixed structure and limited growth, and non-photosynthetic metabolism.

(Source: Added at 20 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 211.485 Animal Pathological Waste

"Animal pathological waste" means waste composed of whole or parts of animal carcasses and also noncarcass materials such as plastic, paper wrapping and animal collars. Noncarcass materials shall not exceed ten percent by weight of the total weight of the carcass and noncarcass materials combined.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 211.1465 Continuous Automatic Stoking

"Continuous automatic stoking" means the automatic moving of animal pathological waste during burning, by moving the hearth in a pulse cycle manner, which process is designed to provide a continuous burning rate in which the design charging rate per hour equals the burning rate every hour without limitation, and results in emission rates which are similar over any hour of the burning process.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 211.2110 Existing Grain-Drying Operation (Repealed)

"Existing--grain-drying--operation"--means--any--grain-drying--operation--the construction-or-modification-of-which-was-commenced-prior-to-June-307-1975-

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 211.2130 Existing Grain-Handling Operation (Repealed)

"Existing-grain-handling-operation"--means--any--grain-handling--operation--the construction-or-modification-of-which-was-commenced-prior-to-June-307-1975-

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 211.3990 New Grain-Drying Operation (Repealed)

"New-grain-drying-operation"--means--any--grain-drying-operation--the--construction or-modification-of-which-commenced-on-or-after-June-307-1975-

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 211.4010 New Grain-Handling Operation (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"New grain handling operation" means any grain handling operation the construction or modification of which commenced on or after June 30, 1975.

(Source: Repealed at 20 Ill. Reg. _____, effective

Section 211.4130 Opacity

"Opacity" means a) For purposes of Part 212, a condition which renders material partially or wholly impervious to transmission of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed:

Opacity-Percent Ringelmann

10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

That fraction of light, expressed in percent, which when transmitted from a source through a smoke-obscured path, is prevented from reaching the observer or instrument receiver.

(Source: Amended at 20 Ill. Reg. _____, effective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Visible and Particulate Matter Emissions

2) Code Citation: 35 Ill. Adm. Code 212

3) Section Numbers: _____ Proposed Action:

212.100	Amended
212.107	Amended
212.108	Amended
212.109	Amended
212.110	Amended
212.111	Amended
212.113	Amended
212.121	Repealed
212.122	Amended
212.123	Amended
212.124	Amended
212.125	Amended
212.126	Amended
212.181	Amended
212.182	Amended
212.183	Amended
212.184	Amended
212.185	Amended
212.201	Amended
212.202	Amended
212.203	Amended
212.204	Amended
212.205	Amended
212.206	Amended
212.207	Amended
212.208	Amended
212.209	Repealed
212.210	Amended
212.301	Amended
212.302	Amended
212.304	Amended
212.305	Amended
212.306	Amended
212.309	Amended
212.310	Amended
212.313	Amended
212.314	Amended
212.315	Repealed
212.316	Amended
212.321	Amended
212.322	Amended
212.323	Amended

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

212.324	Amended
212.361	Amended
212.362	Amended
212.381	Amended
212.421	Amended
212.422	Amended
212.423	Amended
212.424	Amended
212.425	Amended
212.441	Amended
212.443	Amended
212.444	Amended
212.445	Amended
212.446	Amended
212.448	Amended
212.449	Amended
212.452	Amended
212.455	Amended
212.456	Amended
212.457	Amended
212.458	Amended
212.461	Amended
212.462	Amended
212.463	Amended
212.464	Amended
212.681	Amended
212.Illustration A	Repealed
212.Illustration B	Repealed
212.Illustration C	Repealed

4) Statutory Authority: 415 ILCS 5/27 and 28.5

5) A Complete Description of the Subjects and Issues Involved: This proposal is part of a rulemaking that addresses USEPA's conditional approval of Illinois' PM-10 State Implementation Plan ("SIP"). USEPA designated Lake Calumet and McCook areas in Cook County and Granite City in Madison County as moderate nonattainment areas for PM-10. As a result, Illinois developed the State Implementation Plan for PM-10. The USEPA conditionally approved the SIP on November 18, 1994 (59 F.R. 59653). The USEPA cited four issues which needed to be addressed in rulemaking prior to full SIP approval noting that failure to do so could subject Illinois to monetary and other sanctions. The amendments to this Part along with amendments proposed today in Part 211 will address USEPA concerns. A more complete description may be found in the Board's opinion and order of November 16, 1995 in this docket R96-5. The proposed revisions to 35 Ill. Adm. Code 212 also update existing language consistent with Illinois' Clean Air Act Permit Program, and a general clean-up of the rules.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Policy Objectives: These proposed rules and amendments are required by the 1990 amendments to the Clean Air Act and do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R96-5 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6931

and

Rachel L. Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276
217/524-3333

Questions regarding these proposed amendments may be addressed to: Marie E. Tipsord, Attorney Assistant, Illinois Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, 312/814-4925.

12) Initial Regulatory Flexibility Analysis:

This proposal addresses USEPA's conditional approval of Illinois' PM-10 SIP and generally updates the format and language contained in 35 Ill. Adm. Part 212.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 20, 1995

B) Types of small businesses affected: Any small business which emits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS

FOR STATIONARY SOURCES

PART 212

VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

Section 212.100 Scope and Organization
212.107 Measurement Method for Visible Emissions
212.108 Measurement Methods for PM-10 Emissions and Condensable PM-10 Emissions
212.109 Measurement Methods for Opacity
212.110 Measurement Methods for Particulate Matter
212.111 Abbreviations and Units
212.112 Definitions
212.113 Incorporations by Reference

SUBPART B: VISIBLE EMISSIONS

Section 212.121 Opacity Standards (Repealed)
212.122 Visible Emissions Limitations for Certain Emission Units for Which Construction or Modification Commenced On or After April 14, 1972 New Sources
212.123 Visible Emissions Limitations for All Other Emission Units Sources
212.124 Exceptions
212.125 Determination of Violations
212.126 Adjusted Opacity Standards Procedures

SUBPART D: PARTICULATE MATTER EMISSIONS FROM INCINERATORS

Section 212.181 Limitations for Incinerators
212.182 Aqueous Waste Incinerators
212.183 Certain Wood Waste Incinerators
212.184 Explosive Waste Incinerators
212.185 Continuous Automatic Stoking Animal Pathological Waste Incinerators

SUBPART E: PARTICULATE MATTER EMISSIONS FROM FUEL COMBUSTION UNITS SOURCES

Section 212.201 Emission Units for Which Construction or Modification Commenced Prior

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

PM-10 located in Lake Calumet or McCook areas in Cook County or Granite City in Madison County which are moderate nonattainment areas for PM-10.

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- to April 14, 1972, Existing-Sources Using Solid Fuel Exclusively Located in the Chicago Area
- 212.202 Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Existing--Sources Using Solid Fuel Exclusively Located Outside the Chicago Area
- 212.203 Existing Controlled Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Sources Using Solid Fuel Exclusively
- 212.204 Emission Units For Which Construction or Modification Commenced On or After April 14, 1972, New-Sources Using Solid Fuel Exclusively
- 212.205 Existing Coal-fired Industrial Boilers For Which Construction or Modification Commenced Prior to April 14, 1972, Equipped with Flue Gas Desulfurization Systems
- 212.206 Emission Units Sources Using Liquid Fuel Exclusively
- 212.207 Emission Units Sources Using More Than One Type of Fuel
- 212.208 Aggregation of Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 Existing-Sources
- 212.209 Village of Winnetka Generating Station (Repealed)
- 212.210 Emissions Limitations for Certain Fuel Combustion Emission Units Sources Located in the Vicinity of Granite City

SUBPART K: FUGITIVE PARTICULATE MATTER

- Section
- 212.301 Fugitive Particulate Matter
- 212.302 Geographical Areas of Application
- 212.304 Storage Piles
- 212.305 Conveyor Loading Operations
- 212.306 Traffic Areas
- 212.307 Materials Collected by Pollution Control Equipment
- 212.308 Spraying or Choke-Feeding Required
- 212.309 Operating Program
- 212.310 Minimum Operating Program
- 212.312 Amendment to Operating Program
- 212.313 Emission Standard for Particulate Collection Equipment
- 212.314 Exception for Excess Wind Speed
- 212.315 Covering for Vehicles (Repealed)
- 212.316 Emissions Limitations for Emission Units Sources in Certain Areas

SUBPART L: PARTICULATE MATTER EMISSIONS
FROM PROCESS EMISSION UNITS SOURCES

- Section
- 212.321 New Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972 Sources
- 212.322 Existing Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 Sources
- 212.323 Stock Piles

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 212.324 Process Emission Units Sources in Certain Areas

SUBPART N: FOOD MANUFACTURING

- Section
- 212.361 Corn Wet Milling Processes
- 212.362 Emission Units Sources in Certain Areas

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL
AND CHEMICAL MANUFACTURING

- Section
- 212.381 Catalyst Regenerators of Fluidized Catalytic Converters

SUBPART Q: STONE, CLAY, GLASS
AND CONCRETE MANUFACTURING

- Section
- 212.421 New Portland Cement Processes For Which Construction or Modification Commenced On or After April 14, 1972
- 212.422 Portland Cement Manufacturing Processes
- 212.423 Emission Limits for the Portland Cement Manufacturing Plant Located in LaSalle County, South of the Illinois River
- 212.424 Fugitive Particulate Matter Control for the Portland Cement Manufacturing Plant and Associated Quarry Operations Located in LaSalle County, South of the Illinois River
- 212.425 Emission Units Sources in Certain Areas

SUBPART R: PRIMARY AND FABRICATED METAL
PRODUCTS AND MACHINERY MANUFACTURE

- Section
- 212.441 Steel Manufacturing Processes
- 212.442 Beehive Coke Ovens
- 212.443 Coke Plants
- 212.444 Sinter Processes
- 212.445 Blast Furnace Cast Houses
- 212.446 Basic Oxygen Furnaces
- 212.447 Hot Metal Desulfurization Not Located in the BOF
- 212.448 Electric Arc Furnaces
- 212.449 Argon-Oxygen Decarburization Vessels
- 212.450 Liquid Steel Charging
- 212.451 Hot Scarfing Machines
- 212.452 Measurement Methods
- 212.455 Highlines on Steel Mills
- 212.456 Certain Small Foundries
- 212.457 Certain Small Iron-Melting Iron-melting Air Furnaces
- 212.458 Emission Units Sources in Certain Access

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

JULY 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1 (Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15 Ill. Reg. 15708, effective October 4, 1991; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R91-22 at 16 Ill. Reg. 7880, effective May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204, effective May 15, 1992; amended in R93-30 at 18 Ill. Reg. 11587, effective July 11, 1994; amended in R96-5 at 20 Ill. Reg. _____, effective _____

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART A: GENERAL

Section 212.100 Scope and Organization

- a) This Part contains standards and limitations for visible dust and particulate matter emissions from stationary emission units sources.
- b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.
- c) Notwithstanding the provisions of this Part, the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.
- d) This Part includes Subparts which are arranged as follows:
 - 1) Subpart A: General Provisions;
 - 2) Subpart B: Visible Dust Emissions;
 - 3) Subparts C-J: Incinerators and Fuel Combustion Emission Units Sources;
 - 4) Subparts K-M: Fugitive and Process Emission Units Sources;
 - 5) Subparts N-T: Site specific and industry specific rules; and
 - 6) Subpart U: Additional control measures.
- e) Rules have been grouped for the convenience of the public; the scope of each is determined by its language and history.

Section 212.107 Measurement Method for Visible Emissions

For both fugitive and nonfugitive particulate matter emissions, a determination as to the presence or absence of visible emissions from both process emission units and fugitive-particulate-matter-emission-sources shall be conducted in accordance with Method 22, 40 CFR part 60, Appendix A,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

JULY 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1 (Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15 Ill. Reg. 15708, effective October 4, 1991; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R91-22 at 16 Ill. Reg. 7880, effective May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204, effective May 15, 1992; amended in R93-30 at 18 Ill. Reg. 11587, effective July 11, 1994; amended in R96-5 at 20 Ill. Reg. _____, effective _____

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART S: AGRICULTURE

Section 212.461 Grain-Handling and Drying in General

- 212.461 Grain-Handling and Drying in General
- 212.462 Grain-Handling Operations
- 212.463 Grain Drying Operations
- 212.464 Sources in Certain Areas

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

Section 212.681 Grinding, Woodworking, Sandblasting and Shotblasting

Section 212.700 Applicability

- 212.700 Applicability
- 212.701 Contingency Measure Plans, Submittal and Compliance Date
- 212.702 Determination of Contributing Sources
- 212.703 Contingency Measure Plan Elements
- 212.704 Implementation
- 212.705 Alternative Implementation

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/10, 27 and 28.5).

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203; Visual and Particulate Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590, effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A) at 10 Ill. Reg. 12637, effective _____

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporated by reference in Section 212.113 of this Subpart, except that the length of the observing period shall be at the discretion of the observer, but not less than one minute. This Subpart shall not apply to Section 212.301 of this Part.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.108 Measurement Methods for PM-10 Emissions and Condensable PM-10 Emissions

- a) Emissions of PM-10 shall be measured by any of the following methods at the option of the owner or operator of an unit emissions-source.
- 1) Method 201, 40 CFR part 51, Appendix M, incorporated by reference in Section 212.113 of this Subpart.
 - 2) Method 201A, 40 CFR part 51, Appendix M, incorporated by reference in Section 212.113 of this Subpart.
 - 3) Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Subpart, provided that all particulate matter measured by Method 5 shall be considered to be PM-10.
- b) Emissions of condensable PM-10 shall be measured by Method 202, 40 CFR part 51, Appendix M, incorporated by reference in Section 212.113 of this Subpart.
- cb) The volumetric flow rate and gas velocity for stack test methods shall be determined in accordance with Methods 1, 1A, 2, 2A, 2C, 2D, 3, or 4, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Subpart.
- de) Upon a written notification by the Illinois Environmental Protection Agency (Agency), the owner or operator of a PM-10 emission unit source subject to this Section shall conduct the applicable testing for PM-10 emissions, condensable PM-10 emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Agency within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Agency.
- ed) A person planning to conduct testing for PM-10 or condensable PM 10 emissions to demonstrate compliance shall give written notice to the Agency of that intent. Such notification shall be given at least thirty (30) days prior to initiation of the test unless a shorter pre-notification is agreed to by the Agency. Such notification shall state the specific test methods from subsection (a) of this Section that will be used.
- fe) The owner or operator of an emission unit source subject to this Section shall retain records of all tests which are performed. These records shall be retained for at least three (3) years after the date a test is performed.
- gf) This Section shall not affect the authority of the United States Environmental Protection Agency (USEPA) under Section 114 of the Clean

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Air Act (CAA) (42 U.S.C. Section 7414 (1990)).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.109 Measurement Methods for Opacity

Except as otherwise provided in this Part, and except for the methods of data reduction when applied to Sections 212.122 and 212.123 of this Part, measurements of opacity shall be conducted in accordance with Method 9, 40 CFR part 60, Appendix A, and the procedures in 40 CFR 60.675(c) and (d), if applicable, incorporated by reference in Section 212.113 of this Subpart, except that for roadways and parking areas the number of readings required for each vehicle pass will be three taken at 5-second intervals. The first reading shall be at the point of maximum opacity and second and third readings shall be made at the same point, the observer standing at right angles to the plume at least 15 feet away from the plume and observing 4 feet above the surface of the roadway or parking area. After four vehicles have passed, the 12 readings will be averaged.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.110 Measurement Methods For Particulate Matter

- a) ~~Particulate---Matter---Measurement:~~ Measurement of particulate Particulate matter emissions from stationary emission units sources subject to this Part shall be conducted in accordance with 40 CFR part 60, Appendix A, Methods 5, 5A, 5D, or 5E, as incorporated by reference in Section 212.113 of this Subpart.
- b) ~~Flow--Rate-and-Gas-Velocity-Measurement:~~ The volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR part 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, and 4, incorporated by reference in Section 212.113 of this Subpart.
- c) ~~Opacity-Measurement:--Measurement-of-opacity--shall--be--conducted--in accordance--with--40-CFR-607-Appendix-A7-Method-9-and-40-CFR-60-675(c) and-(d)--incorporated-by-reference-in-Section-212-113-~~
- d) ~~Visible-Emissions-Measure:--A-determination--as--to--the--presence--or absence--of--visible--emissions--from-all-process-emission-sources-and fugitive-particulate-emission-sources,--except-with-respect-to--Section 212-301,--shall-be-conducted-in-accordance-with-40-CFR-607-Appendix-A7 Method-22,--incorporated-by-reference-in-Section-212-113,--except--that the--length--of-the-observing-period--shall-be-at-the-discretion-of-the observer,--but-not-less-than-one-minute-~~
- e) ~~Test-Methods--for--PM-10--Emissions:--Emissions--of--PM-10--shall--be measured-by-any-of-the-following-methods-at-the-option-of-the-owner-or operator-of-an-emissions-source:~~
- 1) ~~40--CFR--517-Appendix-M7-Method-201,--incorporated-by-reference-in~~

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Section 212.113 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- ~~a) Ringiemann-Chart, Information-Circular--833--(Revision--of----IC7718), Bureau-of-Mines, U.S. Department-of-Interior, May-17--1967.~~
- ab) 40 CFR part 60, Appendix A (1991):
- 1) Method 1: Sample and Velocity Traverses for Stationary Sources;
 - 2) Method 1A: Sample and Velocity Traverses for Stationary Source with Small Stacks or Ducts;
 - 3) Method 2: Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S pitot tube);
 - 4) Method 2A: Direct Measurement of Gas Volume Through Pipes and Small Ducts;
 - 5) Method 2C: Determination of Stack Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube);
 - 6) Method 2D: Measurement of Gas Volumetric Flow Rates in Small Pipes and Ducts;
 - 7) Method 3: Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight;
 - 8) Method 4: Determination of Moisture Content in Stack Gases;
 - 9) Method 5: Determination of Particulate Emissions From Stationary Sources;
 - 10) Method 5A: Determination of Particulate Emissions From the Asphalt Processing and Asphalt Roofing Industry;
 - 11) Method 5D: Determination of Particulate Matter Emissions From Positive Pressure Fabric Filters;
 - 12) Method 5E: Determination of Particulate Emissions From the Wool Fiberglass Insulation Manufacturing Industry;
 - 13) Method 9: Visual Determination of the Opacity of Emissions from Stationary Sources;
 - 14) Method 22: Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares.
- be) 40 CFR part 51 Appendix M (1990):
- 1) Method 201: Determination of PM-10 Emissions;
 - 2) Method 201A: Determination of PM-10 Emissions (Constant Sampling Rate Procedure);
 - 3) Method 202: Determination of Condensible Particulate Emissions from Stationary Sources.
- cd) 40 CFR 60.672(b), (c), (d) and (e) (1991).
- de) 40 CFR 60.675(c) and (d) (1991).
- ef) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.
- fg) U.S. Sieve Series, ASTM-E11, American Society of Testing Materials, 1916 Race Street, Philadelphia, PA 19103.
- ~~h) 55-Fed-Reg-41546-(October-12, 1990)-Method--202--Determination--of--Condensible-Particulate-Emission-from-Stationary-Sources-~~

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- gi) Standard Methods for the Examination of Water and Wastewater, Section 209C, "Total Filtrable Residue Dried at 103-105° C," 15th Edition, 1980, American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.
- hj) "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events," U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards Monitoring and Data Analysis Division, Research Triangle Park, N.C. 27711, EPA-450/4-86-007 July 1986.
- ik) "Guideline on Air Quality Models (Revised)," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, EPA-450/2-78-027R July 1986.
- jl) 40 CFR 50, Appendix K (1994 1992), "Interpretation of the National Ambient Air Quality Standard for Particulate Matter".

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B: VISUAL EMISSIONS

Section 212.121 Opacity Standards (Repealed)

~~For-the-purposes-of-this-Subpart, all-visible-emission-opacity--standards--and limitations--shall--be-considered-equivalent-to--corresponding-Ringiemann-Chart readings, as-described-under--the-definition-of--opacity--(35--Ill--Adm--Code 211-122).~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 212.122 Visible Emissions Limitations for Certain Emission Units For Which Construction or Modification Commenced On or After April 14, 1972 New Sources

- a) New-Fuel-Combustion-Emission-Sources-with-Actual-Heat--Input--Greater than--250--mmbtu/hr. No person shall cause or allow the emission of smoke or other particulate matter into the atmosphere from any new fuel combustion emission unit for which construction or modification commenced on or after April 14, 1972, source with actual heat input greater than 73.2 MW (250 mmbtu/hr), having an opacity greater than 20 percent.
- b) Exception: The emissions of smoke or other particulate matter from any such emission unit source may have an opacity greater than 20 percent but not greater than 40 percent for a period or periods aggregating 3 minutes in any 60 minute period, providing that such more opaque emission permitted during any 60 minute period shall occur from only one such emission unit source located within a 305 m (1000 ft) radius from the center point of any other such emission

Subpart: the opacity limitations of Sections 212.122 and 212.123 of this subpart shall not apply if it is shown that the emission unit source was, at the time of such emission, in compliance with the applicable particulate emissions limitations of subparts D through F of this part.

2) For all emission units sources which are not subject to Chapters 111 or 112 of the CAA Steam-Act but which are subject to Sections 212.201, 212.202, 212.203 or 212.204 of this part and either Section 212.122 or 212.123:

A) An exceedance of the limitations of Section 212.122 or 212.123 of this subpart shall constitute a violation of the applicable particulate limitations of subparts D through F of this part. It shall be a defense to a violation of the applicable particulate limitations if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions for the unit source and the control device(s), and in accordance with Method 5, 40 CFR part 60, incorporated by reference in Section 212.113 of this part, the owner or operator shows that the emission unit source is in compliance with the particulate emission limitations.

B) It shall be a defense to an exceedance of the opacity limit if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions of the emission unit source and the control device(s), and in accordance with Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this part, the owner or operator shows that the emission unit source is in compliance with the allowable particulate emissions limitation while, simultaneously, having visible emissions equal to or greater than the opacity exceedance as originally observed.

(Source: Amended at 20 Ill. Reg. effective

Section 212.125 Determination of Violations

Violations of Sections 212.122 and 212.123 of this Subpart shall be determined:

- a) By visual observations conducted in accordance with Section 212.109 of this part; or
b) By the use of a calibrated smoke evaluation device approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201; or
c) By the use of a smoke monitor located in the stack and approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201.

(Source: Amended at 20 Ill. Reg. effective

unit source owned or operated by such person and provided further that such more opaque emissions permitted from each such fuel combustion emission unit source shall be limited to 3 times in any 24 hour period.

(Source: Amended at 20 Ill. Reg. effective

Section 212.123 Visible Emissions Limitations for All Other Emission Units Sources

a) No person shall cause, or allow the emission of smoke, or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit source other than those emission units sources subject to Section 212.122 of this subpart.

b) Exception: The emission of smoke or other particulate matter from any such emission unit source located within a 305 m (1000 ft) radius from the center point of any other such emission source owned or operated by such person, and provided further that such more opaque emissions permitted from each such emission unit source shall be limited to 3 times in any 24 hour period.

(Source: Amended at 20 Ill. Reg. effective

Section 212.124 Exceptions

a) Startup, Malfunction and Breakdown: Sections 212.122 and 212.123 of this subpart shall apply during times of startup, malfunction and breakdown except as provided in the operating permit granted in accordance with 35 Ill. Code 201.

b) Emissions of water and water vapor: Sections 212.122 and 212.123 of this subpart shall not apply to emissions of water or water vapor from an emission unit source.

c) Adjusted standards: An emission unit source which has obtained an adjusted opacity standard pursuant to Section 212.126 of this Subpart shall be subject to that standard rather than the limitations of Section 212.123 or 212.123 of this Subpart.

d) Compliance with the particulate regulations of this part shall constitute a defense.

1) For all emission units sources which are not subject to Chapters 111 or 112 of the CAA Steam-Act (42-U.S.C. 7401-7403-1-1) and Sections 212.201, 212.202, 212.203 or 212.204 of this part but which are subject to Sections 212.122 or 212.123 of this

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Section 212.126 Adjusted Opacity Standards Procedures

- a) Pursuant to Section 28.1 of the Environmental Protection Act (Act) [415 ILCS 5/28.1] ~~(~~111 Rev. Stat. 1987 ch. 111-1/27 pars. 1028-1~~)~~, and in accordance with 35 Ill. Adm. Code 106, Subpart E, provisions for adjusted visible emissions standards for visible emissions for emission units sources subject to Sections 212.201, 212.202, 212.203, or 212.204 of this Part and either Section 212.122 or 212.123 shall be granted by the Board to the extent consistent with federal law based upon a demonstration by such owner or operator a source that the results of a performance test conducted pursuant to this Section, Section 212.110 of this Part, and Methods 5 and 9 of 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, show that the emission unit source meets the applicable particulate emission limitations at the same time that the visible emissions exceed the otherwise applicable standards of Sections 212.121 - through 212.125 of this Subpart. Such adjusted opacity limitations:
- 1) Shall be specified as a condition in operating permits issued pursuant to 35 Ill. Adm. Code 201 and Section 39.5 of the Act;
 - 2) Shall substitute for that limitation otherwise applicable;
 - 3) Shall not allow an opacity greater than 60 percent at any time; and
 - 4) Shall allow opacity for one six-minute averaging period in any 60 minute period to exceed the adjusted opacity standard.
- b) For the purpose of establishing an adjusted opacity standard, any owner or operator of an emission unit source which meets the requirements of subsection (a) of this Section 7-above, may request the Agency to determine the average opacity of the emissions from the emission unit source during any performance test(s) conducted pursuant to Section 212.110 of this Part and Methods 5 and 9 of 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part. The Agency shall refuse to accept the results of emissions tests if not conducted pursuant to this Section.
- c) Any request for the determination of the average opacity of emissions shall be made in writing, shall include the time and place of the performance test and test specifications and procedures, and shall be submitted to the Agency at least thirty (30) days before the proposed test date.
- d) The Agency will advise the owner or operator of an emission unit source which has requested an opacity determination of any deficiencies in the proposed test specifications and procedures as expeditiously as practicable but no later than ten (10) days prior to the proposed test date so as to minimize any disruption of the proposed testing schedule.
- e) The owner or operator shall allow Agency personnel to be present during the performance test.

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- f) The method for determining an adjusted opacity standard is as follows:
- 1) A minimum of 60 consecutive minutes of opacity readings obtained in accordance with USEPA Test Method 9, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, shall be taken during each sampling run. Therefore, for each performance test (which normally consists of three sampling runs), a total of three sets of opacity readings totaling three hours or more shall be obtained. Concurrently, the particulate emissions data from three sampling runs obtained in accordance with USEPA Test Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, shall also be obtained.
 - 2) After the results of the performance tests are received from the emission unit source, the status of compliance with the applicable particulate emissions limitation shall be determined by the Agency. In accordance with USEPA Test Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, the average of the results of the three sampling runs must be less than the allowable particulate emission rate in order for the emission unit source to be considered in compliance. If compliance is demonstrated, then only those test runs with results which are less than the allowable particulate emission rate shall be considered as acceptable test runs for the purpose of establishing an adjusted opacity standard.
 - 3) The opacity readings for each acceptable sampling run shall be divided into sets of 24 consecutive readings. The six (6)-minute average opacity for each set shall be determined by dividing the sum of the 24 readings within each set by 24.
 - 4) The second highest six (6)-minute average opacity obtained in subsection (f)(3) of this Section above shall be selected as the adjusted opacity standard.
- g) The owner or operator shall submit a written report of the results of the performance test to the Agency at least thirty (30) days prior to filing a petition for an adjusted standard with the Board.
- h) If, upon review of such owner's or operator's written report of the results of the performance test(s), the Agency determines that the emission unit source is in compliance with all applicable emission limitations for which the performance tests were conducted, but fails to comply with the requirements of Section 212.122 or 212.123 of this Subpart, the Agency shall notify the owner or operator as expeditiously as practicable, but no later than twenty (20) days after receiving the written report of any deficiencies in the results of the performance tests.
- i) The owner or operator may petition the Board for an adjusted visible emission standard pursuant to 35 Ill. Adm. Code 106.Subpart E. In addition to the requirements of 35 Ill. Adm. Code 106.Subpart E the petition shall include the following information:
- 1) A description of the business or activity of the petitioner,

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- 2) The quantity and type of materials discharged from the emission unit source or control equipment for which the adjusted standard is requested;
- 3) A copy of any correspondence between the petitioner and the Agency regarding the performance test(s) which form the basis of the adjusted standard request;
- 4) A copy of the written report submitted to the Agency pursuant to subsection (g) of this Section above;
- 5) A statement that the performance test(s) were conducted in accordance with this Section and the conditions and procedures accepted by the Agency pursuant to Section 212.110 of this Part;
- 6) A statement regarding the specific limitation requested; and
- 7) A statement as to whether the Agency has sent notice of deficiencies in the results of the performance test pursuant to subsection (h) of this Section above and a copy of said notice.

j) In order to qualify for an adjusted standard the owner or operator must justify as follows:

- 1) That the performance test(s) were conducted in accordance with ASHRA Test Methods 5 and 9, 40 CFR Part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, and the conditions and procedures accepted by the Agency pursuant to Section 212.110 of this Part;
 - 2) That the emission unit source and associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance test(s); and
 - 3) That the proposed adjusted opacity standard was determined in accordance with subsection (f) of this Section.
- k) Nothing in this Section shall prevent any person from initiating or participating in a rulemaking, variance, or permit appeal proceeding before the Board.

(Source: Amended at 20 Ill. Reg. _____, effective

SUBPART D: PARTICULATE MATTER EMISSIONS
FROM INCINERATORS

Section 212.181 Limitations for Incinerators

a) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator burning more than 27.2 Mg/hr (60,000 lbs/hr) of refuse per-hour to exceed 115 mg (0.05 gr/scf) of effluent gases corrected to 12 percent carbon dioxide.

b) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator burning more than 0.907 Mg/hr (2000 lbs/hr) but less than 27.2 Mg/hr (60,000 lbs/hr) of refuse

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per-hour to exceed 183 mg/scm (0.08 gr/scf) of effluent gases corrected to 12 percent carbon dioxide.

c) No person shall cause or allow the emission of particulate matter into the atmosphere from all other existing incinerators for which construction or modification commenced prior to April 14, 1972, to exceed 458 mg/scm (0.2 gr/scf) of effluent gases corrected to 12 percent carbon dioxide.

d) No person shall cause or allow the emission of particulate matter into the atmosphere from all other new incinerators for which construction or modification commenced on or after April 14, 1972, to exceed 229 mg/scm (0.1 gr/scf) of effluent gases corrected to 12 percent carbon dioxide.

(Source: Amended at 20 Ill. Reg. _____, effective

Section 212.182 Aqueous Waste Incinerators

Section 212.181(d) of this Subpart shall not apply to aqueous waste incinerators which, when corrected to 50 percent excess air for combined fuel and charge incineration, produce stack gas containing carbon dioxide dry-basis volume concentrations of less than 1.2 percent from the charge alone, if all the following conditions are met:

a) The emission of particulate matter into the atmosphere from any such new-or-existing incinerator does not exceed 229 mg/scm (0.1 gr/scf), dry basis, when corrected to 50 percent excess air for combined fuel and charge incineration; and

b) The waste charge to the incinerator does not exceed 907 kg/hr (2000 lbs/hr) per-hour.

(Source: Amended at 20 Ill. Reg. _____, effective

Section 212.183 Certain Wood Waste Incinerators

Exception: Section 212.181(a), (b) and (d) of this Subpart shall not apply to incinerators which burn wood wastes exclusively, if all the following conditions are met:

a) The emission of particulate matter from such incinerator does not exceed 458 mg (0.2 gr/scf) of effluent gases corrected to 12 percent carbon dioxide; and

b) The location of such incinerator is not in a restricted area, and is more than 305 m (1000 ft) from residential or other populated areas;

and

o) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(Source: Amended at 20 Ill. Reg. _____, effective

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Section 212.184 Explosive Waste Incinerators

- a) Section 212.181 of this Subpart shall not apply to certain existing small explosive waste incinerators if all the following conditions are met:
- 1) The incinerator burns explosives or explosive contaminated waste exclusively;
 - 2) The incinerator burns 227 kg/hr (500 lbs/hr) or less of waste per hour-or-less;
 - 3) All incinerators on the same site operate a total of six (6) hours or less in any day; and
 - 4) The incinerator was in existence prior to December 6, 1976 and is located in Williamson County in Section 3, Township 9 South, Range 2 East of the Third Principal Meridian.
- b) No person shall cause or allow the emission of particulate matter into the atmosphere from any such existing small explosive waste incinerator to exceed 7140 mg/kg (50.0 gr/lb) of combined waste and auxiliary fuel burned.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.185 Continuous Automatic Stoking Animal Pathological Waste Incinerators

- a) For purposes of this Section, the following definitions apply: "Animal Pathological Waste" means waste composed of whole or parts of animal carcasses and also non-carcass materials such as plastic, paper, wrapping and animal collars. Noncarcass materials shall not exceed ten percent by weight of the total weight of the carcass and noncarcass materials combined. "Animal" means any organism other than a human being of the kingdom. Animal distinguished from plants by certain typical characteristics such as the power of locomotion, fixed structure and limited growth and non-photosynthetic metabolism. "Continuous automatic stoking" means the automatic moving of animal pathological waste during burning by moving the hearth in a pulse cycle manner, which process is designed to provide a continuous burning rate every hour without limitation and results in emission rates which are similar over any hour of the burning process.

- ab) Section 212.181 of this Subpart shall not apply to continuous automatic stoking pathological waste incinerators if all of the following conditions are met:
- 1) The incinerator shall burn animal pathological waste exclusively, except as otherwise prescribed by the Agency during

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- specified test operation.
- 2) The incinerator shall burn no more than 907 kg/hr kilograms (2000 lbs/hr pounds) of waste per hour.
 - 3) The incinerator shall be multi-stage controlled air combustion incinerator having cyclical pulsed stoking hearth.
- be) No person shall cause or allow the emission of particulate matter into the atmosphere from any incinerator, as defined in this section, to exceed 1 gram of emission per 1 kg kilogram of animal pathological waste charge (0.1 lb/100 lb).
- cd) The particulate matter emissions produced when burning animal pathological waste using gaseous auxiliary fuel, such as natural gas, shall not exceed the lbs/hr pound-per-hour emission rate equivalent to the maximum concentration rate set forth in Section 212.181(d) of this Subpart, when applied to burning a maximum of 2000 lb of mixed charge animal pathological waste plus solid waste for demonstration of compliance. "Mixed charge" shall contain no more than 25% percent by weight of solid waste other than animal pathological waste.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART E: PARTICULATE MATTER EMISSIONS
FROM FUEL COMBUSTION EMISSION UNITS SOURCESSection 212.201 Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Existing Sources Using Solid Fuel Exclusively Located in the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel combustion emission unit for which construction or modification commenced prior to April 14, 1972, source using solid fuel exclusively, located in the Chicago Major Metropolitan Area major metropolitan area, to exceed 0.15 kg of particulate matter per MW-hr of actual heat input in any one hour period (0.10 lbs/mmb MB tu/hr) except as provided in Section 212.203 of this Subpart.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.202 Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Existing Sources Using Solid Fuel Exclusively Located Outside the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel combustion emission unit for which construction or modification commenced prior to April 14, 1972, source using solid fuel exclusively, which is located outside the Chicago major metropolitan area, to exceed the limitations specified in the table below and

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Illustration-A in any one hour period except as provided in Section 212.203 of this Subpart.

METRIC UNITS

H (Range) Mmegawatts Kg/MW kilograms-per-megawatt

Less than or equal to 2.93 1.55

Greater than 2.93 but smaller than 73.2 3.33 H (-0.715)

Greater than or equal to 73.2 0.155

ENGLISH UNITS

H (Range) Mtons-per-hour lbs/mbtu

Less than or equal to 10 1.0

Greater than 10 but smaller than 250 5.18 H (-0.715)

Greater than or equal to 250 0.1

where: S = Allowable emission standard in lbs/mbtu/hr

actual heat input, and H = Actual heat input in mbtu/hr

where: S = Allowable emission standard in lbs/mbtu/hr

(Source: Amended at 20 ILL. Reg. effective

Section 212.203 Existing Controlled Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Sources Using Solid Fuel Exclusively

Notwithstanding Sections 212.201 and 212.202 of this Subpart, any existing fuel combustion emission unit for which construction or modification commenced prior to April 14, 1972, source using solid fuel exclusively may, in any one hour period, emit up to, but not exceed 0.31 kg/MW-hr (0.20 lbs/mbtuMbtu), it as of April 14, 1972, any one of the following conditions was met: a) The emission unit source had an hourly emission rate based on

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original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/mbtuMbtu) of actual heat input, and the emission control of such emission unit source is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mbtuMbtu) from such original design or acceptance performance test conditions; or

b) The emission unit source was in full compliance with the terms and conditions of a variance granted by the Pollution Control Board

(Board) sufficient to achieve an hourly emission rate less than 0.31 kg/MW-hr (0.20 lbs/mbtuMbtu), and construction has commenced on

equipment or modifications prescribed under that program; and emission control of such emission unit source is not allowed to

degrade more than 0.077 kg/MW-hr (0.05 lbs/mbtuMbtu) from original design or equipment performance test conditions, whichever is

stricter; or

o) The emission unit source had an hourly emission rate based on original design or equipment performance test conditions, whichever is

stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/mbtuMbtu) of actual heat input, and the emission control of such emission unit

source is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mbtuMbtu) from that rate demonstrated by the most recent stack

test, submitted to and accepted by the Agency prior to April 1, 1985, provided that:

1) Owners and operators of emission units sources subject to this subsection shall have applied apply for a new operating permit by

January 9, 1987 within 180-days-of-the-effective-date-of-this section; and

2) The application for a new operating permit shall have included include a demonstration that the proposed emission rate, if

greater than the emission rate allowed by subsections (a) or (b) of this Section section, will not under any foreseeable operating

conditions and potential meteorological conditions cause or contribute to a violation of any applicable primary or secondary

ambient air quality standard for particulate matter, or violate any applicable prevention of significant deterioration (PSD)

increment, or violate 35 ILL. Adm. Code 201.141. (Source: Amended at 20 ILL. Reg. effective

Section 212.204 Emission Units For Which Construction or Modification Commenced On or After April 14, 1972, New-Sources Using Solid Fuel Exclusively

No person shall cause or allow the emission of particulate matter into the atmosphere from any new fuel combustion emission unit for which construction or modification commenced on or after April 14, 1972, source using solid fuel exclusively to exceed 0.15 kg of particulate matter per MW-hr of actual heat input (0.1 lbs/mbtuMbtu) in any one hour period unless Section 212.202,

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212.203, or 212.205 applies.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.205 Existing Coal-fired Industrial Boilers For Which Construction or Modification Commenced Prior to April 14, 1972, Equipped with Flue Gas Desulfurization Systems

Notwithstanding Sections 212.201 through 212.204 of this Subpart, no person shall cause or allow the emission of particulate matter into the atmosphere from existing coal-fired industrial boilers equipped with flue gas desulfurization systems for which construction or modification commenced prior to April 14, 1972, to exceed 0.39 kg of particulate matter per MW-hr of actual heat input in any one-hour period (0.25 lbs/mmbtu). Nothing in this rule shall be construed to prevent compliance with applicable regulations promulgated by the USEPA U.S.-Environmental-Protection-Agency under Section 111 of the CCA Clean-Air-Act-(42-U.S.C.-7411) as amended. The provisions of Section 111 of the Clean Air Act relating to standards of performance for new stationary sources...are applicable in this State and are enforceable under the {The--Environmental-Protection Act} [415 ILCS 5/9.1(b)]. {111--Rev--Stat--7--ch--111--1/27--par--1009--1(b)}.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.206 Emission Units Sources Using Liquid Fuel Exclusively

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period to exceed 0.15 kg of particulate matter per MW-hr of actual heat input from any fuel combustion emission unit source using liquid fuel exclusively (0.10 lbs/mmbtu).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.207 Emission Units Sources Using More Than One Type of Fuel

- a) No person, while simultaneously burning more than one type of fuel in a fuel combustion emission unit source, shall cause or allow the emission of particulate matter into the atmosphere in any one hour period in excess of the following equation:

$$E = AS + BL$$

- b) Symbols in the equation mean the following:

where:

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E = Allowable emission rate;

A = Solid fuel particulate emission standard which is applicable;

B = Constant determined from the table in subsection (c);

S = Actual heat input from solid fuel;

L = Actual heat input from liquid fuel.

- be) The metric and english units to be used in the equation of subsection (a) of this Section are as follows:

Parameter	Metric	English
E	kg/hr	lbs/hr
A	kg/MW-hr	lbs/mmbtu
B	0.155	0.10
S	MW	mmbtu/hr
L	MW	mmbtu/hr

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.208 Aggregation of Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 Existing Sources

Section 212.207 of this Subpart may be applied to the aggregate of all fuel combustion emission units for which construction or modification commenced prior to April 14, 1972, sources vented to a common stack provided that after January 26, 1972:

- Ductwork has not been modified so as to interconnect such existing fuel combustion emission units sources;
- The actual heat input to any such existing fuel combustion emission units source is not increased; and
- No new fuel combustion emission unit source is added to reduce the degree of control of emissions of particulate matter required by this Subpart.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.209 Village of Winnetka Generating Station (Repealed)

Notwithstanding any other requirements of this Part, if the Village of Winnetka files a petition to establish site-specific particulate standards for its generating station within 60 days of the effective date of the rules adopted under docket R02-17, the Village of Winnetka's generating station shall not emit particulates at a level more than 0.25 lbs/MBtu until January 17, 1989, or until a final determination is made on that site-specific rulemaking, whichever occurs sooner.

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the Agency that fugitive particulate emissions from that pile do not cross the property line either by direct wind action or reentrainment.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.305 Conveyor Loading Operations

All conveyor loading operations to storage piles specified in Section 212.304 of this Subpart shall utilize spray systems, telescopic chutes, stone ladders or other equivalent methods in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.306 Traffic Areas

All normal traffic pattern access areas surrounding storage piles specified in Section 212.304 of this Subpart and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Section 212.309, 212.310 and 212.312 of this Subpart.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.309 Operating Program

- a) The emission units sources described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart Part, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.
- b) ~~Compliance--Bate-~~ The amendment to this Section incorporating the applicability of Section 212.316 shall apply by May 11 one--year following--its--effective--date--or--December-10, 1993, or upon initial start-up, whichever occurs later is-earlier.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 212.310 Minimum Operating Program

As a minimum the operating program shall include the following:

- a) The name and address of the source facility;
- b) The name and address of the owner or operator responsible for execution of the operating program;
- c) A map or diagram of the source facility showing approximate locations of storage piles, conveyor loading operations, normal traffic pattern access areas surrounding storage piles and all normal traffic patterns within the source facility;
- d) Location of unloading and transporting operations with pollution control equipment;
- e) A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil chemicals and dust suppressants utilized and equivalent methods utilized;
- f) Estimated frequency of application of dust suppressants by location of materials; and
- g) Such other information as may be necessary to facilitate the Agency's review of the operating program,

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.313 Emission Standard for Particulate Collection Equipment

If particulate collection equipment is operated pursuant to Sections 212.304 through 212.310 and 212.312 of this Subpart, emissions from such equipment shall not exceed 68 mg/dscm (0.03 gr/dscf).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.314 Exception for Excess Wind Speed

Section 212.301 of this Subpart shall not apply and spraying pursuant to Sections 212.304 through 212.310 and 212.312 of this Subpart shall not be required when the wind speed is greater than 40.2 km/hr kilometers--per-hour (25 mph miles-per-hour). Determination of wind speed for the purposes of this rule shall be by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site. In cases where the duration of operations subject to this rule is less than one hour, wind speed may be averaged over the duration of the operations on the basis of on-site on--site wind speed instrument measurements.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 212.315 Covering for Vehicles (Repealed)

No-person-shall-cause-or-allow-the-operation-of-a-vehicle-of-the-second-division-as-defined-by-its-Rev-Stat-1987-ch-95-1/27-pars-1-277-as-revised-or-a-semi-trailer-as-defined-by-its-Rev-Stat-1987-ch-95-1/27-pars-1-187-as-revised-without-a-covering-sufficient-to-prevent-the-release-of-particulate-matter-into-the-atmosphere-provided-that-this-rule-shall-not-pertain-to-automotive-exhaust-emissions

(Source: Repealed. at 20 Ill. Reg. effective

Section 212.316 Emissions Limitations for Emissions Units Sources in Certain Areas

- a) Applicability. This Section shall apply to those operations specified in Section 212.302 of this Subpart and that are located in areas defined in Section 212.324(a)(1) of this Part.
b) Emission Limitation for Crushing and Screening Operations. No person shall cause or allow fugitive particulate matter emissions generated by the crushing or screening of slag, stone, coke or coal to exceed an opacity of 10 percent.
c) Emission Limitations for Roadways or Parking Areas. No person shall cause or allow fugitive particulate matter emissions from any roadway or parking area to exceed an opacity of 10 percent, except that the opacity shall not exceed 5 percent at quarries with a capacity to produce more than 1 million T/yr tons-per-year of aggregate.
d) Emission Limitations for Storage Piles. No person shall cause or allow fugitive particulate matter emissions from any storage pile to exceed an opacity of 10 percent, to be measured four ft feet from the pile surface.
e) Additional Emissions Limitations for the Granite City Vicinity as Defined in Section 212.324(a)(1)(C) of this Part.
1) Emissions Limitations for Roadways or Parking Areas Located at Slag Processing Facilities or Integrated Iron and Steel Manufacturing Plants. No person shall cause or allow fugitive particulate matter emissions from any roadway or parking area located at a slag processing facility or integrated iron and steel manufacturing plant to exceed an opacity of 5 percent.
2) Emissions Limitations for Marine Terminals:
A) No person shall cause or allow fugitive particulate matter emissions from any loading spouts for truck or railcar to exceed an opacity of 10 percent; and
B) No person shall cause or allow fugitive particulate matter emissions generated at barge unloading, dump pits, or conveyor transfer points including, but not limited to,

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f) Emission Limitation for All Other Emission Units Sources. Unless an emission unit source has been assigned a particulate matter, PM-10, or fugitive particulate matter emissions limitation elsewhere in this Section or in Subparts R or S of this Part, no person shall cause or allow fugitive particulate matter emissions from any emission unit source to exceed an opacity of 20 percent.

- g) Recordkeeping and Reporting
1) The owner or operator of any fugitive particulate matter emission unit source subject to this Section shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of this Section and shall submit to the Agency an annual report containing a summary of such information.
2) The records required under this subsection shall include at least the following:
A) The name and address of the source plant;
B) The name and address of the owner and/or operator of the source plant;
C) A map or diagram showing the location of all emission units sources controlled, including the location, identification, length, and width of roadways;
D) For each application of water or chemical solution to roadways by truck: the name and location of the roadway controlled, application rate of each truck, frequency of each application, width of each application, identification of each truck used, total quantity of water or chemical used for each application and, for each application of chemical solution, the concentration and identity of the chemical;
E) For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent, and, if diluted, percent of concentration, used each day; and
F) A log recording incidents when control measures were not used and a statement of explanation.

- 3) Copies of all records required by this Section shall be submitted to the Agency within ten (10) working days after a written request by the Agency and shall be transmitted to the Agency by a company-designated person with authority to release such records.
4) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.
5) A quarterly report shall be submitted to the Agency stating the following: the dates any necessary control measures were not implemented, a listing of those control measures, the reasons that the control measures were not implemented, and any

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corrective actions taken. This information includes, but is not limited to, those dates when controls were not applied based on a belief that application of such control measures would have been unreasonable given prevailing atmospheric conditions, which shall constitute a defense to the requirements of this Section. This report shall be submitted to the Agency thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

- h) Compliance Date. Emission units Sources shall comply with the emissions limitations and record keeping and reporting requirements of this Section ~~within one year following the effective date of this Section~~ or by May 11 December 10, 1993, or upon initial start-up, whichever occurs later is earlier.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART L: PARTICULATE MATTER EMISSIONS
FROM PROCESS EMISSION UNITS SOURCES

Section 212.321 New Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972 Sources

- a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit source which, either alone or in combination with the emission of particulate matter from all other similar new process emission units for which construction or modification commenced on or after April 14, 1972, sources at a source plant or premises, exceeds the allowable emission rates specified in subsection (c) ~~of this Section and Illustration-B.~~
- b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = A(P)^{\text{superscript B}}$$

where:

P = Process weight rate; and

E = Allowable emission rate; and

- 1) Up to process weight rates of 408 MG/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.214	2.54
B	0.534	0.534

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- 2) For process weight rate greater than or equal to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	11.42	24.8
B	0.16	0.16

- c) Limits for New Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972 Sources

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.20	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.	3.9	10.00	8.70
13.	4.8	15.00	10.80
18.	5.7	20.00	12.50
23.	6.5	25.00	14.00
27.	7.1	30.00	15.60
32.	7.7	35.00	17.00
36.	8.2	40.00	18.20
41.	8.8	45.00	19.20
45.	9.3	50.00	20.50
90.	13.4	100.00	29.50
140.	17.0	150.00	37.00
180.	19.4	200.00	43.00
230.	22.	250.00	48.50
270.	24.	300.00	53.00
320.	26.	350.00	58.00
360.	28.	400.00	62.00
408.	30.1	450.00	66.00
454.	30.4	500.00	67.00

where:

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P = Process weight rate in metric or T/hr English--tons-per-hour, and
 E = Allowable emission rate in kg/hr kilograms or lbs/hr pounds per-hour.

(Source: Amended at 20 Ill. Reg. effective

Section 212.322 Existing Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 Sources

- a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any existing process emission unit for which construction or modification commenced prior to April 14, 1972, source which, either alone or in combination with the emission of particulate matter from all other similar new-or-existing process emission units sources at a source plant or premises, exceeds the allowable emission rates specified in subsection (c) of this Section and--illustrations--c.
- b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = C + A(P)(\text{superscript } B)$$

where:

P = process weight rate; and

E = allowable emission rate; and

1) For process weight rates up to 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.985	4.10
B	0.67	0.67
C	0	0

2) For process weight rates in excess of 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	25.21	55.0
B	0.11	0.11
C	-18.4	-40.0

Section 212.323 Stock Piles

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(c) Limits for Existing Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 Sources

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr

0.05	0.27	0.05	500.00
0.1	0.42	0.10	450.00
0.2	0.68	0.20	400.00
0.3	0.89	0.30	350.00
0.4	1.07	0.40	300.00
0.5	1.25	0.50	250.00
0.7	1.56	0.75	200.00
0.9	1.85	1.00	150.00
1.8	2.9	1.00	100.00
2.7	3.9	2.00	50.00
3.6	4.7	3.00	45.00
4.5	5.4	4.00	41.8
9	8.7	5.00	36
13	11.1	6.00	32
18	13.8	7.00	27.2
23	16.2	8.00	18.15
27.2	18.15	9.00	140
32	18.8	10.00	180
36	19.3	11.00	230
41	19.8	12.00	270
45	20.2	13.00	320
90	23.2	14.00	360
140	25.3	15.00	400
180	26.5	16.00	454
230	27.7	17.00	31.3
270	28.5	18.00	30.6
320	29.4	19.00	30.0
360	30.0	20.00	29.4
400	30.6	21.00	28.5
450	31.3	22.00	27.7
500	32.0	23.00	26.5
550	32.7	24.00	25.3
600	33.4	25.00	23.2
650	34.1	26.00	20.2
700	34.8	27.00	19.8
750	35.5	28.00	19.3
800	36.2	29.00	18.8
850	36.9	30.00	18.15
900	37.6	31.00	16.2
950	38.3	32.00	13.8
1000	39.0	33.00	11.1
1050	39.7	34.00	8.7
1100	40.4	35.00	5.4
1150	41.1	36.00	4.7
1200	41.8	37.00	3.9
1250	42.5	38.00	2.9
1300	43.2	39.00	2.00
1350	43.9	40.00	1.00
1400	44.6	41.00	0.75
1450	45.3	42.00	0.50
1500	46.0	43.00	0.40
1550	46.7	44.00	0.30
1600	47.4	45.00	0.20
1650	48.1	46.00	0.10
1700	48.8	47.00	0.05
1750	49.5	48.00	
1800	50.2	49.00	
1850	50.9	50.00	
1900	51.6	51.00	
1950	52.3	52.00	
2000	53.0	53.00	
2050	53.7	54.00	
2100	54.4	55.00	
2150	55.1	56.00	
2200	55.8	57.00	
2250	56.5	58.00	
2300	57.2	59.00	
2350	57.9	60.00	
2400	58.6	61.00	
2450	59.3	62.00	
2500	60.0	63.10	
2550	60.7	64.90	
2600	61.4	66.20	
2650	62.1	67.70	
2700	62.8	69.00	

where:
 P = Process weight rate in Mg/hr metric or T/hr English--tons-per-hour, and
 E = Allowable emission rate in kg/hr kilograms or lbs/hr pounds per-hour.

(Source: Amended at 20 Ill. Reg. effective

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Sections 212.321 and 212.322 of this Subpart shall not apply to emission units sources, such as stock piles of particulate matter, to which, because of the disperse nature of such emission units sources, such rules cannot reasonably be applied.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.324 Process Emission Units Sources in Certain Areas

a) Applicability.

1) This Section shall apply to any process emission unit source located in any of the following areas:

A) That area bounded by lines from Universal Transmercator (UTM) coordinate 428000mE, 4631000mN, east to 435000mE, 4631000mN, south to 435000mE, 4623000mN, west to 428000mE, 4623000mN, north to 428000mE, 4631000mN, in the vicinity of McCook in Cook County, as shown in Illustration D of this Part;

B) That area bounded by lines from Universal Transmercator (UTM) coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000mE, 4622180mN, in the vicinity of Lake Calumet in Cook County, as shown in Illustration E of this Part;

C) That area bounded by lines from Universal Transmercator (UTM) coordinate 744000mE, 4290000mN, east to 753000mE, 4290000mN, south to 753000mE, 4283000mN, west to 744000mE, 4283000mN, north to 744000mE, 4290000mN, in the vicinity of Granite City in Madison County, as shown in Illustration F of this Part.

2) This Section shall not alter the applicability of Sections 212.321 and 212.322 of this Subpart Part.

3) The emissions limitations of this Section are not applicable to any emission unit source subject to a specific emissions standard or limitation contained in any of the following Subparts of this Part:

- (A) Subpart N, Food Manufacturing;
- (B) Subpart Q, Stone, Clay, Glass, and Concrete Manufacturing;
- (C) Subpart R, Primary and Fabricated Metal Products, and Machinery Manufacture; and
- (D) Subpart S, Agriculture.

b) General Emission Limitation. Except as otherwise provided in this Section, no person shall cause or allow the emission into the atmosphere, of PM-10, from any process emission unit source to exceed 68.7 mg/scm (0.03 gr/scf) during any one hour period.

c) Alternative Emission Limitation. In lieu of the emission limit of

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68.7 mg/scm (0.03 gr/scf) contained in subsection (b) of this Section no person shall cause or allow the emissions from of the following emission units sources to exceed the corresponding limitations in the following table:

Source Emission Units	Emissions Limit	
	Metric	English
1) Shotblasting emissions <u>units sources</u> in the Village of McCook equipped with fabric filter(s) as of June 1, 1991	22.9 mg/scm	0.01 gr/scf
2) All process emissions <u>units sources</u> at manufacturers of steel wool with soap pads located in the Village of McCook	5% opacity	5% opacity

d) Exceptions. The mass emission limits contained in subsections (b) and (c) of this Section shall not apply to those emission units sources with no visible emissions other than fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsections (b) and (c) of this Section.

e) Special Emissions Limitation for Fuel-Burning Process Emission Units Emissions--Sources in the Vicinity of Granite City. No person shall cause or allow emissions of PM-10 into the atmosphere to exceed 12.9 ng/J (0.03 lbs/---per mmbtu) of heat input from the burning of fuel other than natural gas at any process emission unit emissions--source located in the vicinity of Granite City as defined in subsection (a)(1)(C) of this Section.

f) Maintenance and Repair. For any process emission unit source subject to subsection (a) of this Section, the owner or operator shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this Section shall be met at all times. This Section shall not affect the applicability of Section 201.149 of this Part. Proper maintenance shall include the following minimum requirements:

- 1) Visual inspections of air pollution control equipment;
- 2) Maintenance of an adequate inventory of spare parts; and
- 3) Expedient repairs, unless the emission unit source is shutdown.

g) Recordkeeping of Maintenance and Repair.

1) Written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment shall be kept in accordance with subsection (f) of this Section.

2) The owner or operator shall document any period during which any process emission unit source was in operation when the air

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pollution control equipment was not in operation or malfunctioning so as to cause an emissions level in excess of the emissions limitation. These records shall include documentation of causes for pollution control equipment not operating or such malfunction and shall state what corrective actions were taken and what repairs were made.

3) A written record of the inventory of all spare parts not readily available from local suppliers shall be kept and updated.

4) Copies of all records required by this Section shall be submitted to the Agency within ten (10) working days after of request by the Agency.

5) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.

6) Upon written request by the Agency a report shall be submitted to the Agency for any period specified in the request stating the following: the dates during which any process emissions unit source was in operation when the air pollution control equipment was not in operation or was not operating properly, documentation of causes for pollution control equipment not operating or not operating properly, and a statement of what corrective actions were taken and what repairs were made.

h) Compliance Date. Emission units sources shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section with in one-year-after-the-effective-date-of-this-Section, or by May 11 December-10, 1993, whichever occurs later ts-earlier.

(Source: Amended at 20 ILL. Reg. _____, effective _____)

Section 212.361 Corn Wet Milling Processes

SUBPART N: FOOD MANUFACTURING

Sections 212.321 and 212.322 of this Part shall not apply to feed and gluten dryers in corn wet milling processes, where the exit gases have a dew point higher than the ambient temperature and the specific gravity of the material processed is less than 2.0. No person shall cause or allow the emission of particulate matter into the atmosphere from any such process so as to exceed the emission standards and limitations specified in Section 212.322.

(Source: Amended at 20 ILL. Reg. _____, effective _____)

Section 212.362 Emission Units Sources in Certain Areas

a) Applicability.

- 1) Subsections (b)(1) through (b)(4) of this Section shall apply to those emission units sources engaged in food manufacturing and located in the Village of Bedford Park west of Archer Avenue and in the area defined in Section 212.324(a)(1)(A) of this Part.
- 2) Subsection (b)(5) of this Section applies to an instant tea manufacturing plant in Granite City, as defined in Section 212.324(a)(1)(C) of this Part.
- b) Emission Limitation. No person shall cause or allow the emission of PM-10, other than that of fugitive particulate matter, into the atmosphere to exceed the following limits during any one hour period:
 - 1) 22.9 mg/scm (0.01 gr/scf) for dextrose dryers, dextrose melt tank systems, bulk dextrose loading systems, house dry dextrose dust systems, dextrose bagging machine dust systems, dextrose expansion dryer/cooler and packing systems and 2034 dextrose dryer/cooler dust collecting systems;
 - 2) 34.3 mg/scm (0.015 gr/scf) for feed dryers, gluten dryers, germ dryers, and heat recovery scrubbers;
 - 3) 68.7 mg/scm (0.03 gr/scf) for germ cake transport systems, spent flake transport/cooling systems, bleaching clay systems, dust pickup bin systems in Building 26, and pellet cooler systems;
 - 4) 45.8 mg/scm (0.02 gr/scf) for germ transport systems, starch dust collection systems, dicalite systems, starch processing/transport systems, starch dryers, starch transport systems, calcium carbonate storage systems, starch loading systems, corn unloading systems, germ transfer towers, dextrose transport systems, soda ash unloading systems, corn silo systems, filter aid systems, spent flake storage systems, corn cleaning transport systems, feed transport cooling systems, gluten cooling systems, gluten transport systems, pellet transport systems, feed dust systems, gluten dust systems, pellet dust systems, spent flake transport systems, rail car maintenance system buildings, and dextrose expansion milling and storage systems;
 - 5) 22.9 mg/scm (0.01 gr/scf) for any process emission unit emissions source at an instant tea manufacturing plant in Granite City, except the spray dryer, raw tea storage silo, and instant tea filling machines.
- c) Exceptions. The mass emission limits contained in subsection (b) of this Section shall not apply to those emission units sources with no visible emissions other than fugitive matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsection (b) of this Section.
- d) Maintenance, Repair, and Recordkeeping. The requirements of this Section.
- e) Compliance Date. Emission units sources shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section with in one-year-after-the-effective-date-of-this-Section.

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or by May 11 December-10, 1993, or upon initial start-up, whichever occurs later is-earlier.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL
AND CHEMICAL MANUFACTURING

Section 212.381 Catalyst Regenerators of Fluidized Catalytic Converters

Sections 212.321 and 212.322 of this Part shall not apply to catalyst regenerators of fluidized catalytic converters. No person shall cause or allow the emission rate from new--and--existing catalyst regenerators of fluidized catalytic converters to exceed in any one hour period the rate determined using the following equations:

$$E = 4.10 (P)(0.67) \quad \text{for } P \text{ less than or equal to } 30$$

T/hr tons-per-hour.

$$E = (55.0 (P)(0.11)) - 40.0 \quad \text{for } P \text{ greater than } 30$$

T/hr tons-per-hour.

where:

E = allowable emission rate in lbs/hr pounds-per-hour, and
P = catalyst recycle rate, including the amount of fresh catalyst added, in T/hr tons-per-hour.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART Q: STONE, CLAY, GLASS AND
CONCRETE MANUFACTURING

Section 212.421 New Portland Cement Processes For Which Construction or Modification Commenced On or After April 14, 1972

No person shall cause or allow the emission of smoke or other particulate matter from any new portland cement process for which construction or modification commenced on or after April 14, 1972, into the atmosphere having an opacity greater than 10 percent.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.422 Portland Cement Manufacturing Processes

Section 212.321 of this Part shall not apply to the kilns and coolers of

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portland cement manufacturing processes.

- a) The kilns and clinker coolers of existing portland cement manufacturing processes for which construction or modification commenced prior to April 14, 1972, shall comply with the emission standards and limitations of Section 212.322 of this Part.
- b) The kilns and clinker coolers of new portland cement manufacturing processes for which construction or modification commenced on or after April 14, 1972, shall comply with the following emission standards and limitations:
 - 1) No person shall cause or allow the emission of particulate matter into the atmosphere from any such kiln to exceed 0.3 lbs/T pounds-per-ton of feed to the kiln.
 - 2) No person shall cause or allow the emission of particulate matter into the atmosphere from any such clinker cooler to exceed 0.1 lbs/T pounds-per-ton of feed to the kiln.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.423 Emissions Limits for the Portland Cement Manufacturing Plant Located in LaSalle County, South of the Illinois River

- a) Applicability: This Section shall apply to the portland cement manufacturing plants in operation before September 1, 1990 located in LaSalle County, south of the Illinois River. This Section shall not alter the applicability of Sections 212.321 and 212.322 of this Part to portland cement manufacturing processes other than those for which alternate emission limits are specified in subsection (b) of this Section. This Section shall not become effective until April 30, 1992.

b) Prohibitions

- 1) No person shall cause or allow emissions of-PM-10 to exceed the emission limits set forth below for each process:

1)

	PM-10 Emission Limits			
	Rate		Concentration	
	kg/hr	(lbs/hr)	mg/scm	(gr/scf)
A. Clinker Cooler	4.67	(10.3)	28.147	(0.012)
B. Finish Mill High Efficiency Air Separator	2.68	(5.9)	26.087	(0.011)

- 2) No-person-shall-cause--or--allow--emissions--of--PM-10--including condensable--PM-10--to-exceed-the-emission-limits-set-forth-below for-each-process:

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of rock processed.

- 2) The owner or operator shall water all roadways traveled by trucks to and from the primary crusher in the process of transporting raw limestone and shale to the crusher at an application rate of at least 0.50 ~~l/m(2) liters--per-square-meter~~ (0.10 ~~gal/yd(2) gallons-per-square-yard~~) applied once every eight hours of operation except under conditions specified in subsection (d)(3) of this Section below. Watering shall begin within one hour of commencement of truck traffic each day.
 - 3) Subsection (d)(2) of this Section above shall be followed at all times except under the following circumstances:
 - A) Precipitation is occurring such that there are no visible emissions or if precipitation occurred during the previous 2 hours such that there are no visible emissions;
 - B) If the ambient temperature is less than or equal to 0° C (32° F); or
 - C) If ice or snow build-up has occurred on roadways such that there are no visible emissions.
 - 4) The owner or operator of the associated quarry operations shall keep written records in accordance with subsection (e) of this Section.
- e) Recordkeeping and Reporting
- 1) The owner or operator of any portland cement manufacturing plant and/or associated quarry operations subject to this Section shall keep written daily records relating to the application of each of the fugitive particulate matter control measures required by this Section.
 - 2) The records required under this Section shall include at least the following:
 - A) ~~The~~ the name and address of the plant;
 - B) ~~The~~ the name and address of the owner or operator of the plant and associated quarry operations;
 - C) ~~A~~ a map or diagram showing the location of all fugitive particulate matter emission units sources controlled including the location, identification, length, and width of roadways;
 - D) ~~For~~ for each application of water or calcium chloride solution, the name and location of the roadway controlled, the water capacity of each truck, application rate of each truck, frequency of each application, width of each application, start and stop time of each application, identification of each water truck used, total quantity of water or calcium chloride used for each application, including the concentration of calcium chloride used for each application;
 - E) ~~For~~ for application of chemical foam spray solution, the application rate and frequency of application, name of foaming agent, and total quantity of solution used each day;

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- F) Name name and designation of the person applying control measures; and
 - G) A a log recording all failures to use control measures required by this Section with a statement explaining the reasons for each failure and, in the case of a failure to comply with the roadway watering requirements of subsection (d)(2) of this Section, a record showing that one of the circumstances for exceptions listed in subsection (d)(3) of this Section existed during the period of the failure. Such record shall include, for example, the periods of time when the measured temperature was less than or equal to 0° C (32° F).
- 3) Copies of all records required by this Section shall be submitted to the Agency within ten (10) working days of a written request by the Agency.
 - 4) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.
 - 5) A quarterly report shall be submitted to the Agency stating the following: the dates required control measures were not implemented, the required control measures, the reasons that the control measures were not implemented, and the corrective actions taken. This report shall include those times when subsection (d) of this Section is involved. This report shall be submitted to the Agency thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

{Source: Amended at 20 Ill. Reg. _____, effective _____ }

Section 212.425 Emission Units Sources in Certain Areas

- a) Applicability: This Section shall apply to those emission units sources located in those areas defined in Section 212.324(a)(1) of this Part.
- b) Emission--Limitation: No person shall cause or allow the emission of PM-10, other than that of fugitive particulate matter, into the atmosphere to exceed the following limits during any one hour period:
 - 1) 57.2 mg/scm (0.025 gr/scf) for coater and cooling loop ventilators at a roofing asphalt manufacturing plants located in the Village of Summit;
 - 2) 34.3 mg/scm (0.015 gr/scf) for mineral filler handling emission units sources at a roofing asphalt manufacturing plant located in the Village of Summit;
 - 3) 0.03 kg/Mg (0.06 lb/T) of asphalt mixed for asphalt mixer at a roofing asphalt manufacturing plants located in the Village of Summit;

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- 4) 91.6 mg/scm (0.04 gr/scf) for roofing asphalt blowing stills, except stills Nos. 1 and 2, at a roofing asphalt manufacturing plants located in the Village of Summit;
- 5) 45.8 mg/scm (0.02 gr/scf) for kilns in the lime manufacturing industry;
- 6) 22.9 mg/scm (0.01 gr/scf) for all other process emission units sources in the lime manufacturing industry;
- 7) 0.325 kg/Mg (0.65 lb/T) of glass produced for all glass melting furnaces.

c) Exceptions: The mass emission limits contained in subsection (b) of this Section shall not apply to those emission units sources with no visible emissions other than fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsection (b) of this Section.

d) Maintenance, Repair, and Recordkeeping: The requirements of subsections (f) and (g) of Section 212.324(f) and (g) of this Part shall also apply to this Section.

e) Compliance: Emission units sources shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section within one year of the effective date of this Section or by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 ILL. Reg. _____, effective _____)

Section 212.441 Steel Manufacturing Processes

Except where noted, Sections 212.321 and 212.322 of this Part shall not apply to the steel manufacturing processes subject to Sections 212.442 through 212.452 of this Subpart.

(Source: Amended at 20 ILL. Reg. _____, effective _____)

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND MACHINERY MANUFACTURE

Section 212.443 Coke Plants

- a) Subpart B of this Part shall not apply to coke plants.
- b) Charging:
- I) Uncaptured Emissions:
- A) No person shall cause or allow the emission of visible particulate matter from any coke oven charging operation, from the introduction of coal into the first charge port, as indicated by the first mechanical movement of the coal

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- i) Observation of charging emissions shall be made from any point or points on the top side of a coke oven battery from which a qualified observer can obtain an unobstructed view of the charging operation.
- ii) The qualified observer shall time the visible emissions with a stopwatch while observing the charging operation. Only emissions from the charge port and any part of the larry car shall be timed. The observation shall commence as soon as coal is introduced into the first charge port as indicated by the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car and shall terminate when the last charge port lid has been replaced. Simultaneous emissions from more than one emission point shall be timed and recorded as one emission and shall not be added individually to the total time.
- iii) The qualified observer shall determine and record the total number of seconds that charging emissions are visible during the charging of coal to the coke oven.
- iv) For each charge observed, the qualified observer shall record the total number of seconds of visible emissions, the clock time for the initiation and completion of the charging operation and the battery identification and oven number.
- v) The qualified observer shall not record any emissions observed after all charging port lids have been firmly seated following removal of the larry car, such as emissions occurring when a lid has been temporarily removed to permit spilled coal to be swept into the oven.
- vi) In the event that observations from a charge are interrupted the data from the charge shall be invalidated and the qualified observer shall note on his observation sheet the reason for invalidating the data. The qualified observer shall then resume observation of the next consecutive charge or charges and continue until a set of five charges has been recorded. Charges immediately preceding and following interrupted observations shall be considered

following manner:

(b)(1)(A) of this Section above shall be determined in the following manner:

B) Compliance with the limitation set forth in subsection uncountable charge at the option of the operator.

seconds over 5 consecutive charges; provided however that the final charge port lid for more than a total of 125 charging operation. Only emissions from the charge port and any part of the larry car shall be timed. The observation shall commence as soon as coal is introduced into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car and shall terminate when the last charge port lid has been replaced. Simultaneous emissions from more than one emission point shall be timed and recorded as one emission and shall not be added individually to the total time.

Observation of charging emissions shall be made from any point or points on the top side of a coke oven battery from which a qualified observer can obtain an unobstructed view of the charging operation.

ii) The qualified observer shall time the visible emissions with a stopwatch while observing the charging operation. Only emissions from the charge port and any part of the larry car shall be timed. The observation shall commence as soon as coal is introduced into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car and shall terminate when the last charge port lid has been replaced. Simultaneous emissions from more than one emission point shall be timed and recorded as one emission and shall not be added individually to the total time.

iii) The qualified observer shall determine and record the total number of seconds that charging emissions are visible during the charging of coal to the coke oven.

iv) For each charge observed, the qualified observer shall record the total number of seconds of visible emissions, the clock time for the initiation and completion of the charging operation and the battery identification and oven number.

v) The qualified observer shall not record any emissions observed after all charging port lids have been firmly seated following removal of the larry car, such as emissions occurring when a lid has been temporarily removed to permit spilled coal to be swept into the oven.

vi) In the event that observations from a charge are interrupted the data from the charge shall be invalidated and the qualified observer shall note on his observation sheet the reason for invalidating the data. The qualified observer shall then resume observation of the next consecutive charge or charges and continue until a set of five charges has been recorded. Charges immediately preceding and following interrupted observations shall be considered

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consecutive.

2) Emissions from Control Equipment

A) Emissions of particulate matter from control equipment used to capture emissions during charging shall not exceed 0.046 g/dscm (0.020 gr/dscf). Compliance shall be determined in accordance with the procedures set forth in 40 CFR part 60, Appendix A, Methods 1 through - 5 incorporated by reference in Section 212.113 of this Part. *The provisions of Section 111 of the Clean Air Act...relating to standards of performance for new stationary sources...are applicable in this State and are enforceable under ~~(The--Environmental~~ Protection the Act [415 ILCS 5/9.1(b)]. ~~)-~~Ill--Rev--Stat--1991--Ch--111-1/2--par--1009-1(b)-~~~~*

B) The opacity of emissions from control equipment shall not exceed an average of 20 percent, averaging the total number of readings taken. Opacity readings shall be taken at 15-second intervals from the introduction of coal into the first charge port as indicated by the first mechanical movement of the coal feeding mechanism on the larry car to the replacement of the final charge port lid. Compliance, except for the number of readings required, shall be determined in accordance with 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part. *The provisions of Section 111 of the Clean Air Act...relating to standards of performance from now stationary sources...are applicable in this State and are enforceable under ~~(the--Environmental--Protection the Act)~~ [415 ILCS 5/9.1(b)]. ~~Section-9-1(b)-of-the-Act-~~*

C) Opacity readings of emissions from control equipment shall be taken concurrently with observations of fugitive particulate matter. Two qualified observers shall be required.

3) Qualified observers referenced in subsection (b) of this Section shall be certified pursuant to 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part. *The provisions of Section 111 of the Clean Air Act...relating to standards of performance for new stationary sources ... are applicable in this State and are enforceable under ~~(The Environmental--Protection the Act)~~ [415 ILCS 5/9.1(b)]. ~~Section-9-1(b)-of-the-Act-~~*

c) Pushing:

1) Uncaptured Emissions:

A) Emissions of uncaptured fugitive particulate matter from pushing operations shall not exceed an average of 20 percent opacity for 4 consecutive pushes considering the highest average of six consecutive readings in each push. Opacity readings shall be taken at 15-second intervals, beginning from the time the coke falls into the receiving car or is

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first visible as it emerges from the coke guide whichever occurs earlier, until the receiving car enters the quench tower or quenching device. For a push of less than 90 seconds duration, the actual number of 15-second readings shall be averaged.

B) Opacity readings shall be taken by a qualified observer located in a position where the oven being pushed, the coke receiving car and the path to the quench tower are visible. The opacity shall be read as the emissions rise and clear the top of the coke battery gas mains. The qualified observer shall record opacity readings of emissions originating at the receiving car and associated equipment and the coke oven, including the standpipe on the coke side of the oven being pushed. Opacity readings shall be taken in accordance with the procedures set forth in 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part, except that Section 2.5 for data reduction shall not be used. The qualified observer referenced in this subsection shall be certified pursuant to 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113. *The provisions of Section 111 of the Clean Air Act...relating to standards of performance for new stationary sources...are applicable in this State and are enforceable under ~~(The-Environmental--Protection the Act)~~ [415 ILCS 5/9.1(b)]. ~~Section-9-1-(b)-~~*

2) Emissions from Control Equipment

A) The particulate emissions from control equipment used to control emissions during pushing operations shall not exceed 0.040 pounds per ton of coke pushed. Compliance shall be determined in accordance with the procedures set forth in 40 CFR part 60, Appendix A, Methods 1-5, incorporated by reference in Section 212.113 of this Part. *The provisions of Section 111 of the Clean Air Act...relating to standards of performance for new stationary sources...are applicable in this State and are enforceable under ~~The-Environmental--Protection the Act~~ [415 ILCS 5/9.1(b)] ~~Section-9-1(b)-of-the-Act-~~* Compliance shall be based on an arithmetic average of three runs (stack tests) and the calculations shall be based on the duration of a push as defined in subsection (c)(1)(A) of this Section.

B) The opacity of emissions from control equipment used to control emissions during pushing operations shall not exceed 20%. For a push of less than six minutes duration, the actual number of 15-second readings taken shall be averaged. Compliance shall be determined in accordance with 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part. *The provisions of Section 111 of the Clean Air Act ... relating to standards of*

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performance for new stationary sources... are applicable in this State and are enforceable under the--Bvfronmentat Protection the Act (415 ILCS 5/9.1(b)). Section 2.5 of 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part, for data reduction shall not be used for pushes of less than six minutes duration.

- d) Coke Oven Doors:†
- 1) No person shall cause or allow visible emissions from more than 10 percent % of all coke oven doors at any time. Compliance shall be determined by a one pass observation of all coke oven doors on any one battery.
 - 2) No person shall cause or allow the operation of a coke oven unless there is on the plant premises at all times an adequate inventory of spare coke oven doors and seals and unless there is a readily available coke oven door repair facility.

- e) Coke Oven Lids:† No person shall cause or allow visible emission from more than 5 percent % of all coke oven lids at any time. Compliance shall be determined by a one pass observation of all coke oven lids.

- f) Coke Oven Offtake Piping:† No person shall cause or allow visible emissions from more than 10 percent % of all coke oven offtake piping at any time. Compliance shall be determined by a one pass observation of all coke oven combustion stack:†

- g) Coke Oven Combustion Stack:†
- 1) No person shall cause or allow the emission of particulate matter from a coke oven combustion stack to exceed 110 mg/dscm (0.05 gr/dscft); and:

- 2) Notwithstanding subsection (a) of this Section, Subpart B of this Part shall apply to coke oven combustion stacks. However, the limitations of Subpart B of this Part shall not apply to the coke oven combustion stack when a leak between any coke oven and the oven's vertical or crossover flue(s) is being repaired, after pushing coke from the oven is completed, but before resumption of charging. The exemption from the opacity limit shall not exceed three (3) hours per oven repaired. The owner or operator shall keep written records identifying the oven repaired, and the date, time, and duration of all repair periods. These records shall be subject to the requirements of Section 212.324(g)(4) and (g)(5) of this Part.

- h) Quenching.
- 1) All coke oven quench towers shall be equipped with grit arrestors or equipment of comparable effectiveness. Baffles shall cover 95 percent % or more of the cross sectional area of the exhaust vent or stack and must be maintained. Quench water shall not include untreated coke by-product effluent. All water placed on the coke being quenched shall be quench water.
 - 2) Total dissolved solids concentrations in the quench water shall

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not exceed a weekly average of 1200 mg/l.

- 3) The quench water shall be sampled for total dissolved solids concentrations in accordance with the methods specified in Standard Methods for the Examination of Water and Wastewater, Section 209C, "Total Filtrable Residue Dried at 103-105° C," 15th Edition, 1980, incorporated by reference in Section 212.113 of this Part. Analyses shall be performed on grab samples of the quench water as applied to the coke. Samples shall be collected a minimum of five days per week per quench tower and analyzed to report a weekly concentration. The samples for each week shall be analyzed either:
 - i) Separately separately, with the average of the individual daily concentrations determined; or
 - ii) As one composite sample, with equal volumes of the individual daily samples combined to form the composite sample.
- 4) The records required under this subsection shall be kept and maintained for at least three (3) years and upon prior notice shall be available for inspection and copying by Agency representatives during work hours.
- i) Work Rules:† No person shall cause or allow the operation of a by-product coke plant except in accordance with operating and maintenance work rules approved by the Agency.

(Source: Amended at 20 Ill. Reg. _____, effective

Section 212.444 Sinter Processes

Emissions of particulate matter from sinter processes shall be controlled as follows:

- a) Breaker Box:† No person shall cause or allow the emission of particulate matter into the atmosphere from the breaker stack of any sinter process to exceed the allowable emission rate specified by Section 212.321 of this Part.

- b) Main Window:† No person shall cause or allow the emission of particulate matter into the atmosphere from the main window of any existing sinter process to exceed 1.2 times the allowable emission rate specified by Section 212.321 of this Part.

- c) Bailing Mill Drum, Mixing Drum, Bug Mill and Cooler:† No person shall cause or allow the emission of visible particulate matter into the atmosphere from any bailing mill drum, mixing drum, bug mill or cooler to exceed 30 percent % opacity.

- d) Hot and Cold Screens:†

 - 1) Particulate matter emissions from all hot and cold screens shall be controlled by air pollution control equipment or an equivalent dust suppression system. Emissions from said air pollution control equipment shall not exceed 69 mg/dscm (0.03

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gr/dscf).

- 2) ~~If Provided,--however,--that--if~~ the owner or operator can establish that the particulate matter emissions from the hot screens and cold screens do not exceed the aggregate of the allowable emissions as specified by Section 212.321 of this Part for new--emission-sources or Section 212.322 of this Part for existing--emission--sources, whichever is applicable, then subsection (d)(1) of this Section above shall not apply.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.445 Blast Furnace Cast Houses

a) Uncaptured Emissions.

- 1) Emissions of uncaptured fugitive particulate matter from any opening in a blast furnace cast house shall not exceed 20 percent % opacity on a six (6) - minute rolling average basis beginning from initiation of the opening of the tap hole up to the point where the iron and slag stops flowing in the trough.
- 2) Opacity readings shall be taken in accordance with the observation procedures set out in 40 CFR part Part 60, Appendix A, Method 9, (1991) incorporated by reference in Section 212.113 of this Part.

b) Emissions from Control Equipment

- 1) Particulate matter emissions from control equipment used to collect any of the emissions from the tap hole, trough, iron or slag runners or iron or slag spouts shall not exceed 0.023 gm/dscm (0.010 gr/dscf). Compliance shall be determined in accordance with the procedures set out in 40 CFR part 60, Appendix A, Methods 1 through - 5 (1991), incorporated by reference in Section 212.113 of this Part, and shall be based on the arithmetic average of three runs. Calculations shall be based on the duration of a cast defined in subsection (a)(1) of this Section above.
- 2) The opacity of emissions from control equipment used to collect any of the particulate matter emissions from the tap hole, trough, iron or slag runners or iron or slag spouts shall not exceed 10 percent % on a six (6) - minute rolling average basis. Opacity readings shall be taken in accordance with the observation procedures set out in 40 CFR part Part 60, Appendix A, Method 9, (1991) incorporated by reference in Section 212.113 of this Part.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.446 Basic Oxygen Furnaces

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Emissions of particulate matter from basic oxygen processes shall be controlled as follows:

- a) Charging, Refining and Tapping. Particulate matter emissions from all basic oxygen furnaces (BOF) shall be collected and ducted to pollution control equipment. Unless subsection (c) of this Section applies, emissions Emissions from basic oxygen furnace operations during the entire cycle (operations from the beginning of the charging process through the end of the tapping process) shall not exceed the allowable emission rate specified by Section 212.321 for new--emission sources or Section 212.322 of this Part for existing--emission sources, whichever is applicable. For purposes of computing the process weight rate for this subsection, nongaseous material charged to the furnace and process oxygen shall be included. No material shall be included more than once.
- b) Hot Metal Transfer, Hot Metal Desulfurization and Ladle Lancing.
- 1) Particulate matter emissions from hot metal transfers to a mixer or ladle, hot metal desulfurization operations and ladle lancing shall be collected and ducted to pollution control equipment, and emissions from the pollution control equipment shall not exceed 69 mg/dscm (0.03 gr/dscf).
- 2) ~~If Provided,--however,--that--if~~ the owner or operator can establish that the total particulate matter emissions from hot metal transfers, hot metal desulfurization operations and ladle lancing operations combined do not exceed the allowable emissions as specified by Section 212.321 for new--emission sources or Section 212.322 for existing--emission--sources, whichever is applicable, where the process weight rate (P) is the hot metal charged to the BOF vessel, then subsection (b)(1) above shall not apply.
- c) No person shall cause or allow uncaptured emissions from any opening in the building housing the BOF shop to exceed an opacity of 20 percent at integrated iron and steel plants in the vicinity of Granite City, as described in Section 212.324(a)(1)(C) of this Part. Compliance with this subsection shall be determined in accordance with 40 CFR part 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part, except that compliance shall be determined by averaging any 12 consecutive observations taken at 15 second intervals. Compliance with this subsection is required by February 1, 1996.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.448 Electric Arc Furnaces

The total particulate emissions from meltdown and refining, charging, tapping, slagging, electrode port leakage and ladle lancing shall not exceed the allowable emission rate specified by Section 212.321 or 212.322 of this Part,

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whichever is applicable.

(Source: Amended at 20 III. Reg. _____, effective

Section 212.449 Argon-Oxygen Decarburization Vessels

The total particulate matter emissions from all charging, refining, alloy addition and tapping operations shall not exceed the allowable emission rate specified by Section 212.321 for new emission sources or Section 212.322 of this Part for existing emission sources, whichever is applicable.

(Source: Amended at 20 III. Reg. _____, effective

Section 212.452 Measurement Methods

Particulate matter emissions from emission units sources subject to Sections 212.441 through 212.451 of this Subpart shall be determined in accordance with procedures published in 40 CFR part 60, Appendix A, Methods 1 through 5, front one-half of the sampling train, incorporated by reference in Section 212.113 of this Part. 42-Red-Reg-4754-et-seq-(August-87-1977) Visible emission evaluation for determining compliance shall be conducted in accordance with procedures published in 40 CFR 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part. 42-Red-Reg-4754-et-seq-(August-87-1977)

(Source: Amended at 20 III. Reg. _____, effective

Section 212.455 Highlines on Steel Mills

Section 212.308 of this Part shall not apply to highlines at steel mills.

(Source: Amended at 20 III. Reg. _____, effective

Section 212.456 Certain Small Foundries

Sections 212.321 and 212.322 of this Part shall not apply to foundry cupolas if all the following conditions are met:

- a) The cupola was in existence prior to April 15, 1967; and
- b) The cupola process weight rate is less than or equal to 20,000 lbs/hr; and
- c) The cupola as of April 14, 1977, either:
 - 1) Is in compliance with subsection (c)(3) of this Section; or
 - 2) Is in compliance with the terms and conditions of a variance granted by the Pollution Control Board (Board), and construction

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has commenced on equipment or modifications sufficient to achieve compliance with subsection (c)(3) of this Section.

3) Allowable emissions from small foundries covered by this Section

212.456:

Process Weight Rate lbs/hr Pounds-Per-Hour	Allowable Average Emission Rate lbs/hr Pounds-Per-Hour
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10

(Board Note: For process weight rates not listed, straight line interpolation between two consecutive process weight rates shall be used to determine allowable emission rates.)

(Source: Amended at 20 III. Reg. _____, effective

Section 212.457 Certain Small Iron-Melting Air Furnaces

Section 212.322 of this Part shall not apply to iron-melting air furnaces if all the following conditions are met:

- a) The air furnace was in existence prior to April 15, 1967, and is located in Hoopston, Vermilion County, Illinois; and
- b) The air furnace process weight rate is less than or equal to 5,000 lbs/hr; and
- c) The air furnace as of November 23, 1977, either:
 - 1) Is in compliance with subsection (c)(3) of this Section; or
 - 2) Is in compliance with the terms and conditions of a variance granted by the Board; and construction has commenced on equipment or modifications sufficient to achieve compliance with subsection (c)(3) of this Section.

3) Allowable emissions from small iron-melting air furnaces covered

Process Weight Rate

Allowable Average

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whichever is applicable.

(Source: Amended at 20 III. Reg. _____, effective

Section 212.449 Argon-Oxygen Decarburization Vessels

The total particulate matter emissions from all charging, refining, alloy addition and tapping operations shall not exceed the allowable emission rate specified by Section 212.321 for new emission sources or Section 212.322 of this Part for existing emission sources, whichever is applicable.

(Source: Amended at 20 III. Reg. _____, effective

Section 212.452 Measurement Methods

Particulate matter emissions from emission units sources subject to Sections 212.441 through 212.451 of this Subpart shall be determined in accordance with procedures published in 40 CFR part 60, Appendix A, Methods 1 through 5, front one-half of the sampling train, incorporated by reference in Section 212.113 of this Part. 42-Red-Reg-4754-et-seq-(August-87-1977) Visible emission evaluation for determining compliance shall be conducted in accordance with procedures published in 40 CFR 60, Appendix A, Method 9, incorporated by reference in Section 212.113 of this Part. 42-Red-Reg-4754-et-seq-(August-87-1977)

(Source: Amended at 20 III. Reg. _____, effective

Section 212.455 Highlines on Steel Mills

Section 212.308 of this Part shall not apply to highlines at steel mills.

(Source: Amended at 20 III. Reg. _____, effective

Section 212.456 Certain Small Foundries

Sections 212.321 and 212.322 of this Part shall not apply to foundry cupolas if all the following conditions are met:

- a) The cupola was in existence prior to April 15, 1967; and
- b) The cupola process weight rate is less than or equal to 20,000 lbs/hr; and
- c) The cupola as of April 14, 1977, either:
 - 1) Is in compliance with subsection (c)(3) of this Section; or
 - 2) Is in compliance with the terms and conditions of a variance granted by the Pollution Control Board (Board), and construction

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lbs/hr Pounds-Per-HourEmission Rate
lbs/hr Pounds-Per-Hour

1,000	6.10
2,000	9.40
3,000	12.70
4,000	16.00
5,000	19.16

(Board Note: The average emission rate is computed by dividing the sum of the emissions during operation by the number of hours of operation, excluding any time during which the equipment is idle. For process weight rates not listed straight line interpolation between two consecutive process weight rates shall be used to determine allowable average emission rates.)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.458 Emission Units Sources in Certain Areas

- a) Applicability. This Section shall apply to those emission units sources located in those areas defined in Section 212.324(a)(1) of this Part.
- b) Emission Limitation. No person shall cause or allow emissions of PM-10, other than that of fugitive particulate matter, into the atmosphere to exceed the following limits during any one hour period:
- 1) 15.9 ng/J (0.037 lbs/mmbtu ~~per~~ mmbtu) of heat input from any fuel combustion emission unit source located at steel plant between 106th and 111th Streets in City of Chicago;
 - 2) 22.9 mg/scm (0.01 gr/scf) for the basic oxygen furnace additive systems in the Village of Riverdale;
 - 3) 4.3 ng/J (0.01 lbs/ lbs ~~per~~ mmbtu) of heat input from the burning of fuel in the soaking pits in the Village of Riverdale;
 - 4) 64.08 mg/scm (0.028 gr/scf) from the electrostatic precipitator discharge of the basic oxygen process in the Village of Riverdale;
 - 5) 45.8 mg/scm (0.02 gr/scf) from the pickling process at a steel plant in the Village of Riverdale;
 - 6) 5 percent * opacity for coal handling systems equipped with fabric filter(s) at steel plant located in the City of Chicago;
 - 7) 22.9 mg/scm (0.01 gr/scf) from any process emission unit emissions--source located at integrated iron and steel plants in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Part, except as otherwise provided in this Section or in Sections 212.443 and 212.446 of this Subpart;
 - 8) 5 percent * opacity for continuous caster spray chambers or continuous casting operations at steel plants in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this

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Subpart;

- 9) 32.25 ng/J (0.075 lbs/~~per~~mmbtu) of heat input from the burning of coke oven gas at all emission units sources, other than coke oven combustion stacks, at steel plants in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Subpart;
- 10) 38.7 ng/J (0.09 lbs/~~per~~mmbtu) of heat input from the slab furnaces at steel plants in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Subpart;
- 11) 22.9 mg/scm (0.01 gr/scf) for all process emission units emissions--sources at secondary lead processing plant located in Granite City, except the salt flux crusher;
- 12) 22.9 mg/scm (0.01 gr/scf) for any melting furnace at secondary aluminum smelting and refining plant in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Subpart;
- 13) 45.8 mg/scm (0.02 gr/scf) from No. 6 mill brusher, and metal chip handling system at secondary aluminum smelting and refining plant located in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Subpart;
- 14) 0.05 kg/Mg (0.01 lb/T) of sand processed from molding sand forming systems at a steel foundry plant located in Granite City;
- 15) 0.01 kg/Mg (0.02 lbs/T) of sand processed from recycle sand shakeouts at steel foundry plant located in Granite City;
- 16) At a steel foundry plant located in Granite City:
 - A) 20 percent opacity for all emission units;
 - B) 22.9 mg/scm (0.01 gr/scf) for all other process emission units emissions-sources-at-steel-foundry--plant--in--Granite City, except the sand dryer, sand cooler, chill tumbler, paint booth, chromite reclamation reclamatin--and, core baking ovens, electric arc shop roof ventilators, and emission units listed in subsections (b)(14) and (b)(15) of this Section;
- 17) 41.2 mg/scm (0.018 gr/scf) for cold rolling mill emission units emissions-sources at metal finishing plant located in the Village of McCook;
- 18) 2.15 ng/J (0.005 lbs/mmbtu) of heat input from the burning of fuel in any process emission unit source at a secondary aluminum smelting and refining plant and/or aluminum finishing plant;
- 19) 22.9 mg/scm (0.01 gr/scf) from dross pad, dross cooling, and dross mixing units sources at a secondary aluminum smelting and refining plant and/or aluminum finishing plant;
- 20) 12.9 ng/J (0.03 lbs/mmbtu) of heat input from any fuel combustion emission unit source that heats air for space heating purposes at a secondary aluminum smelting and refining plant located in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Part;
- 21) 68.7 mg/scm (0.03 gr/scf) for any holding furnace at a secondary aluminum smelting and refining plant in the vicinity of Granite City, as defined in Section 212.324(a)(1)(C) of this Part;

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maintained on the premises for inspection by Agency personnel.

- c) Exemptions. Any existing grain-handling operation for which construction or modification commenced prior to June 30, 1975, having a grain through-put of not more than 2 million bushels per year and located inside a major population area and any existing grain-handling operation or existing grain-drying operation for which construction or modification commenced prior to June 30, 1975, located outside of a major population area which is required to apply for a permit pursuant to Sections 212.462 and 212.463 of this Subpart, respectively, shall receive such permit notwithstanding the control requirements of those respective rules provided said operation can demonstrate that the following conditions exist upon application for, or renewal of, an operating permit:
- 1) The requirements of subsection (b) of this Section are being met; and
 - 2) No certified investigation is on file with the Agency indicating that there is an alleged violation prior to issuance of the permit.
 - A) If a certified investigation is on file with the Agency indicating an alleged violation, any applicant may obtain an exemption for certain operations if said applicant can prove to the Agency that those parts of his operation for which he seeks exemption are not the probable cause of the alleged violation.
 - B) Applicants requesting an exemption in accordance with the provisions of subsection (c)(2)(A) of this Section may be granted an operating permit for a limited time, not to exceed twelve (12) months in duration, if an objection is on file with the Agency on which a certified investigation has not been made prior to issuance of the permit.
 - C) An applicant may consider denial of an exemption under this rule as a refusal by the Agency to issue a permit. This shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act [415 ILCS 5/40] ~~(1117-Rev--Stat--19817-ch--111-1/27-par--1040)~~.
- d) Loss of Exemption. Any existing grain-handling operation or existing grain-drying operation for which construction or modification commenced prior to June 30, 1975, that has received an operating permit pursuant to the provisions of subsection subchapter (c) of this Section above shall apply for an operating and/or construction permit pursuant to 35 Ill. Adm. Code 201 within sixty (60) days after receipt of written notice from the Agency that a certified investigation is on file with the Agency indicating that there is an alleged violation against the operation. The construction permit application shall include a compliance plan and project completion schedule showing the grain-handling operation's program or grain-drying operations program for complying with the standards and limitations of Section 212.462 or 212.463 of this Subpart as the case

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may be, within a reasonable time after the date on which notice of a certified investigation indicating alleged pollution was received by said operation; provided, however, any such operation shall not be required by reduce emissions from those parts of the operation that the applicant can prove to the Agency are not the probable cause of the pollution alleged in the certified investigation.

- 1) The written notice of loss of exemption is not a final action of the Agency appealable to the Board.
 - 2) Denial of a permit requested pursuant to this subsection (d) is a final action appealable to the Board under Section 40 of the Act [415 ILCS, 5/40] ~~(1117-Rev--Stat--19817-ch--111-1/27-par--1040)~~.
- e) Circumvention. It shall be a violation of this regulation for any person or persons to attempt to circumvent the requirements of this regulation by establishing a pattern of ownership or source facility development which, except for such pattern of ownership or source facility development, would otherwise require application of Section 212.462 or 212.463 of this Subpart.
- f) Standard on Appeal to Board. In ruling on any appeal of a permit denial under subsection (c) or (d) 212-462-or-212-463 of this Section, the Board shall not order the permit to be issued by the Agency unless the applicant who has appealed the permit denial has proved to the Board that the grain-handling operation or grain-drying operation which is the subject of the denied application is not injurious to human, plant or animal life, to health, or to property, and does not unreasonably interfere with the enjoyment of life or property.
- g) Alternate Control of Particulate Emissions.
 - 1) Grain-handling or grain-drying operations, which were in numerical compliance with Section 212.322 of this Part, as of April 14, 1972, and continue to be in compliance with Section 212.322 of this Part need not comply with the provisions under this Subpart, except the housekeeping practices in this subsection (b) and this subsection (b) of this Section (g).
 - 2) Grain-handling or grain-drying operations, which were not in numerical compliance with Section 212.322 of this Part, as of April 14, 1972, but which came into compliance with Section 212.321 of this Part prior to April 14, 1972, and continue to be in compliance with Section 212.321 of this Part need not comply with the provisions under this Subpart, except the housekeeping practices in this subsection (b) and in this subsection (b) of this Section (g).
 - 3) Proof of compliance with said rule shall be made by stack sampling and/or material balance results obtained from actual testing of the subject emission unit facility or process and be submitted at the time of an application for, or renewal of, an operating permit.
- h) Severability. If any provision of these rules and regulations is

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where:

V = face velocity; and

Q = induced draft volume in scfm; and

A = effective grate area in ft² square-feet; and

B) The induced draft air stream for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90 percent & by weight; and

C) The induced draft air stream for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 98 percent & by weight; and

D) Means or devices (including, but not limited to, quick-closing doors, air curtains or wind defectors) shall be employed to prevent a wind velocity in excess of 50 percent & of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. The wind velocity shall be measured, with the induced draft system not operating, at a point midway between the dump-pit area walls at the point where the wind exits the dump-pit area, and at a height above the dump-pit area floor of approximately 2 ft feet; or

2) Any equivalent method, technique, system or combination thereof adequate to achieve, at a minimum, a particulate matter emission reduction equal to the reduction which could be achieved by compliance with subsection (b)(1) of this Section.

c) Internal Transferring Area. 1) Internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere. 2) Air contaminants collected from internal transfer operations for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent & by weight prior to release into the atmosphere. 3) Air contaminants collected from internal transfer operations for grain-handling sources having a grain through-put

(Source: Amended at 20 Ill. Reg. effective

adjudged invalid, such invalidity shall not affect the validity of this 35 Ill. Adm. Code, Chapter I (Chapter) as a whole or of any part, Subpart, sentence or clause thereof not adjudged invalid.

Section 212.462 Grain-Handling Operations

Unless otherwise exempted pursuant to Section 212.461(c) or (d) of this Subpart, or allowed to use alternate control according to Section 212.461(g) of this Subpart, existing grain-handling operations with a total annual grain through-put of 300,000 bushels or more shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall demonstrate compliance with the following:

a) Cleaning and Separating Operations:

1) Particulate matter generated during cleaning and separating operations shall be captured to the extent necessary to prevent visible particulate matter emissions directly into the atmosphere.

2) For grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area, air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent & by weight prior to release into the atmosphere.

3) For grain-handling sources having a grain through-put exceeding 2 million bushels per year and located within a major population area, air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98 percent & by weight prior to release into the atmosphere.

b) Major Dump-Pit Area. 1) Induced Draft.

A) Induced draft shall be applied to major dump pits and their associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 fpm, which shall be determined by using the equation:

V = Q/A

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exceeding 2 million bushels per year and located in a major population area shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98 percent % by weight prior to release into the atmosphere.

d) Load-Out Area.

- 1) Truck and hopper car loading shall employ socks, sleeves or equivalent devices which extend 6 inches below the sides of the receiving vehicle, except for topping off. Choke loading shall be considered an equivalent method as long as the discharge is no more than 12 inches above the sides of the receiving vehicle.
- 2) Box car loading shall employ means or devices to prevent the emission of particulate matter into the atmosphere to the fullest extent which is technologically and economically feasible.
- 3) Watercraft Loading.

A) Particulate matter emissions generated during loading for grain-handling sources facilities having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be captured in an induced draft air stream, which shall be ducted through air pollution control equipment that has a rated and actual particulate matter removal efficiency of not less than 90 percent % by weight prior to release into the atmosphere.

B) Particulate matter emissions generated during loading for grain-handling sources facilities having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be captured in an induced draft air stream, which shall be ducted through air pollution control equipment that has a rated and actual particulate removal efficiency of not less than 98 percent % by weight prior to release into the atmosphere; except for the portion of grain loaded by trimming machines for which particulate matter emission reductions, at a minimum, shall equal the reduction achieved by compliance with subsection (d)(3)(A) of this Section.

- e) New and Modified Grain-Handling Operations. Grain New-and--modified grain-handling operations for which construction or modification commenced on or after June 30, 1975, shall file applications for construction and operating permits pursuant to 35 Ill. Adm. Code 201, and shall comply with the control equipment requirements of this Section, except for new-and-modified grain-handling operations for which construction or modification commenced on or after June 30, 1975, which will handle an annual grain through-put of less than 300,000 bushels; provided, however, that for the purpose of this Subpart, an increase in the annual grain through-put, without physical alterations or additions to the grain-handling operation, shall not be considered a modification unless such increase exceeds

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30 percent % of the annual grain through-put on which the operation's original construction and/or operating permit was granted. If the grain-handling operation has been operating lawfully without a permit, its annual grain through-put shall be determined as set forth in the definition of the term "annual grain through-put."

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 212.463 Grain Drying Operations

Unless otherwise exempted pursuant to Section 212.461(c) or (d) of this Subpart or allowed to use alternate control according to Section 212.461(g) of this Subpart, existing grain-drying operations for which construction or modification commenced prior to June 30, 1975, with a total grain-drying capacity in excess of 750 bushels per hour for 5 percent % moisture extraction at manufacturer's rated capacity (using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, incorporated by reference in Section 212.113 of this Part) shall be operated in such a fashion as to preclude the emission of particulate matter larger than 300 microns mean particle diameter, shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall comply with the following:

- a) Column Dryers. The largest effective circular diameter of transverse perforations in the external sheeting of a column dryer shall not exceed 0.094 inch, and the grain inlet and outlet shall be enclosed.
- b) Rack Dryers. No portion of the exhaust air of rack dryers shall be emitted to the ambient atmosphere without having passed through a particulate collection screen having a maximum opening of 50 mesh, U.S. Sieve Series.
 - 1) All such screens will have adequate self-cleaning mechanisms, the exhaust gas of which for grain-handling facilities having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be ducted through air pollution control equipment which has a rated and actual particulate removal efficiency of 90 percent % by weight prior to release into the atmosphere.
 - 2) All such screens will have adequate self-cleaning mechanisms, the exhaust gas of which for grain-handling sources facilities having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be ducted through air pollution control equipment which has a rated and actual particulate removal efficiency of 98 percent % by weight prior to release into the atmosphere.
- c) Other Types of Dryers. All other types of dryers shall be controlled in a manner which shall result in the same degree of control required for rack dryers pursuant to subsection (b) of this Section.
- d) New and Modified Grain-Drying Operations. Grain New--and---modified

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grain-drying operations constructed or modified on or after June 30, 1975, shall file applications for construction and operating permits pursuant to 35 Ill. Adm. Code 201, and shall comply with the control equipment requirements of this Section, except for new and modified grain-drying operations which do not result in a total grain-drying capacity in excess of 750 bushels per hour for 5 percent moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineer Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers.

(Source: Amended at 20 Ill. Reg. effective _____)

Section 212.464 Sources in Certain Areas

a) Applicability. Notwithstanding Section 212.461 of this Subpart, this Section shall apply to those sources located in the Lake Calumet area as defined in Section 212.324(a)(1)(B) of this Part.

b) Emission Limitations

1) No person shall cause or allow the emission of PM-10, other than that of fugitive particulate matter, into the atmosphere to exceed 22.9 mg/scm (0.01 gr/scf) during any one hour period from any process emission unit emissions-source engaged in the drying, storing, mixing or treating of grain except for column grain dryers; in addition, no person shall cause or allow visible emissions of PM-10 other than fugitive particulate matter from grain conveying, transferring, loading, or unloading operations including garners, scales and cleaners.

2) No person shall cause or allow the emission of fugitive particulate matter into the atmosphere from barges and other watercraft, truck or rail loading or unloading systems to exceed the limits specified in Section 212.123 of this Part.

3) Column grain dryers shall not be eligible for the exemptions as provided in Section 212.461(g) of this Part.

c) Exceptions. The mass emission limits contained in subsection (b) of this Section shall not apply to those sources with no visible emissions other than that of fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsection (b) of this Section.

d) Maintenance, Repair, and Recordkeeping. The requirements of subsections (f) and (g) of Section 212.324(F) and (g) of this Part shall also apply to this Section.

e) Compliance Date. Emission units Sources shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section May 11 within one year following the effective date of this Section, or by December 30, 1993, or upon initial start-up, whichever occurs later thereafter.

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SUBPART 1: CONSTRUCTION AND MOOD PRODUCTS

Section 212.681 Grinding, Woodworking, Sandblasting and Shotblasting Industries, which shall be subject to Subpart K of this part:

a) Grinding;

h) Woodworking; and

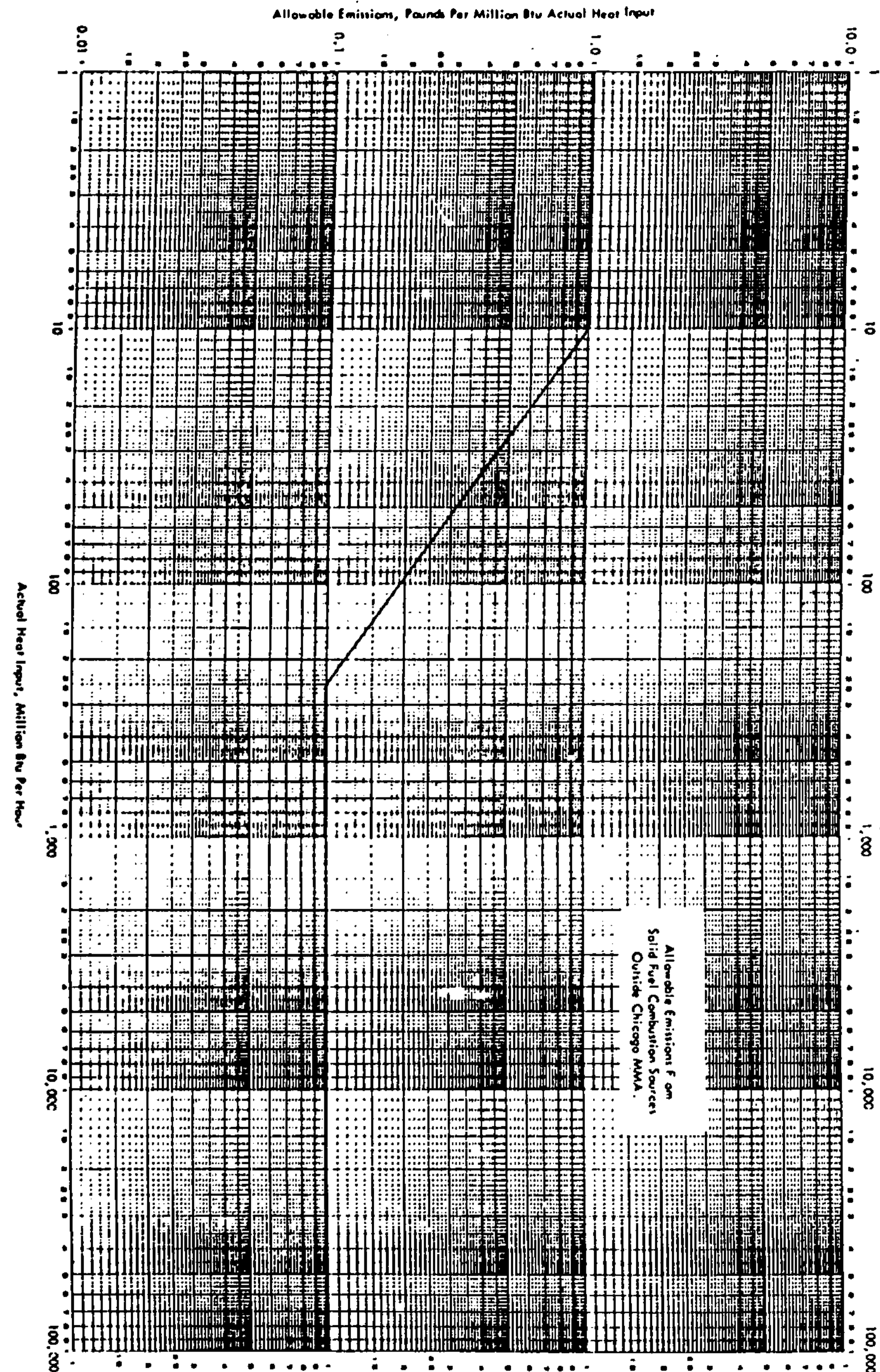
o) Sandblasting or shotblasting.

(Source: Amended at 20 Ill. Reg. effective _____)

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Section 212. ILLUSTRATION A Allowable Emissions from Solid Fuel Combustion Emission Sources Outside Chicago (Repealed)



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(Source: Repealed at 20 Ill. Reg. _____, effective _____)

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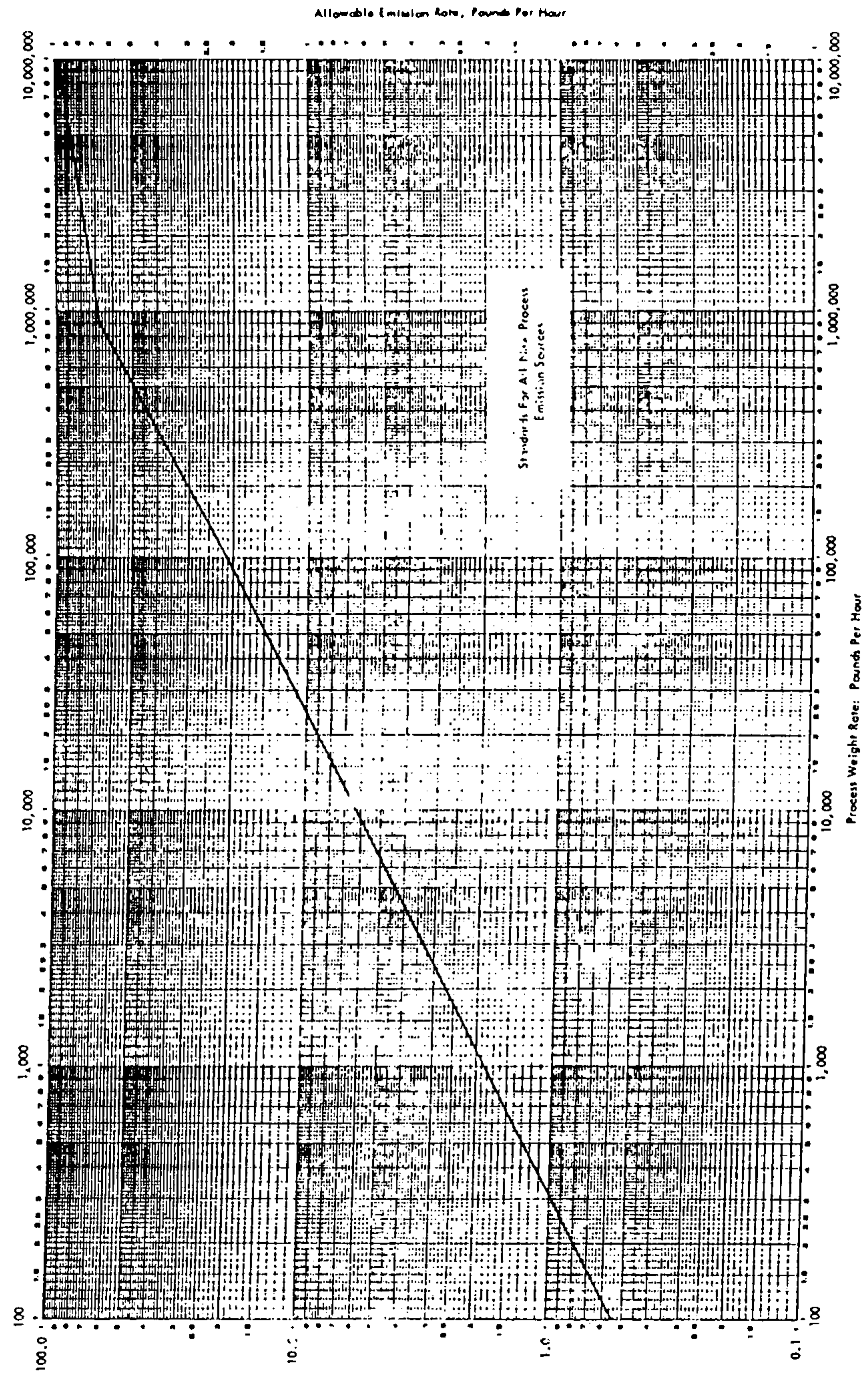
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(Source: Repealed at 20 Ill. Reg. _____ effective

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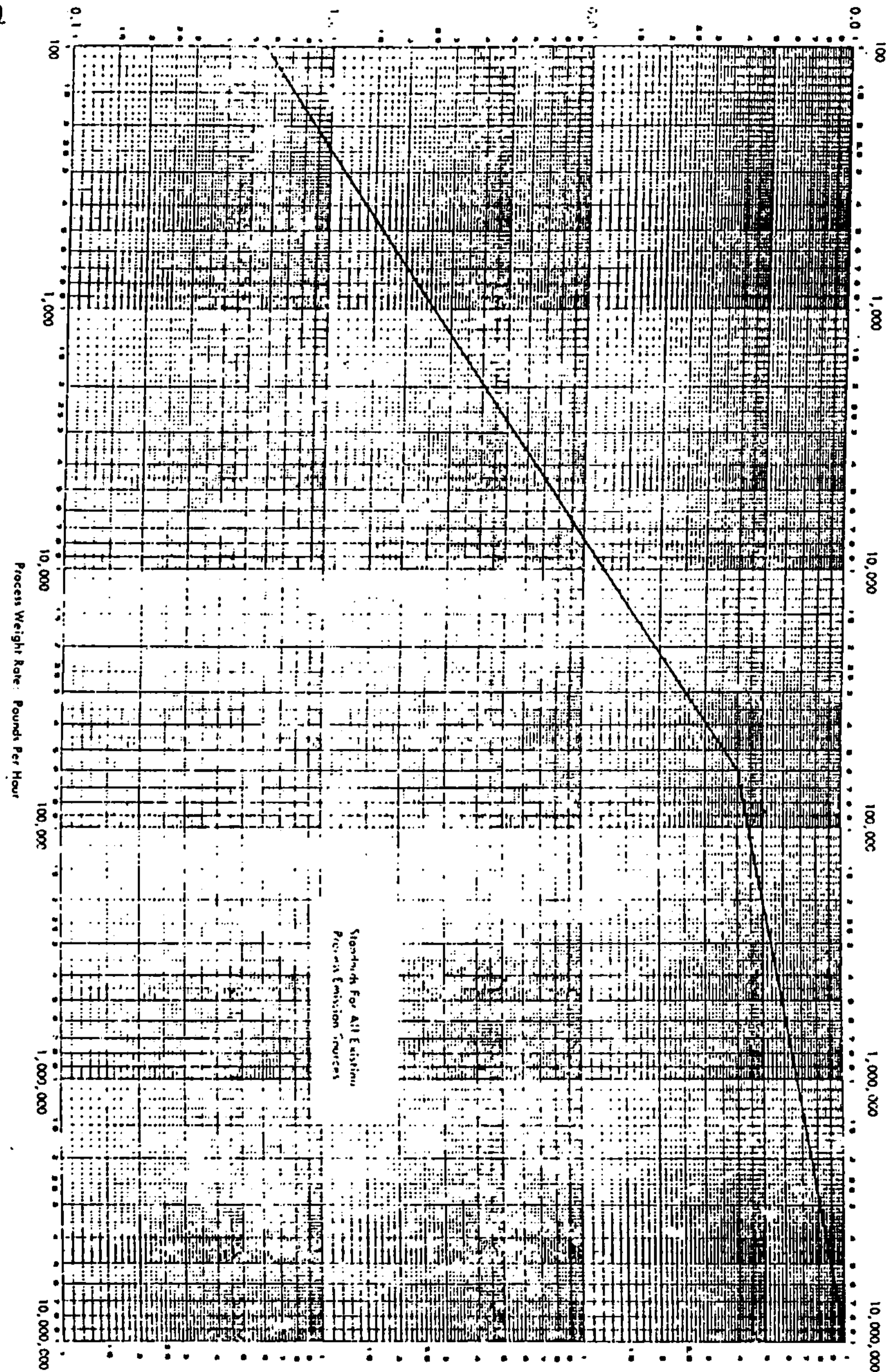
Section 212-ILLUSTRATION B Limitations for all New Process Emission Sources (Repealed)



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Section 212. ILLUSTRATION C Limitations for all Existing Process Emission Sources (Repealed)



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(Source: Repealed at 20 Ill. Reg. _____, effective _____)

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1470
 CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

Section	
1470.5	Grandfather Provisions (Repealed)
1470.7	Temporary License (Repealed)
1470.10	Applications
1470.20	Professional Experience
1470.30	Approved Colleges, Universities, and Graduate Schools of Social Work Programs
1470.40	Employer's Affidavit (Repealed)
1470.50	Admission to Examination (Repealed)
1470.60	Endorsement
1470.70	Examinations
1470.80	Restoration
1470.90	Renewals
1470.95	Continuing Education
<u>1470.96</u>	<u>Unethical, Unauthorized and Unprofessional Conduct</u>
1470.100	Granting Variances

AUTHORITY: Implementing the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; amendment effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; 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. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at 16 Ill. Reg. 7009, effective April 16, 1992; amended at 18 Ill. Reg. 2370, effective January 28, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 1470.95 Continuing Education

a) Continuing Education Hours Requirements

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Beginning with the November 30, 1993, license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a social worker or clinical social worker shall complete 30 hours of continuing education (CE) relevant to the practice of social work or clinical social work.
 - 2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.
 - 3) CE requirements shall be the same for licensed social workers and licensed clinical social workers.
 - 4) One CE hour shall equal one clock hour.
 - 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 6) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 7) Social workers or clinical social workers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ("program") that which is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3) and (4) below.
 - 2) CE credit also may be earned for completion of a self-study course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each self-study course shall include an examination.
 - 3) ~~2)~~ CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of social work related courses that which are a part of the curriculum of a college, university or graduate school of social work.
 - 4) ~~3)~~ CE credit may be earned for verified teaching in a college, university or graduate school of social work approved in accordance with Section 1470.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
 - 5) ~~4)~~ CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with social work or clinical social work may

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- 4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.
- 6) All programs given by approved sponsors shall be open to all licensed social workers and licensed clinical social workers and not be limited to members of a single organization or group.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each shall submit to the Department by November 30 of each odd-numbered year a renewal application, a \$100 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 12) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
- 13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
 - I) Each renewal applicant shall certify, on the renewal application,

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- 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation or any other group that which has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking approval as CE sponsors shall file an application, on forms supplied by the Department, along with the \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9);
 - C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this part and that this information is necessary to ensure compliance;
 - B) That each sponsor shall submit to the Department written notice of program offerings 30 days prior to course dates; notice shall include the description, location, date and time of the program to be offered;
- 3) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the license in the practice of social work or clinical social work;
 - B) Foster the enhancement of general or specialized social work or clinical social work practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

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full compliance with the CE requirements set forth in subsections (a) and (b) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] (~~Ill. Rev. Stat. 1991 ch. 127, par. 1010-65~~).
- e) Continuing Education Earned in Other Jurisdictions. If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, within 90 days after completion of the CE program and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to the participation in the program.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal

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period;

- B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1470.96 Unethical, Unauthorized and Unprofessional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 19 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

- a) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
- b) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 16 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. The release of information "with the consent of the client" as provided for in Section 16 of the Act is interpreted to mean that the social worker, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client(s) or examinee(s) involved;
- c) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- d) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- e) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
- f) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation

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for any professional services not actually rendered. Social workers do not participate in illegal fee-splitting arrangements, nor do they give or accept kickbacks for referrals. However, it is not unethical for social workers to utilize referral services for which a fee is charged, nor to participate in contractual arrangements under which they agree to discount fees?

g) Impersonating another person holding a clinical social work or social work license or allowing another person to use his/her license?

h) The commission of any dishonest, corrupt or fraudulent act that is substantially related to the functions or duties of a social worker providing services or supervising services?

i) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client within 24 months after termination of treatment?

j) Entering a treatment relationship in which professional judgment may be compromised by prior association with or knowledge of a client?

k) Permitting an intern or trainee under the social worker's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

l) Disclosure of the intern's status and the name of the supervisor is required?

m) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors?

n) Failing to disclose conflicts of interests, dual relationships between social worker and clients, and/or obligations associated with service that might affect the client's decision to enter into or continue the relationship?

o) Discriminating based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation?

p) Knowingly providing services to a client when the social worker's objectivity or effectiveness is impaired. A social worker who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues.

q) Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems?

r) Failing to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons. Social workers are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules?

s) The Department hereby incorporates by reference the "Code of Ethics of the National Association of Social Workers", National Association of Social Workers, 750 First Street NE, Suite 700, Washington, D.C. 20002-4241, 1993, with no later amendments or editions?

t) The Department hereby incorporates by reference the "Code of Ethics", National Federation of Societies for Clinical Social Work, P.O. Box

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3740, Arlington, Virginia 22203, May 1988, with no later amendments or editions.

(Source: Added at 20 Ill. Reg. , effective

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- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Number: Proposed Action:
170.450 New Section
- 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: Pursuant to a waiver granted by the U. S. Department of Health and Human Services, these proposed amendments implement the Young Parent Services South Home Visitor Demonstration, Project Link. This demonstration is a time-limited demonstration project administered by the Department in concert with a community-based organization. The demonstration is designed to support the development and evaluation of a home visitor component to enhance service delivery to teenage parents who are required to participate in educational and employment-related activities in the JOBS program.

As a result of these proposed amendments, first time AFDC teen parents age 19 and under and teens on AFDC who become parents during the demonstration and are age 19 or under will be randomly assigned to one of three treatment streams:

1. a control group which receives current JOBS services;
2. experimental group A, which receives JOBS services and home visitor services from Department staff; or
3. experimental group B, which receives JOBS services and home visitor services from a community-based organization under contract with the Department.

The home visitors will provide instruction and supportive guidance in a wide variety of areas to:

1. enhance parenting skills;
2. promote effective family planning;
3. foster maintenance of preventative health care for the teen parents and their children;
4. provide resources and support with a special emphasis on child support, including paternity establishment; and

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5. encourage active participation in required JOBS activities.

The overall objectives of this demonstration are intended to:

1. promote the objectives of Title IV of the Family Support Act to strengthen family life and help AFDC families achieve the maximum self-support; and
2. add to current knowledge regarding the effectiveness of strategies designed to improve social, personal, health and economic outcomes among teenage parents and their children.

Project Link will be evaluated by measuring the client outcomes achieved by the participants in the two experimental groups as compared with the client outcomes achieved by the participants in the control group.

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

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.360	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.370	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.380	New Section	October 6, 1995 (19 Ill. Reg. 13789)
170.390	New Section	November 27, 1995 (19 Ill. Reg. 15786)
170.400	New Section	November 17, 1995 (19 Ill. Reg. 15572)

- 10) Statement of Statewide Policy Objectives: 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:

Judy Umunna
Bureau of Rules and Regulations

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Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

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 rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were 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 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START

WELFARE REFORM DEMONSTRATION PROGRAM

Section

170.10 Youth Employment and Training Initiative

170.20 Paternal Involvement Project

170.30 Homeless Families Support Project

170.40 Family Responsibility Project

170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section

170.100 The Career Advancement Program

170.110 Career Advancement Experimental and Control Groups

170.120 Career Advancement Participation Requirements of Experimental Group Members

170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section

170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections

170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

170.300 Truancy Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

170.360

Get A Job Initiative

EMERGENCY

170.380 Quarterly Reporting - Failure to Report Employment Demonstration

EMERGENCY Project

170.390 Employment Plan Demonstration Project

EMERGENCY

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SUBPART G: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING
(JOBS) DEMONSTRATION PROGRAM170.450 Young Parent Services South Home Visitor Demonstration (Project Link)

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

SUBPART G: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING
(JOBS) DEMONSTRATION PROGRAMSection 170.450 Young Parent Services South Home Visitor Demonstration
(Project Link)

- a) The Young Parent Services South Home Visitor Demonstration, Project Link, is a time-limited demonstration project administered by the Department in concert with a community-based organization. It is designed to support the development and evaluation of a home visitor component to enhance service delivery to teenage parents who are required to participate in educational and employment-related activities in the Illinois JOBS program.
- b) Teen parents who participate in the demonstration will receive services by a Home Visitor which will include modeling behavior and introduction on parenting skills, home and family management, study skills and career exploration. Teen mothers will also receive assistance in establishing paternity. Fathers of the children of program participants will be provided information and facilitating referrals for educational opportunities, job training and employment, assisting them to assume support obligations.
- c) Teen parents eligible to participate in the demonstration are:
 - 1) first time AFDC teen parents age 19 or under and their children; and
 - 2) teens and their children on AFDC who become parents during the demonstration and are age 19 or under.
- d) The demonstration is available to selected teen parents residing on the far south side of Chicago. Persons who are served by one of the

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six local Public Aid offices (Southeast, Calumet Park, Auburn Park, Roseland, South Suburban and Englewood) are eligible for the demonstration.

- e) Teen parents are randomly assigned to:
 - 1) Stream I - a control group receiving regular IDPA JOBS services;
 - 2) Stream II - an experimental group receiving JOBS services and home visitor services from Department staff; or
 - 3) Stream III - an experimental group receiving JOBS services and home visitor services from a community-based organization under contract with the Department.
- f) Participation in Project Link is mandatory for all eligible clients via a waiver granted by the U.S. Department of Health and Human Services, Administration for Children and Families. All other provisions of 89 Ill. Adm. Code 112.83 are applicable.
- g) The demonstration will study the effects of a home visitor component.
 - 1) Research will include measuring the client outcomes achieved by the two experimental groups which have a home visitor function as compared with the client outcomes achieved by the central group.
 - 2) The evaluation will describe the implementation, operation and outcomes of the program.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
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240.120	Services Provided
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240.140	Program Limitations
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SUBPART B: SERVICE DEFINITIONS

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240.230	Adult Day Care Service
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Section 240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service 240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service 240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit

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SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section 240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section 240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts 240.1330 General Vendor and CCU Responsibilities (Repealed) 240.1396 Payment for Services (Repealed) 240.1397 Purchases and Contracts (Repealed) 240.1398 Safeguarding Case Information (Repealed) 240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

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Prohibition of Institutionalized Individuals from Receiving Community

240.910 Care Program Services

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240.955 Reasons for Reduction or Change

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240.1530 General Homemaker Staffing Requirements
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 240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
 240.1550 Standard Requirements for Adult Day Care Providers
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 240.1650 Classification of Provider Service Violations
 240.1655 Method of Identification of Provider Service Violations
 240.1660 Compliance Reviews of Contracted Provider Agencies
 240.1661 Provider Right to Appeal
 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section

240.1710 Procurement Cycle For Case Management Services
 240.1720 Case Coordination Unit Compliance Review

SUBPART R: ADVISORY COMMITTEE

Section

240.1800 Community Care Program (CCP) Advisory Committee
 240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: RATES

Section

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240.1910 Establishment of Fixed Unit Rates
 240.1920 Contract Specific Variations
 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
 240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section

240.2020 Financial Reporting of Homemaker Service
 240.2030 Unallowable Costs for Homemaker Service
 240.2040 Minimum Direct Service Worker Costs for Homemaker Service
 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992;

NOTICE OF ADOPTED AMENDMENTS

be provided throughout the redetermination process unless the client/authorized representative delays the process beyond the additional 60 30 calendar days specified in subsection (c)(2) above.

e) Written notification to the client/authorized representative shall be made as required by Section 240.945.

f) Any change in services shall be initiated within 15 calendar days from the date the written notice is mailed to the client/authorized representative, as required by Section 240.945.

(Source: Amended at 19 III. Reg. 15081, effective

Section 240.660 Extension of Time Limit

The 30 thirty-(30) calendar day time limit for completion of a determination of an applicant's eligibility may be extended by any delay caused by the applicant.

a) Applicant delay is defined as the number of calendar days a determination of eligibility is delayed because of the applicant's/authorized representative's failure to provide documentation supporting his/her eligibility within 7 seven-(7) calendar days from the date it is requested in writing by the Department/Case Coordination Unit (CCU).

b) In the event that an applicant's eligibility cannot be determined due to the applicant's/authorized representative's failure to provide documentation, as specified above, within 90 sixty-(60) calendar days from the date of receipt of the completed application form, the application shall be denied.

(Source: Amended at 19 III. Reg. 15081, effective

SUBPART H: FINANCIAL RESPONSIBILITY

Section 240.820 Asset Transfers

a) The following transactions are considered transfers of assets:

1) When an applicant/client buys, sells or gives away real or personal property;

2) If the applicant/client changes the way real or personal property is held.

b) Transfers of assets, which are exempt at the time of transfer do not affect eligibility.

c) Transfers of non-exempt assets completed within 36 months two-(2) years from the date of application for the Community Care Program shall be considered in determining eligibility. If a fair market value was not received, the value of the transferred asset shall be considered toward non-exempt assets and any excess amount shall be

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emergency amendments at 16 III. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 III. Reg. 11731, effective June 30, 1992; emergency rule added at 16 III. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 III. Reg. 16680; amended at 16 III. Reg. 14565, effective September 8, 1992; amended at 16 III. Reg. 18767, effective November 27, 1992; amended at 17 III. Reg. 224, effective December 29, 1992; amended at 17 III. Reg. 6090, effective April 7, 1993; amended at 18 III. Reg. 609, effective February 1, 1994; emergency amendment at 18 III. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 III. Reg. 13375, effective August 19, 1994; amended at 19 III. Reg. 9085, effective July 1, 1995; emergency amendments at 19 III. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 III. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 III. Reg. 15081, effective

SUBPART F: ELIGIBILITY

Section 240.655 Frequency of Redeterminations

a) A decision on the redetermination shall be made within 30 calendar days from the date the redetermination process is begun, except as extended by the Department.

b) Redeterminations conducted at the request of the client/authorized representative or whenever the client may have experienced a change in needs shall be accomplished and a decision rendered within 30 calendar days from the date of the request for redetermination, except as extended by the Department.

o) The 30 calendar day time limit for completion of a redetermination of a client's eligibility shall be extended by any delay caused by the client/authorized representative.

1) Client delay is defined as the number of calendar days a redetermination of eligibility is delayed because of the client's/authorized representative's failure to provide documentation supporting his/her eligibility within 7 calendar days from the date it is verbally requested by the CCU.

2) In the event that a client's eligibility cannot be determined due to the client's/authorized representative's failure to provide documentation, as specified above, within 30 calendar days from the date it is verbally requested by the CCU shall extend the time limit for an additional 60 30 calendar days, after which services shall be terminated if documentation is not provided.

d) The client shall maintain eligibility and services shall continue to

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considered available to meet service costs unless it is proven that the applicant/client did not transfer the property to qualify for or increase the need for the Community Care Program.

- 1) If real property was transferred, fair market value is to be determined by use of statements from reputable realtors or other community members recognized as knowledgeable of property value (e.g., bankers, tax assessors, auctioneers).
- 2) If personal property was transferred, fair market value is to be determined by use of a statement from an institution having knowledge of the property at the time of the transfer, or from an individual who has specific knowledge of the transfer and/or the value of the asset at the time of the transfer.
- 3) Factors to be considered when determining whether or not a transfer of property was made to qualify for or increase the need for the Community Care Program include but are not limited to:
 - A) ~~the~~ The applicant's/client's physical and mental condition at the time of transfer;
 - B) the applicant's/client's financial situation at the time of transfer;
 - C) the applicant's/client's need for services at the time of transfer;
 - D) changes in the applicant's/client's living arrangements at the time of transfer; and
 - E) how soon after the transfer the applicant/client applied for services.
- d) If after consideration of these factors the applicant/client is ineligible, the period of ineligibility begins at the date of application for applicants and the date of termination for clients. The period of ineligibility lasts from the initial date for as long as the asset would meet the cost of Community Care Program (CCP) services if it were available to the applicant/client, but in no case shall it last longer than 36 months ~~two-(2)-years~~ from the date of transfer.
- e) An applicant/client determined ineligible under subsection (d) above may become eligible if the following occurs:
 - 1) the property is reconveyed to the applicant/client; or
 - 2) an adequate consideration is paid to the applicant/client.
- f) It shall be the responsibility of an applicant/client to report all property transfers to the Case Coordination Unit (CCU) within 5 ~~five~~ ~~(5)~~ days from the date of the transaction.
- g) If an unreported transfer of property was made by an applicant/client within 36 months ~~two-(2)-years~~ prior to the date of application or was made after the filing of the application but before Community Care Program (CCP) services were authorized, and services to which the individual was not entitled were received as a result of the failure to report the transfer, services shall be terminated.
- h) Involuntary transfers do not affect eligibility.
- i) When the property transfer was made to obtain support or care, and the terms of the agreement are being met, only those needs not included in

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the agreement may be met through the Community Care Program.

- j) Transfers because of separation, divorce or other settlement shall not affect eligibility if they are Court ordered; or, if there is no Court order, and the applicant/client and his/her spouse divide the property in half.
- k) Transfers from an individual bank account to a joint bank account do not affect eligibility if the applicant/client retains access to the money and the money continues to be used for the applicant's/client's needs.
- l) Income tax refunds are available assets. If the refund is based on a joint income tax return, one-half ~~(1/2)~~ of the refund is to be considered as belonging to the applicant/client.

(Source: Amended at 19 Ill. Reg. 16031, effective NOV 20 1995)

SUBPART I: DISPOSITION OF DETERMINATION

Section 240.920 Reasons for Denial

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below:

- a) Applicant is less than 60 ~~sixty-(60)~~ years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than 29 ~~twenty-nine-(29)~~ total points/less than 15 ~~fifteen-(15)~~ points on Part A, Level of Impairment, of the Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care.
- d) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care based upon the expense to be incurred monthly as required on the Client Agreement - Plan of Care.
- e) Applicant/authorized representative does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized for more than 60 ~~sixty--(60)~~ calendar days from the date of application.
- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility/provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within 90 ~~sixty--(60)~~ calendar days from the date of receipt of the completed application.
- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.

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n) A plan of care cannot be developed that adequately meets the applicant's determined needs.

1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.

2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.

o) The total value of applicant's non-exempt assets is in excess of \$10,000.

p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).

q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.

r) Applicant/authorized representative provided fraudulent information for Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (see Section 240.350) has been permanently resolved.

t) Applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.

u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.

v) Applicant received interim services in the past for which an incurred expense was never paid.

w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.

x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.

(Source: Amended at 19 ILL. Reg. effective NOV 20 1995)

SUBPART J: SPECIAL SERVICES

Section 240.1020 Interim Services

Interim services are Community Care Program (CCP) services provided to individuals age 60 and over on an interim basis, dependent upon the applicant's

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a) Presumptive eligibility shall be based upon the following criteria: 1) an application has been completed by an individual age 60 or over, or by the individual's authorized representative, following prescreening.

2) Notification has been received by the Case Coordination Unit (CCU) from a hospital or from an individual or agency in the community that the applicant is at imminent risk of nursing facility placement within 30 work days.

3) A Physician, Nurse Practitioner, Registered Nurse, or Christian Science Practitioner has certified in writing that the applicant is unable to remain safely in his/her home without the provision of in-home or community-based services and is, therefore, at imminent risk of nursing facility placement within 30 work days.

4) The Determination of Need (DON) has been administered and the applicant has received the minimum required score of 15 fifteen (15) points on Part A and a total score of at least 29 twenty-nine (29) points on the DON.

5) The applicant has provided declared information on all other CCP eligibility requirements.

6) The Interim Client Agreement has been fully executed, the applicant has completed a Client's Vendor Selection form in accordance with Section 240.330, and the vendor has been notified.

7) The determination of presumptive eligibility shall be completed and the vendor notified within 30 work days from the date of receipt of the completed application (or notice of the completion of the application) by the CU.

h) When presumptive eligibility has been determined and interim services are approved in accordance with the plan of care, services shall be initiated by the vendor to the applicant within 20 work days from the date of notification to the vendor of the applicant's presumptive eligibility.

c) A DON shall be administered in the home of the applicant by the CU within 15 fifteen (15) calendar days from the date of discharge of the applicant from a hospital, or notification by an individual or agency in the community that the applicant is at imminent risk of institutionalization. The formal determination of eligibility for CCP services shall be completed within 90 sixty (60) calendar days from the date of receipt of the completed application (or notice of the completion of the application) by the CU.

d) Interim services may continue up to a maximum of 90 sixty (60) calendar days from the date of application pending finalization of the formal determination of eligibility by the CU. Services shall be

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denied at any time during the 90 ~~sixty-(60)~~ calendar day interim service period:

- 1) if evidence of ineligibility, based upon any eligibility requirement, is determined; or
 - 2) if the applicant fails to cooperate in the determination of eligibility process; or
 - 3) as specified in Section 240.660, in the event that an applicant's eligibility cannot be determined due to the applicant's failure to provide reasonable documentation (factual information to substantiate provided information when provided information is contradictory or not specific) within 90 ~~sixty-(60)~~ calendar days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU; or
 - 4) if a plan of care cannot be developed which adequately meets the applicant's determined needs (see Section 240.920(n)).
- e) Notification of eligibility or ineligibility shall be provided in writing. If eligibility is denied, provision of interim services shall cease on the date of receipt by the vendor of the Case Action Notice.

(Source: Amended at 19 Ill. Reg. 16031, effective
NOV 20 1995)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Data Collections
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers: Adopted Action:
2510.Appendix D Amendment
- 4) Statutory Authority: Section 2-3 of Article II and Section 4-2 of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3 and 4-2]
- 5) Effective Date of Rulemaking: November 17, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 14, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 10927, August 11, 1995
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Appendix D is being amended to change the effective dates of the amendment requiring hospitals to submit data using the format in Appendix D from August 14, 1995 to August 1997, due to budgetary constraints.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Britt Hagen, Associate Director
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road
Springfield, IL 62703
(217) 786-7001

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

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NOTICE OF ADOPTED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
3b	ZIP PLUS 4	13	15	18	4	A Blank Fill IF NO NUMBER
4a	1st Individual Payer ID Number	50a	19	27	9	A Left justify, space fill right
4b	2nd Individual Payer ID Number	50b	28	36	9	A Left justify, space fill right
4c	3rd Individual Payer ID Number	50c	37	45	9	A Left justify, space fill right
5	Date of Admission	17	46	51	6	N MMDDYY
6	Source of Admission	20	52	52	1	N
7	Type of Admission	19	53	53	1	N
8a	Type of Bill	4	54	56	3	N
8b	Discharge Date	6	57	62	6	N MMDDYY
9a	Principal Diagnosis	67	63	68	6	A Left justify, space fill right no decimal
9b	1st Other Diagnosis	68	69	74	6	A Left justify, space fill right no decimal
9c	2nd Other Diagnosis	69	75	80	6	A Left justify, space fill right no decimal
9d	3rd Other Diagnosis	70	81	86	6	A Left justify, space fill right no decimal
9e	4th Other Diagnosis	71	87	92	6	A Left justify, space fill right no decimal
9f	5th Other Diagnosis	72	93	98	6	A Left justify, space fill right no decimal
9g	6th Other Diagnosis	73	99	104	6	A Left justify, space fill right no decimal

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
9h	7th Other Diagnosis	74	105	110	6	A Left justify, space fill right no decimal
9i	8th Other Diagnosis	75	111	116	6	A Left justify, space fill right no decimal
10a	Procedure Coding Method Used	79	117	117	1	N
10b	Principal Procedure	80	118	124	7	A ICD-9-CM = 99V99bbb
10c	Principal Procedure Date	80	125	130	6	N MMDDYY
11	Patient Status	22	131	132	2	N
12a	1st Other Procedure	81a	133	139	7	A ICD-9-CM = 99V99bbb
12b	1st Other Procedure Date	81a	140	145	6	N MMDDYY
12c	2nd Other Procedure	81b	146	152	7	A ICD-9-CM = 99V99bbb
12d	2nd Other Procedure Date	81b	153	158	6	N MMDDYY
12e	3rd Other Procedure	81c	159	165	7	A ICD-9-CM = 99V99bbb
12f	3rd Other Procedure Date	81c	166	171	6	N MMDDYY
12g	4th Other Procedure	81d	172	178	7	A ICD-9-CM = 99V99bbb
12h	4th Other Procedure Date	81d	179	184	6	N MMDDYY
12i	5th Other Procedure	81e	185	191	7	A ICD-9-CM = 99V99bbb
12j	5th Other Procedure Date	81e	192	197	6	N MMDDYY
13a	1st Revenue Code	42a	198	201	4	N Right justify, zero fill left

DATA ELEMENT	DESCRIPTION	UB-92 ITEM	POSITION	FROM	TO	LENGTH	PICTURE	FORMAT
13a	Units of Service	46a	202	208	7		N	Right justify, zero fill left
13a	Charges	47a	209	218	10		N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13b	2nd Revenue Code	42b	219	222	4		N	Right justify, zero fill left
13b	Units of Service	46b	223	229	7		N	Right justify, zero fill left
13b	Charges	47b	230	239	10		N	S9(8)99-May be negative (credit) Right justify, zero fill left
13c	3rd Revenue Code	42c	240	243	4		N	Right justify, zero fill left
13c	Units of Service	46c	244	250	7		N	Right justify, zero fill left
13c	Charges	47c	251	260	10		N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13d	4th Revenue Code	42d	261	264	4		N	Right justify, zero fill left
13d	Units of Service	46d	265	271	7		N	Right justify, zero fill left

DATA ELEMENT	DESCRIPTION	UB-92 ITEM	POSITION	FROM	TO	LENGTH	PICTURE	FORMAT
13d	Charges	47d	272	281	10		N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13e	5th Revenue Code	42e	282	285	4		N	Right justify, zero fill left
13e	Units of Service	46e	286	292	7		N	Right justify, zero fill left
13e	Charges	47e	293	302	10		N	S9(8)99-May be negative (credit) Right justify, zero fill left
13f	6th Revenue Code	42f	303	306	4		N	Right justify, zero fill left
13f	Units of Service	46f	307	313	7		N	Right justify, zero fill left
13f	Charges	47f	314	323	10		N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13g	7th Revenue Code	42g	324	327	4		N	Right justify, zero fill left
13g	Units of Service	46g	328	334	7		N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13g	Charges	47g	335	344 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13h	8th Revenue Code	42h	345	348 4	N	Right justify, zero fill left
13h	Units of Service	46h	349	355 7	N	Right justify
13h	Charges	47h	356	365 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13i	9th Revenue Code	42i	366	369 4	N	Right justify, zero fill left
13i	Units of Service	46i	370	376 7	N	Right justify, zero fill left
13i	Charges	47i	377	386 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13j	10th Revenue Code	42j	387	390 4	N	Right justify, zero fill left
13j	Units of Service	46j	391	397 7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13j	Charges	47j	398	407 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13k	11th Revenue Code	42k	408	411 4	N	Right justify, zero fill left
13k	Units of Service	46k	412	418 7	N	Right justify, zero fill left
13k	Charges	47k	419	428 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13l	12th Revenue Code	42l	429	432 4	N	Right justify, zero fill left
13l	Units of Service	46l	433	439 7	N	Right justify, zero fill left
13l	Charges	47l	440	449 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13m	13th Revenue Code	42m	450	453 4	N	Right justify, zero fill left
13m	Units of Service	46m	454	460 7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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NOTICE OF ADOPTED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	TO	LENGTH	PICTURE	FORMAT
13s	Charges	47s	587	596	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13t	20th Revenue Code	42t	597	600	4	N	Right justify, zero fill left
13t	Units of Service	46t	601	607	7	N	Right justify, zero fill left
13t	Charges	47t	608	617	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation.
13u	21st Revenue Code	42u	618	621	4	N	Right justify, zero fill left
13u	Units of Service	46u	622	628	7	N	Right justify, zero fill left
13u	Charges	47u	629	638	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13v	22nd Revenue Code	42v	639	642	4	N	Right justify, zero fill left
13v	Units of Service	46v	643	649	7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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NOTICE OF ADOPTED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	TO	LENGTH	PICTURE	FORMAT
13v	Charges	47v	650	659	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13w	23rd Revenue Code	42w	660	663	4	N	Right justify, zero fill left
13w	Units of Service	46w	664	670	7	N	Right justify, zero fill left
13w	Charges	47w	671	680	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
14	Attending Physician ID Number	82	681	690	10	A	
15	Hospital ID Number	5	691	702	12	A	
16	Patient ID Number	3	703	722	20	A	
17a	1st Insur Grp Number	62a	723	739	17	A	
17b	2nd Insur Grp Number	62b	740	756	17	A	
17c	3rd Insur Grp Number	62c	757	773	17	A	
18a	Other Physician ID Number	83a	774	783	10	A	
18b	Other Physician ID Number	83b	784	793	10	A	
19a	1st Condition Code	24	794	795	2	A	
19b	2nd Condition Code	25	796	797	2	A	
19c	3rd Condition Code	26	798	799	2	A	

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION	LENGTH	PICTURE	FORMAT
19d	4th Condition Code	27	800	2	A	
19e	5th Condition Code	28	802	2	A	
19f	6th Condition Code	29	804	2	A	
19g	7th Condition Code	30	806	2	A	
20a	1st Occurrence Code	32a	808	2	A	
20b	1st Occurrence Date	32a	810	6	N	MMDYY
20c	2nd Occurrence Code	33a	816	2	A	
20d	2nd Occurrence Date	33a	818	6	N	MMDYY
20e	3rd Occurrence Code	34a	824	2	A	
20f	3rd Occurrence Date	34a	826	6	N	MMDYY
20g	4th Occurrence Code	35a	832	2	A	
20h	4th Occurrence Date	35a	834	6	N	MMDYY
20i	5th Occurrence Code	32b	840	2	A	
20j	5th Occurrence Date	32b	842	6	N	MMDYY
20k	6th Occurrence Code	33b	848	2	A	
20l	6th Occurrence Date	33b	850	6	N	MMDYY
20m	7th Occurrence Code	34b	856	2	A	
20n	7th Occurrence Date	34b	858	6	N	MMDYY
20o	8th Occurrence Code	35b	864	2	A	
20p	8th Occurrence Date	35b	866	6	N	MMDYY

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION	LENGTH	PICTURE	FORMAT
21a	1st Occurrence Span Code	36a	872	2	A	
21b	1st Occurrence From Date	36a	874	6	N	MMDYY
21c	1st Occurrence Through Date	36a	880	6	N	MMDYY
21d	2nd Occurrence Span Code	36b	886	2	A	
21e	2nd Occurrence From Date	36b	888	6	N	MMDYY
21f	2nd Occurrence Through Date	36b	894	6	N	MMDYY
	Filler	900	915	16	A	Blank Filler

Beginning August 1997 ±4-August±995 all hospitals may use the following format for submission to the Council. Beginning November 1997-20-November ±995 all hospitals must use this format for submission to the Council.

TRAILER RECORD FIELD DESCRIPTION

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION	LENGTH	PICTURE	FORMAT
1	Hospital ID Number (Medical Provider Number)	1	12	12	A
2	Number of Records (Logical Records excluding the Header and Trailer Records)	13	17	5	N
3	Filler	18	915	898	A

(Source: Amended at 19 NOV 17 1995)
 Reg. 16046, effective

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

_____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rental of Boats and Boating Facilities
- 2) Code Citation: 17 Ill. Adm. Code 210
- 3) Section Numbers: Adopted Action:

210.10	Amendments
210.30	Amendments
210.35	Amendments
210.40	Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 63a14, 63a15, 63a21, and 63a22 of the Civil Administrative Code of Illinois [20 ILCS 805/63a14, 63a15, 63a21 and 63a22].
- 5) Effective Date of Rulemaking: November 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 16, 1995
- 9) Notice of Proposal Published in Illinois Register: August 18, 1995, 19 Ill. Reg. 11725
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 210.10, the comma following "Act" was removed.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to authorize the site manager to rent State-owned boats and charge the same fee as the concessionaire when the concessionaire is absent and to change docking fees for all sites except North Point Marina.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~NOV 21 1995~~)

Section 210.35 Docking Fees

A docking fee on all State owned docks not operated under a concession agreement shall be ~~\$25.00~~ \$50.00 per season for all privately owned boats, except pontoon boats, for which the seasonal fee shall be ~~\$50.00~~ \$100.00, except this Section does not apply to North Point Marina (see 17 Ill. Adm. Code 220). Docking fees on all docks operated under a concession agreement shall be established through the periodic concession bidding process. The ~~DNR Department-of-Conservation~~ shall designate a specific mooring location for each boat leasing such docking space.

(Source: Amended at 19 Ill. Reg. 16062, effective NOV 21 1995)

Section 210.40 Additional Information

Further information on rental of boats may be obtained by contacting the Concessions Section, Division of Administrative Support, 524 S. Second Street, Property-Management, 405-E--Washington--Street Springfield, IL 62701-1787 62706.

(Source: Amended at 19 Ill. Reg. 16062, effective NOV 21 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers: Adopted Action:
1150.95 New Section
- 4) Statutory Authority: [225 ILCS 305/10 and 24].
- 5) Effective Date of Amendments: November 17, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 17, 1995
- 9) Date Notice of Proposal Published in Illinois Register: February 10, 1995, at 19 Ill. Reg. 1180.
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: Instead of setting up a joint complaint committee with professional engineers, structural engineers and land surveyors, the proposed amendments were revised to establish separate complaint committees for each of the design professions while providing for joint meetings where they can be helpful in reviewing workloads and matters of overlapping violations.
- 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 these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 10(f) of the Act authorizes the Architect Licensing Board to appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. This rulemaking establishes those procedures in a new section.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section 1150.10 Category I - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated After January 1, 1990

1150.20 Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990

1150.30 Application for Licensure by Examination

1150.40 Examination

1150.50 Approved Architecture Programs

1150.60 Licensure by Endorsement

1150.65 Inactive Status

1150.70 Restoration

1150.80 Corporations and Partnerships

1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

1150.90 Standards of Professional Conduct

1150.95 Architecture Complaint Committee

1150.100 Renewals

1150.110 Granting Variances

ILLUSTRATION A Architect Seal Requirements

APPENDIX A Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; 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. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective ~~NOV 17 1995~~.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 1150.95 Architecture Complaint Committee

- a) The Architecture Complaint Committee of the Architecture Licensing Board, authorized by Sections 10 and 24 of the Act, shall be composed of at least 2 members of the Architecture Licensing Board, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.
- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c) below. The Complaint Committee may meet concurrently with the Complaint Committees of the Land Surveyors Examining Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
- 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
 - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
 - 3) To recommend that a case file be closed.
 - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
 - 5) To refer the case file to Prosecutions for review and action.
 - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Architecture Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Architecture Licensing Board or the Complaint Committee.
- g) Disqualification of an Architecture Licensing Board member.
- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
 - 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added 7 1995 19 Ill. Reg. 16066, effective)

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section	
1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Sciences
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Corporations and Partnerships
1270.50	Renewals
<u>1270.55</u>	<u>Land Surveyor Complaint Committee</u>
1270.60	Granting Variances

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified at 5 Ill. Reg. 11039; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; 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; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective NOV 17 1995.

Section 1270.55 Land Surveyor Complaint Committee

a) The Land Surveyor Complaint Committee of the Land Surveyors Examining

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Board authorized by Sections 8 and 29 of the Act shall be composed of 2 members of the Land Surveyors Examining Board, a Supervisor over Design Investigations and Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.

- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c) below. The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
- 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
 - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
 - 3) To recommend that a case file be closed.
 - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
 - 5) To refer the case file to Prosecutions for review and action.
 - 6) To report the actions of the Complaint Committee at each Examining Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Professional Engineering Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1380

3) Section Number: Adopted Action:

1380.305 New Section

4) Statutory Authority: The Professional Engineering Practice Act of 1989 [225 ILCS 325]

5) Effective Date of Amendments: November 17, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 17, 1995

9) Date Notice of Proposal Published in Illinois Register: February 10, 1995, at 19 Ill. Reg. 1190

10) Has JCAR issued a statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: Instead of setting up a joint committee with structural engineers, architects and land surveyors, the proposed amendments were revised to establish separate complaint committees for each of the design professions while providing for joint meetings where they can be helpful in reviewing workloads and matters of overlapping violations.

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 these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 7(b) of the Act authorizes the State Board of Professional Engineers to appoint a subcommittee to recommend the disposition of case files according to procedures established by rule. This rulemaking establishes those procedures in a new Section.

16) Information and questions regarding this amended part shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

f) No file shall be closed nor formal complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Land Surveyors Examining Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Land Surveyors Examining Board or the Complaint Committee.

g) Disqualification of a Land Surveyors Examining Board member. 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.

2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any formal complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added 7 1995 19 Ill. Reg. 16071, effective

16071, effective

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section

- 1380.210 Approved Engineering Program
 1380.220 Definition of Degree in Basic Engineering or Related Science
 1380.230 Approved Experience
 1380.240 Application for Enrollment as an Engineer Intern by Examination
 1380.250 Application for Licensure as a Professional Engineer by Examination
 1380.260 Examination
 1380.270 Restoration
 1380.280 Endorsement
 1380.285 Inactive Status
 1380.290 Corporations and Partnerships
 1380.300 Standards of Professional Conduct
1380.305 Professional Engineer Complaint Committee
 1380.310 Renewals
 1380.320 Granting Variances

APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; 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; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective NOV 17 1995.

Section 1380.305 Professional Engineer Complaint Committee

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Structural Engineering Licensing Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers: Adopted Action:
1480.215 New Section
- 4) Statutory Authority: The Structural Engineering Licensing Act of 1989 [225 ILCS 340].
- 5) Effective Date of Amendments: November 17, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 17, 1995
- 9) Date Notice of Proposal Published in Illinois Register: February 10, 1995, at 19 Ill. Reg. 1195.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: Instead of setting up a joint committee with architects, land surveyors and professional engineers, the proposed amendments were revised to establish separate complaint committees for each of the design professions while providing for joint meetings where they can be helpful in reviewing workloads and matters of overlapping violations.
- 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 these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 8(e) of the Act authorizes the Structural Engineering Board to appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. This rulemaking establishes those procedures in a new Section.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800 Fax: 217/782-7645

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

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480
THE STRUCTURAL ENGINEERING LICENSING ACT OF 1989

1480.10	Statutory Authority (Repealed)
1480.20	Licensure (Repealed)
1480.30	Approved Education Qualifications (Repealed)
1480.40	Approved Experience Qualifications (Repealed)
1480.45	Renewals (Renumbered)
1480.50	Restoration of Expired Certificate (Repealed)
1480.60	Granting Variances (Renumbered)
1480.110	Approved Structural Engineering Curriculum
1480.120	Definition of Degree in Related Science
1480.130	Approved Experience
1480.140	Application for Licensure by Examination
1480.150	Examination
1480.160	Restoration
1480.170	Endorsement
1480.180	Inactive Status
1480.190	Renewals
1480.200	Corporations and Partnerships
1480.210	Standards of Professional Conduct
1480.215	Structural Engineer Complaint Committee
1480.220	Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 III. Reg. 22, p. 242, effective May 15, 1980; amended at 4 III. Reg. 44, p. 475, effective October 20, 1980; codified at 5 III. Reg. 11068; codified and amended at 5 III. Reg. 14171, effective December 3, 1981; emergency amendment at 6 III. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 III. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 III. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 III. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 III. Reg. 2947; emergency amendment at 13 III. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 III. Reg. 13891, effective August 22, 1989; amended at 15 III. Reg. 7081, effective April 29, 1991; amended at 17 III. Reg. 11162, effective July 1, 1993; amended at 18 III. Reg. 14751, effective September 19, 1994; amended at 18 III. Reg. 2309, effective February 14, 1995; amended at 19 III. Reg. 16031, effective

NOV 17 1995

Section 1480.215 Structural Engineer Complaint Committee

a) The Structural Engineer Complaint Committee of the Structural Engineering Board, authorized by Sections 8 and 22 of the Act, shall be composed of 2 members of the Structural Engineering Board, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.

b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c) below. The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the Land Surveyors Examining Board and the State Board of Professional Engineers to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

c) The Complaint Committee shall have the following duties and functions:

- 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
- 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
- 3) To recommend that a case file be closed.
- 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
- 5) To refer the case file to Prosecutions for review and action.
- 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation

d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.

e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the

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respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.

f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Structural Engineering Board. Those case files that previously have been before the Board and are the subject of a Consent Order or formal Order of the Director may be closed without further recommendation or approval of the Structural Engineering Board or the Complaint Committee.

g) Disqualification of a Structural Engineering Board member.

1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.

2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added at 19 Ill. Reg. 16081, effective NOV 17 1995)

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1) Heading of the Part: WIC Vendor Management Code

2) Code Citation: 77 Ill. Adm. Code 672

3) Section Numbers: Adopted Action:

672.100	Amendment
672.105	Amendment
672.200	Amendment
672.400	Amendment
672.405	Amendment
672.500	Amendment
672.505	Amendment
672.510	Amendment

4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

5) Effective Date of Amendments: November 20, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) Date Filed in Agency's Principal Office: November 20, 1995

9) Date Notice of Proposed Amendments was Published in the Illinois Register: 19 Ill. Reg. 7126 - May 26, 1995

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

11) Difference Between Proposal and Final Version: The following language has been added to Section 672.200 as a new subsection (c):

c) If a region has the minimum number of vendors (see subsection (a) of this Section, an application shall not be offered to a potential Applicant vendor at a Vendor Site where, during the previous three years, a vendor has been terminated or has consented to withdraw in lieu of termination.

The following new subsection has been added to Section 672.400:

b) Probationary Authorization.

1) The Department may issue probationary WIC authorization to a Vendor for a period of time not longer than 30 days from the date the probationary authorization is approved. This

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTHPART 672
WIC VENDOR MANAGEMENT CODE

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672.100	Definitions
672.105	Incorporated and Referenced Materials
672.110	Purpose
672.115	Application of These Rules

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

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672.200	Geographic Distribution and Number of Vendors
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672.210	Authorization Criteria and Procedures
672.215	WIC Food List and Quantities
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SUBPART C: WIC VENDOR EDUCATION

Section	
672.300	Initial WIC Retail Training by the Department
672.305	Initial WIC Retail Training by a Vendor
672.310	Annual WIC Retail Training Program
672.315	Compliance Training Workshop (Repealed)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

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672.400	Authorization
672.405	WIC Vendor Contract Requirement
672.410	Expiration of WIC Vendor Authorization and Contract
672.415	Food Instrument Processing
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672.425	WIC Retail Vendor Responsibilities
672.430	Payment Obligation
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672.515	Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment
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672.625	Discovery (Repealed)
672.630	Form of Papers (Repealed)
672.635	Service (Repealed)
672.640	Pre-Hearing Conferences (Repealed)
672.645	Conduct of Hearings (Repealed)
672.650	Subpoenas (Repealed)
672.655	Burden of Proof (Repealed)
672.660	Administrative Law Judge's Report and Final Decision (Repealed)
672.665	Records of Proceedings (Repealed)
672.670	Miscellaneous (Repealed)

APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 606, effective January 9, 1995; amended at 19 Ill. Reg. ~~16036~~, effective

NOV 20 1995

SUBPART A: GENERAL PROVISIONS

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Section 672.100 Definitions

"Act" means the WIC Vendor Management Act: (1997-ch-1991-par-7551-et-seq-) [410 ILCS 255].

"Administrative Law Judge" means any person appointed by the Director to preside at an Administrative Hearing.

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.

"Applicant's Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the Applicant's lowest shelf price for each item as determined during the Retail Vendor Price Survey. These totals are then added together to determine the cost of all items in the Composite Market Basket. In determining the lowest shelf price for juice, cheese and cereal, the Department will use the average of the lowest shelf prices of the two varieties which the Department has determined are the most frequently received varieties of that WIC Food item. If the Applicant has no supply of one or both of the most frequently received varieties, the Department will use the one or two varieties with the lowest shelf price. In determining the lowest shelf price for infant formula, the Department will use a weighted average of the lowest shelf prices for the WIC approved brands, taking into account the percentage of each brand used by WIC Participants.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Composite Market Basket" means those quantities of WIC Food items received by a statistically average WIC Participant over a one month period.

"Contested Case" shall have the meaning ascribed it in Section 1-30 of

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the Illinois Administrative Procedure Act: (1997-ch-1991-par-1001-30) [5 ILCS 100/1-30].

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC Foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or designee.

"Expired Food" means a WIC Food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, or "Best When Purchased By" date, printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act: (1997-ch-1991-par-1001-et-seq-) [5 ILCS 100].

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC Foods by submitting a Food Voucher to a WIC

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Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

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"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672. Appendix A.)

"Regional Average Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the average regional shelf price for that item as derived from the Retail Vendor Price Survey for that region weighted to reflect the distribution of Store Types in the Region. These totals are then added together to determine the regional average cost of all items in the Composite Market Basket.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Consumer Nutrition Service, Special Supplemental Nutrition Food Program for Women, Infants, and Children ~~as updated:~~ (7 CFR 246 (1990)).

"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

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number of vendors allowed in the region, the Applicant shall not be authorized unless the Applicant agrees to charge the Department a maximum of ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or of the lowest shelf price for WIC food items, whichever is less, and agrees not to exceed this ninety-five percent (95%) level for more than two (2) months during the contract period of Authorization. Vendors authorized under this provision whose charges to the Department exceed ninety-five (95%) of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less, shall be placed on probation for the duration of their contract period. In addition, such Vendors shall reimburse the Department for the difference between the amount received and ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less. If the Vendors do not pay this reimbursement within thirty (30) calendar days from the date they are notified, they shall be subject to violations specified in Section 672.505(a).

- c) If a region has the minimum number of vendors (see Section 672.200(a)), an application shall not be offered to a potential Applicant vendor at a Vendor Site where, during the previous three years (3) years, a Vendor has been terminated or has consented to withdraw in lieu of termination.

(Source: Amended at 19 Ill. Reg. 16086, effective NOV 20 1995)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.400 Authorization

- a) Authorization. Upon successful completion of the process for Application or re-authorization, each Applicant or WIC Vendor who meets the criteria set forth in this Part shall be notified that they are approved for Authorization pending completion of a WIC Vendor Contract.
- b) Probationary Authorization.
- 1) The Department may issue probationary WIC authorization to a Vendor for a period of time not longer than thirty (30) days from the date the probationary authorization is approved. This probationary authorization may be issued by the Department only if there are extenuating and unusual circumstances whereby the loss or lack of an authorized WIC Vendor in a certain area would cause an unnecessary hardship on WIC participants.
 - 2) The notice of a thirty (30) day probationary authorization shall state the reasons for the issuance of this interim contract and authorization. All requirements for full WIC authorization must be completed during this probationary period. All Sections of the WIC Act and Code will be in force during this probationary

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authorization period:

- 3) Extenuating and unusual circumstances shall include but not be limited to:

- A) natural disasters; and
- B) change in ownership involving 10 or more stores formed under the same corporate entity. In this situation, the new owner must notify the Department as soon as possible or no later than two (2) weeks prior to the date of change of ownership. This notification must be made by certified mail stating the names and locations of store sites.

(Source: Amended at 19 Ill. Reg. 16086, effective NOV 20 1995)

Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director consistent with USDA WIC Regulations (7 CFR 246.12(f)(1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.
- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications at least once every three (3) two-(2) years.

(Source: Amended at 19 Ill. Reg. 16086, effective NOV 20 1995)

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.500 Compliance Monitoring Inspections

The Department shall develop a system for monitoring the operations of all WIC retail food vendors to ensure compliance with federal and State laws and rules governing the WIC program. The Department shall review the investigate-all alleged violations of the federal and State laws and rules promulgated thereunder. (Section 6(a) and (b) of the Act)

(Source: Amended at 19 Ill. Reg. 16086, effective NOV 20 1995)

Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

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- a) Class A Violations:
 - 1) Imposition of any of the following sanctions by the USDA Food Stamp Program:
 - A) civil money penalty
 - B) suspension
 - C) disqualification
 - D) permanent disqualification
 - 2) Exchanging cash for Food Instrument(s).
 - 3) Exchanging non-food items for Food Instrument(s).
 - 4) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers.
 - 5) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representative.
 - 6) Claiming reimbursement for the sale of any amount of WIC Food which exceeds the store's documented inventory of that food for a specified period of time.
 - 7) Submitting false, erroneous or inaccurate information on the application or WIC Retail Vendor Contract.
 - 8) Exchanging credit for WIC Food Instrument(s).
 - 9) Exchanging alcohol for WIC Food Instrument(s).
 - 10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
 - 11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
 - 12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.
 - 13) Charging WIC Participants, Proxies or Department Representatives more than the posted shelf price for WIC food items.
 - 14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).
 - 15) Failure to maintain the minimum required quantity, size and type of foods in at least three (3) WIC Foods extending infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
 - 16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
 - 17) Acceptance of WIC Food Instrument(s) that is signed by a Participant, a Proxy, or a Department Representative before the total actual cost is fitted in by the Vendor.
 - 18) Submission of false, erroneous or inaccurate information in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site.
 - 19) Refusing to allow the Department access to inspect the Vendor

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Site during normal business hours.

- 18) Submission of a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue.
- 19) Failure to fulfill the terms of the WIC Vendor Contract.
- 20) The sale, lease, assignment, transfer or discontinuation of the Business Entity or moving the Business Entity to a new location or new address without notice to, and approval of, the Department.
- 21) Use of WIC Authorization by any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former Vendor who has improperly acquired WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, and unincorporated association.
- 24) Failure to charge the Department a maximum of ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC Food Items, whichever is less, for any four (4) months of a contract period of authorization.
- 22) Failure to pay the Department the amount of any reimbursement due pursuant to Section 672.200(b).

b) Class B Violations:

- 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
- 2) Failure to maintain the minimum required quantity, size and type of foods, as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.
- 4) Altering or submitting for payment altered Food Instruments.
- 5) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.
- 6) Having any expired WIC Food(s) on the shelf. (See Section 672.100 "Expired Food".)
- 7) Refusing to allow Participants, Proxies or Department Representatives to take all food items listed on the Food Instrument.
- 8) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this Section, the posted shelf price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.
- 9) The possession, the display on the shelf in the Vendor site, the attempted sale or actual sale of food products which originated

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from the WIC Food Centers or the Commodity Supplemental Food Program (CSFP).

- 10) Acceptance of WIC Food Instrument(s) that is signed by a Participant, a Proxy or a Department Representative before the total actual cost is filled in by the Vendor.

c) Class C Violations:

- 1) Exchanging cash or credit for Food Instruments without a valid WIC Retail Vendor Contract.
- 2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract.
- 3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract.

(Source: Amended at 19 Ill. Reg. 16086, effective NOV 20 1995)

Section 672.510 WIC Vendor Sanctions

- a) Any Class A Violation shall subject a Vendor to the following sanctions:
 - 1) Termination from the WIC Program for a period of three years one year; and
 - 2) A fine assessment of \$1,500.00; and
 - 3) Reimbursement to the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.
- b) Any Class B Violation shall subject a Vendor to the following sanctions:
 - 1) A fine assessment of \$750.00; and
 - 2) Certification that situation giving rise to the violation has been corrected.
- c) Any Class C Violation shall subject the violator to the following sanctions:
 - 1) A fine assessment of \$2,500.00 per violation~~\$1,500.00~~; and
 - 2) Reimbursement to the Department for the "Actual Dollar(s) Amount of Sale" indicated on Food Instruments submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former Vendor, individual, Business Entity, or commercial enterprise; and
 - 3) Any individual who held any ownership interest in the violator shall be prohibited from applying to become an authorized WIC Retail Vendor for a period of three (3) years.
- d) The total fine assessed in any one (1) notice of fine assessment shall not exceed \$6,000.00, regardless of the number and class of violations alleged against a Vendor.
- e) All fine assessments shall be paid within thirty (30) calendar days

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from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.

(Source: Amended at 19 Ill. Reg. 16086, effective NOV 20 1995)

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SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 675
HIGHWAY CONSTRUCTION BY CONTRACT

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675.290	Severability
675.295	Effective Date

AUTHORITY: Implementing Section 5 of The Illinois Purchasing Act [30 ILCS 505/5], Section 1 of the Public Construction Bond Act [30 ILCS 550/1] and Section 4-201.4 of the Illinois Highway Code [605 ILCS 5/4-201.4] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5 of the Illinois Purchasing Act [30 ILCS 505/5].

SOURCE: Amended April 1, 1974; amended at 7 Ill. Reg. 7322, effective June 1, 1983; codified at 8 Ill. Reg. 17992; amended at 19 Ill. Reg. 16103,

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

effective NOV 21 1995.

SUBPART A: GENERAL RULES GOVERNING BIDDING AND AWARDS AND
PREQUALIFICATION OF HIGHWAY CONSTRUCTION CONTRACTS CONTRACTORS

Section 675.30 Prequalification of Bidders

All bidders shall be qualified in accordance with 44 Ill. Adm. Code 650. ~~All bidders shall be prequalified before bidding on highway construction contracts and shall furnish financial statements therefore. Financial statements shall be complete reports of the bidders' financial resources and liabilities, equipment, past record and personnel. New statements shall be filed yearly. Before a proposal is issued, bidders may be required to show value of uncompleted work, amount and condition of available equipment, and plans to conduct the work. Prequalification applications and information supplied in support thereof shall be completed and submitted in accordance with "Instructions for Prequalifications of Contractors" adopted and published by the Department. The "Instructions for Prequalification of Contractors" may establish remedies for failure to comply therewith, which remedies shall be cumulative and not exclusive to other remedies provided by these rules. Requests for prequalification applications and for further information should be sent to the Director of Highways, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764.~~

(Source: Amended at 19 Ill. Reg. 16103, effective NOV 21 1995)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

the case of noncompliance to determine whether the general contractor utilized good faith efforts to secure minority contractors. The Department is repealing this Part because the provisions are obsolete, and federally approved provisions are currently contained in the construction contract. An administrative rule is no longer needed.

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

Name: Mr. Jon E. Tweedt, Deputy Chief Counsel
Address: Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764
Telephone: (217) 782-3215

- 1) Heading of the Part: Minority Contractors
- 2) Code Citation: 44 Ill. Adm. Code 645
- 3) Section Numbers:
Adopted Action:
645.10 Repeal
645.20 Repeal
645.30 Repeal
645.40 Repeal
645.50 Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].
- 5) Effective Date of Rulemaking: November 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 20, 1995
- 9) Notice of Proposal Published in Illinois Register:
July 14, 1995, 19 Ill. Reg. 9393
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
The Department corrected the statutory reference in the Authority Note.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Minority Contractors
- 2) Code Citation: 44 Ill. Adm. Code 645
- 3) Section Numbers:
Adopted Action:
645.10 Repeal
645.20 Repeal
645.30 Repeal
645.40 Repeal
645.50 Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].
- 5) Effective Date of Rulemaking: November 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: November 20, 1995
- 9) Notice of Proposal Published in Illinois Register:
July 14, 1995, 19 Ill. Reg. 9393
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
The Department corrected the statutory reference in the Authority Note.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

This Part established procedures for assisting contractors in meeting their MBE goal and for obtaining a modification or waiver of the use of minority subcontractors if a good faith effort was made by the contractor to comply with the goal. In addition, this Part established hearing procedures in

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Railroad Maintenance by Contract
- 2) Code Citation: 44 Ill. Adm. Code 655
- 3) Section Numbers: Adopted Action:
655.30 Amended
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Illinois Purchasing Act [30 ILCS 505/5].
- 5) Effective Date of Rules: November 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 20, 1995
- 9) Notice of Proposal Published in Illinois Register: July 21, 1995, 19 Ill. Reg. 10450
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department indented the Section Source Note. At Section 645.30(b), the Department removed "the" from the sixth line.
- 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 rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is amended by repealing Section 655.30, Prequalification of Bidders. This Section is obsolete since the promulgation of 44 Ill. Adm. Code 650, Prequalification of Contractors and Issuance of Plans and Proposals in 1994.
- 16) Information and questions regarding these adopted rules shall directed to:

Ms. Christine Caronna-Beard, Rules Manager
Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764
(217) 782-3215

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

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

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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Numbers: Emergency Action:
2765.73 New Section
- 4) Statutory Authority: 820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600.
- 5) Effective Date of Amendment: November 13, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: November 13, 1995.
- 8) Reason for Emergency: Nonprofit hospitals can be one of the few links to health care within economically disadvantaged communities. It is not uncommon for hospitals to incur operating losses in serving those communities. Substantial losses can jeopardize a hospital's ability to continue providing those services, threatening the public interest, safety and welfare. This emergency amendment is necessary to allow nonprofit hospitals that have incurred substantial operating losses to restructure their unemployment insurance liabilities to help maintain the cash flow necessary to avert potentially imminent shutdowns.
- 9) Complete Description of the Subjects and Issues Involved: Specifically, the amendment will expressly authorize the hospitals and Department of Employment Security to enter into deferred payment agreements of up to four years with respect to delinquent unemployment insurance contributions and allow the waiver of interest owed upon full payment of those contributions.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives? This emergency amendment does not affect units of local government.
- 12) Information and questions regarding this amendment shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

(312) 793-4240

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

EMERGENCY 2765.73 Waiver Of Interest For Certain Nonprofit Hospitals

EMERGENCY 2765.74 Time For Paying Or Filing Delayed Payment Or Report 2765.75 Application For Waiver 2765.80 Approval Of Application For Waiver 2765.85 Insufficient Or Incomplete Application 2765.90 Disapproval Of Application Conclusive 2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

Section 2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession 2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record 2765.225 Requirement For Privily In Order To Have A Predecessor Successor Relationship 2765.228 No Requirement For Continuous Operation In Order For A Predecessor Successor Relationship To Exist 2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

Section 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act 2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In The Act 2765.329 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993 2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602,

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT CHAPTER IA: DEPARTMENT OF EMPLOYMENT SECURITY SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section 2765.1 Unemployment Contributions Not Deductible From Wages 2765.5 Definitions 2765.10 Payment Of Contributions 2765.15 Liability For The Entire Year 2765.18 Liability Of A Third Party Purchaser Or Transferee For The Due And Unpaid Contributions, Interest And Penalties Of The Seller Or Transferor's Seller Or Transferor 2765.20 Contributions Of Employers By Election 2765.25 Payments In Lieu Of Contributions 2765.30 When Payments In Lieu Of Contributions Payable 2765.35 Payments When Reimbursable Employer Becomes Contributory 2765.40 Payments When Contributory Employer Becomes Reimbursable 2765.44 Fee For Not Sufficient Funds (NSF) Checks 2765.45 Application Of Payment 2765.50 Accrual Of Interest 2765.55 Imposition Of Penalty 2765.60 Payment Or Filing By Mail 2765.63 When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate 2765.64 Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And Contributions Paid By Its Client 2765.65 Waiver Of Interest Or Penalty 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988 2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State 2765.68 Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40) 2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions 2765.70 Waiver Of Interest For Certain Nonprofit Organizations Or Local Governmental Entities 2765.71 Waiver Of Interest Accruing Due To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment 2765.72 Waiver Of Interest Accruing To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, and 2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27, 1994; emergency amendment at 19 Ill. Reg. ~~16113~~, effective November 13, 1995, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2765.73 Waiver Of Interest For Certain Nonprofit HospitalsEMERGENCY

- a) Upon application of an employer, the Director shall grant a conditional waiver of any interest owed by the employer with respect to contributions due for quarters specified in the conditional waiver, where the employer is a nonprofit organization, as that term is used in Section 211.2 of the Act [820 ILCS 405/211.2], operating as a hospital and the following conditions are met:
- 1) the employer has experienced a year-end loss of more than \$1,000,000 in each of at least three of the employer's fiscal years during the period in which the interest has accrued; and
 - 2) the losses described in subsection (a)(1) are established by certified, audited statements of the financial condition of the employer.
- b) The Director shall waive interest covered by a conditional waiver granted under subsection (a) upon payment, within four years after the date on which the conditional waiver is granted, of the full amount of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

all contributions due for the quarters specified in the conditional waiver.

- c) A conditional waiver granted under subsection (a) shall be revoked by the Director where payment of the contributions due for the quarters specified in the conditional waiver is to be made pursuant to a deferred payment agreement and the employer commits a substantial breach of that agreement or where the employer fails to timely pay contributions due for quarters not specified in the conditional waiver.
- d) Notwithstanding subsection (a), the Director shall not grant more than one conditional waiver of interest with respect to contributions due for the same quarter.

(Source: Emergency Amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/30/95	<u>Department of Public Aid, Hospital Services (89 Ill Adm Code 148)</u>	9/22/95 19 Ill Reg 13199	12/12/95
12/30/95	<u>Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)</u>	9/29/95 19 Ill Reg 13489	12/12/95
12/31/95	<u>Illinois Liquor Control Commission, The Illinois Liquor Control Commission (11 Ill Adm Code 100)</u>	8/25/95 19 Ill Reg 12165	12/12/95
12/31/95	<u>Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)</u>	9/8/95 19 Ill Reg 12604	12/12/95
1/3/96	<u>Department of Agriculture, Weights and Measures Act (8 Ill Adm Code 600)</u>	9/22/95 19 Ill Reg 13121	12/12/95

PROCLAMATIONS

95-536
COMBINED LAW ENFORCEMENT HISPANIC
HERITAGE COMMITTEE DAY

Whereas, Hispanics are and have been making great strides in the field of law enforcement and are vital contributors to our society; and

Whereas, every day, these individuals contribute to the promotion of Hispanic awareness, establish role models for Hispanic youths and perform heroic deeds on behalf of their communities; and

Whereas, in order to recognize the contributions of Hispanic law enforcement personnel and members of the community, a day was selected in their honor and the Combined Law Enforcement Hispanic Heritage Program Committee was formed; and

Whereas, the first awards ceremony was held on October 27, 1994, and was attended by 500 people; and

Whereas, the Second Annual Combined Law Enforcement Hispanic Heritage Committee Awards Ceremony will be October 27, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 27, 1995, as COMBINED LAW ENFORCEMENT HISPANIC HERITAGE COMMITTEE DAY in Illinois in honor of Hispanic law enforcement personnel, members of the community, and in recognition of their contributions to all citizens of our state.

Issued by the Governor October 27, 1995.

Filed by the Secretary of State November 6, 1995.

95-537
BOCCE DAYS

Whereas, the World Bocce Association is dedicated to the sport of bocce, which has long been played in Illinois and throughout the nations by Italian-Americans; and

Whereas, the World Bocce Association boasts 20 chapters nationwide and continues to grow; and

Whereas, bocce was an event at the 1995 Special Olympics World Games; and

Whereas, the World Bocce Association has established programs in communities and schools across the nation; and

Whereas, teams from the United States, Canada, South America and Europe will compete in the Superball Bocce Tournament in Rosemont during November;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 2-5, 1995, as BOCCE DAYS in Illinois.

Issued by the Governor October 31, 1995.

Filed by the Secretary of State November 6, 1995

95-538
FARM WOMEN'S MONTH

Whereas, agriculture is the economic hub of Illinois; and

Whereas, farm management and operations require vast amounts of time, energy, skill, and family support; and

Whereas, farm women are true partners with their families in the business

of farming; and
 Whereas, Illinois farm women should be recognized as valuable business partners to their farm families and for their efforts in promoting a better urban/rural understanding;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1995 as FARM WOMEN'S MONTH in Illinois.
 Issued by the Governor October 31, 1995.
 Filed by the Secretary of State November 6, 1995.

95-539
 GERMAN-AMERICAN SOCCER DAY

Whereas, the Sepp Herberger Committee is a positive force in the German-American community and the State of Illinois because it provides programs dedicated to the physical and mental well-being of our youth; and
 Whereas, the Sepp Herberger Committee promotes good citizenship and pride in its heritage to all who participate in its activities; and
 Whereas, the Sepp Herberger Committee also recognizes the radio and press for their participation in and promotion of youth soccer clubs; and
 Whereas, the Sepp Herberger Committee will celebrate the 31st Radio, Sport and Press Ball on November 25, 1995, to express appreciation to the committed players, coaches and trainers of the soccer clubs;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 25, 1995, as GERMAN-AMERICAN SOCCER DAY in Illinois in honor of youth soccer and all the individuals involved through the Sepp Herberger Committee.
 Issued by the Governor October 31, 1995.
 Filed by the Secretary of State November 6, 1995.

95-540
 ROTC APPRECIATION DAY

Whereas, ROTC had its beginnings in the early 19th century, where a small number of colleges offered military instruction to students and with the onset of the Civil War, the college campus was a logical place to develop a source of military leaders; and
 Whereas, in 1862, the Land Grant Act was passed, authorizing grants of public land to state colleges that offered military training for all able-bodied male students; and
 Whereas, in 1916, Congress passed the National Defense Act, recognizing the need for an expanded military reserve to supplement the National Guard; and
 Whereas, this Act provided for the establishment of the Officers' Reserve Corps, composed of men trained in ROTC and in Army training camps; and
 Whereas, these officers served in World War I and formed the basis of the Officers' Reserve Corps in the 1930s; and
 Whereas, ROTC provided the necessary military leadership required by the Army to mobilize when World War II began and more than 100,000 Army ROTC officers served our country by the end of the war; and
 Whereas, in Korea and Vietnam, Army ROTC graduates reaffirmed our national commitment to a defense force, led in large part by citizen-soldiers who had been prepared for leadership on our college and university campuses; and
 Whereas, Congress passed the Vitalization Act of 1964, providing for

additional incentives to ROTC students such as an increased amount of ROTC scholarships and money and the creation of the "two-year program;"
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1, 1995, as ROTC APPRECIATION DAY in Illinois in honor of the heroic accomplishments of our past and present ROTC officers and for their committed service to the citizens of this state.
 Issued by the Governor October 31, 1995.
 Filed by the Secretary of State November 6, 1995.

95-541
 WINTER STORM PREPAREDNESS WEEK

Whereas, Illinois is subject to severe winter storms; and
 Whereas, our best defense against winter storms is to be adequately prepared to deal with potential hazards while at home, work, or traveling; and
 Whereas, the Illinois Emergency Management Agency (IEMA) and the membership of the Illinois Disaster Education Action (IDEA) Committee, a consortium of state, federal, and local governments and private sector organizations with interests in emergency preparedness, are continuing to unite efforts throughout the state to improve individual and family winter survival skills and self-reliance through education and preparedness; and
 Whereas, volunteer agencies play an important role in providing aid to storm-displaced persons; and
 Whereas, the IDEA Committee through the IEMA Family Protection Program expands the quest of all emergency managers in Illinois by focusing efforts of all levels of government on the most basic unit of society -- the family -- to implement emergency planning to contend with the deadly effects of winter storms;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12-18, 1995, as WINTER STORM PREPAREDNESS WEEK in Illinois and urge all Illinois residents to become familiar with the hazards of winter storms and to become better prepared at the work place and at home to minimize the devastating effects of winter storms.
 Issued by the Governor October 31, 1995.
 Filed by the Secretary of State November 6, 1995.

95-542
 FRANK SINATRA AT MARSHALL FIELD'S DAY

Whereas, November 4, 1995, marks the official lighting of the Great Tree at Marshall Field's in the City of Chicago by Mr. Frank Sinatra and family; and
 Whereas, Marshall Field's has demonstrated commitment to the State of Illinois through its on-going community giving programs, including "Communities Count With Marshall Field's," in which thousands of P.J. Huggabee teddy bears were given to DCFS children around the state; and
 Whereas, Marshall Field's budgets five percent of corporate Federally taxable income to support non-profit arts and job-training programs for youth; and
 Whereas, Marshall Field's will kick-off its holiday season by donating \$100,000 to charities dedicated to children such as the Barbara Sinatra Center for Abused Children in California, and the AIDS Foundation of Chicago;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 4, 1995, as FRANK SINATRA AT MARSHALL FIELD'S DAY in Illinois.

Issued by the Governor November 2, 1995.

Filed by the Secretary of State November 13, 1995.

95-543

FAMILY BUSINESS DAY

Whereas, family businesses play a crucial role in Illinois' economy; and

Whereas, family businesses have a proven record of entrepreneurial spirit, offering specialized skills to the citizens of our state; and

Whereas, the Family Business Center at Loyola University Chicago initiated the first annual Family Business of the Year Awards Program in 1994 to emphasize the tremendous and positive contributions provided by family firms; and

Whereas, hundreds of businesses submit applications in order to be considered for the award, demonstrating the interest, enthusiasm and commitment generated by this program; and

Whereas, Loyola University Chicago's Family Business Center will host the Illinois Family Business of the Year Awards on November 9, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 9, 1995, as FAMILY BUSINESS DAY in Illinois.

Issued by the Governor November 3, 1995.

Filed by the Secretary of State November 13, 1995.

95-544

HAITIAN VICTORY DAY

Whereas, the first permanent settlement in Chicago was established in 1779 by Jean-Baptiste Point DuSable, a pioneer of Haitian descent; and

Whereas, Haitians have consistently contributed to the City of Chicago and to the State of Illinois for over 200 years; and

Whereas, on November 18, 1803, Haiti was established as a free nation, as the battle of Vertieres was won on this date; and

Whereas, on November 18, 1995, the Association of Haitian Physicians and the Haitian community in Chicago will commemorate this historic day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 18, 1995, as HAITIAN VICTORY DAY in Illinois in honor of this memorable day in the history of the Haiti.

Issued by the Governor November 3, 1995.

Filed by the Secretary of State November 13, 1995.

95-545

PAMELA A. DANIELS DAY

Whereas, Pamela A. Daniels has been an outstanding and dedicated citizen of the State of Illinois; and

Whereas, she has been an active and dependable member of the Addison Township Republican Women's Club since 1987; and

Whereas, she is currently serving as its 3rd vice president and legislative chair, a position which she has held since 1993; and

Whereas, she has distinguished herself as an Executive Board Member, Fashion Show Chair, and as a dedicated supporter of the Club; and

Whereas, she has also served as a vice president and Legislative Chair for the DuPage County Federation of Republican Women; and

Whereas, she is serving as an Honorary Executive Board Member of the Illinois Federation of Republican Women; and

Whereas, she has served diligently as a liaison to the Illinois Historical Society; and

Whereas, Pamela A. Daniels is receiving the prestigious "Woman of the Year" award, an honor given by the DuPage County Federation of Republican Women and bestowed upon a woman devoted to Republican women throughout DuPage County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1995, as PAMELA A. DANIELS DAY in Illinois in honor of her continued dedication to the citizens of Illinois.

Issued by the Governor November 3, 1995.

Filed by the Secretary of State November 13, 1995.

95-546

DUTCH AMERICAN HERITAGE DAY

Whereas, on November 16, 1776, the fort on the Dutch island of St. Eustatius returned the salute from the American brig of war, The Andrew Doria, as it entered the port; and

Whereas, this first salute by a foreign power to the flag of the newly independent United States of America, was a courageous action by the Dutch that enhanced the diplomatic credibility of our new nation and gave a strong boost to the morale of our troops; and

Whereas, Dutch American Heritage Day is celebrated nationally to call attention to the essential role that the Netherlands played in helping the United States of America secure its independence and in aiding its growth as a free nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16, 1995, as DUTCH AMERICAN HERITAGE DAY in Illinois in recognition of the contributions that the Dutch have made to the political, economical and cultural growth of the United States.

Issued by the Governor November 6, 1995.

Filed by the Secretary of State November 13, 1995.

95-547

WAUKEGAN SWEDISH GLEE CLUB DAY

Whereas, during 1905, a male quartet that had been singing in Waukegan expanded by three members and adopted the name "The Swedish Glee Club;" and

Whereas, the Glee Club no longer requires its members to be of Scandinavian ethnic background, but its repertoire represents Scandinavian heritage; and

Whereas, the group sings two major concerts each year and it participates in ethnic festivals and a variety of other celebrations; and

Whereas, every two years, the club attends singing conventions with other Swedish choruses from around the nation; and

Whereas, on November 12, 1995, the Waukegan Swedish Glee Club will celebrate its 90th anniversary with a celebration in the Country Squire Banquet Room in Grayslake;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

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Whereas, small businesses are essential to Illinois' economic well-being; and

Whereas, the Governor's Small Business Environmental Task Force recommended the development of an amnesty program that allows small businesses to achieve environmental compliance without fear of enforcement action and civil penalties; and

Whereas, the Governor's Amnesty Task Force developed a proposal for an environmental amnesty pilot project to be implemented in Boone and Winnebago counties; and

Whereas, the Illinois Environmental Protection Agency, the Illinois Department of Commerce and Community Affairs, and the Rockford Area Chamber of Commerce co-sponsored the Clean Break Environmental Amnesty Pilot Project for small businesses in Boone and Winnebago counties from April 11-July 14, 1995; and

Whereas, Clean Break was a successful example of business and government working together for the good of the environment and business growth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 10, 1995, as CLEAN BREAK DAY in Illinois and direct the Illinois Environmental Protection Agency and the Illinois Department of Commerce and Community Affairs to develop a statewide small business environmental amnesty program, beginning in 1996, based on the successes of the pilot project conducted in Boone and Winnebago counties.

Issued by the Governor November 9, 1995.

Filed by the Secretary of State November 16, 1995.

95-553

ITALIAN FOLK ART FEDERATION OF AMERICA, INC. WEEKEND

Whereas, the Italian Folk Art Federation of America, Inc. (IFafa) is a non-profit cultural and educational organization whose goal is to encourage interest and participation in the colorful arts of Italy; and

Whereas, IFafa researches the full range of traditional Italian culture and serves as a resource for the preservation of Italian folk art in the United States; and

Whereas, the Rockford Columbus Day Committee who sponsors Amici Italiani is hosting the 17th Annual Conference of the Italian Folk Art Federation of America, Inc. in Rockford, Illinois; and

Whereas, the IFafa conference offers a variety of workshops and demonstrations featuring authentic Italian dances, songs, costumes, and culture and offers a unique opportunity to meet and share knowledge and experiences with Italian folk artists from the United States and Canada;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 10-12, 1995, as ITALIAN FOLK ART FEDERATION OF AMERICA, INC. WEEKEND in Illinois.

Issued by the Governor November 9, 1995.

Filed by the Secretary of State November 16, 1995.

95-554

PARC MONTH

Whereas, PARC is a private, non-profit organization serving the developmental, residential, and vocational needs of adults and children with

developmental delays, disabilities, and mental retardation; and

Whereas, this agency started 35 years ago through the initiative of a small group of parents; and

Whereas, these parents wanted to assure the future of their young children by creating an organization and an environment in which the children would have an opportunity to reach their highest potential; and

Whereas, this agency started as one program serving 10 and now consists of 14 programs serving 480 individuals, due in large part to the dedication of the founding families; and

Whereas, organizations such as PARC encourage and empower individuals to take on a larger role in society, contributing to the quality of life for all citizens; and

Whereas, PARC is celebrating its 35th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1995 as PARC MONTH in Illinois in honor of its founding families and 35 years of dedicated service to the people of this state.

Issued by the Governor November 9, 1995.

Filed by the Secretary of State November 16, 1995.

95-555

SAFE AND SMART DAY

Whereas, every holiday season, thousands of Illinois residents spend countless hours shopping and traveling to see loved ones; and

Whereas, during the holiday season, we must remember to take the extra precautions necessary to ensure our personal safety; and

Whereas, the "Safe and Smart" program calls upon crime prevention officers to help educate citizens on what they can do to help protect themselves and thwart criminals' opportunities to ruin the holidays; and

Whereas, the "Safe and Smart" program, sponsored by Ameritech Cellular Services, offers citizens advice on how they can avoid dangerous situations while they are shopping, driving or at home during this season;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24, 1995, as SAFE AND SMART DAY in Illinois as this day marks the traditional start of the holiday season and the program's official introduction in our state.

Issued by the Governor November 9, 1995.

Filed by the Secretary of State November 16, 1995.

95-556

DIABETES MONTH

Whereas, more than 15 million Americans have diabetes, an incurable disease that impairs the body's ability to convert food sugar into energy; and

Whereas, diabetes is the fourth leading cause of death by disease in the United States; and

Whereas, in this year alone, more than 650,000 Americans will contract the disease and 160,000 will die from it, including a disproportionate number of Hispanic Americans, African Americans and Native Americans; and

Whereas, people with diabetes have a high risk of developing serious complications such as blindness, kidney disease, heart attack and stroke; and

Whereas, an increase in community awareness of diabetes, new research

findings and the American Diabetes Association may stimulate public action in increasing research toward a cure;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1995 as DIABETES MONTH in Illinois and urge all citizens to participate in efforts that support research to end diabetes and improve the lives of all who have this disease.

Issued by the Governor November 13, 1995.

Filed by the Secretary of State November 16, 1995.

95-557
MAINE SOUTH MARCHING BAND DAY

Whereas, the Maine South Marching Band has maintained a tradition of excellence, traveling to various parts of the country for a variety of performance opportunities; and

Whereas, these appearances include the Cherry Blossom parade in Washington, D.C., Disney World's Bicentennial "America on Parade" and the 1993 Presidential Inauguration representing the State of Illinois; and

Whereas, the Maine South Marching Band will perform in the Orange Bowl parade in Miami on December 31, 1995; and

Whereas, the Maine South Marching Band is the only band from Illinois invited to perform in this prestigious event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1995, as MAINE SOUTH MARCHING BAND DAY in honor of the history and accomplishments of this band.

Issued by the Governor November 13, 1995.

Filed by the Secretary of State November 16, 1995.

95-558
ROSEMARY BERKEL CRISP DAY

Whereas, the St. Louis chapter of the National Society of Fund Raising Executives will be presenting awards as part of National Philanthropy Day; and

Whereas, Rosemary Berkel Crisp will receive an award for Outstanding Philanthropist of the Year; and

Whereas, this award bears witness to her commitment to better the quality of life for all citizens; and

Whereas, it is just and proper to honor Rosemary Berkel Crisp for her dedication to philanthropy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 15, 1995, as ROSEMARY BERKEL CRISP DAY in Illinois.

Issued by the Governor November 13, 1995.

Filed by the Secretary of State November 16, 1995.

95-559
ARNOLD R. WEBER DAY

Whereas, Arnold R. Weber has contributed his time, talents and leadership to benefit the greater Chicago community and citizens throughout the State of Illinois for almost 40 years; and

Whereas, Arnold R. Weber's commitment to Chicago, the State of

Illinois, and the nation is exemplified by the contributions he has made to numerous business, civic and cultural organizations; and

Whereas, through this involvement, Mr. Weber has demonstrated the vital link that exists between business, education and society as a whole; and

Whereas, the Board of Directors of the Chicago and Chamber of Commerce has chosen to honor Mr. Weber with the Fourth Annual Daniel H. Butman Award for Distinguished Leadership;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16, 1995, as ARNOLD R. WEBER DAY in Illinois in recognition and appreciation of this man's accomplishments and his contributions to society.

Issued by the Governor November 15, 1995.

Filed by the Secretary of State November 16, 1995.

95-560
METROPOLITAN FAMILY SERVICES DAY

Whereas, families are society's most powerful force, providing support and motivation for people to lead productive, fulfilling lives; and

Whereas, Metropolitan Family Services, formerly United Charities, offers a wide range of family, legal and mental health services customized to help families rise above even the most difficult obstacles; and

Whereas, Metropolitan Family Services has been strengthening families and inspiring hope in Northeastern Illinois for 138 years; and

Whereas, every year, its neighborhood-based programs help 80,000 families as diverse as the communities in which they live while hundreds of thousands more have benefited from its statewide family policy initiatives; and

Whereas, Metropolitan Family Services gets results as eighty-five cents of every dollar it receives goes toward direct services provided at its 22 neighborhood centers in Chicago and the suburbs; and

Whereas, today, United Charities is officially changing its name to Metropolitan Family Services to better reflect what it has always done -- help families achieve their potential;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16, 1995, as METROPOLITAN FAMILY SERVICES DAY in Illinois.

Issued by the Governor November 15, 1995.

Filed by the Secretary of State November 16, 1995.

95-561
MICHAEL BRUTON REMEMBERED

Whereas, Michael Bruton worked his way up from apprentice construction electrician to leadership with the Chicago Federation of Labor; and

Whereas, after serving as Secretary-Treasurer for the Chicago Federation of Labor, he was elected as the federation's president on May 3, 1994; and

Whereas, in addition to his service to the federation and labor unions over the years, Michael Bruton served his community by lending his wisdom and experience to the boards of the United Way/Crusade of Mercy, Catholic Charities, the Board of Governors of the Metropolitan Planning Council, the Chicago Convention and Tourism Bureau, and other charitable and civic organizations; and

Whereas, he was always dedicated to the causes of working men and women in the State of Illinois; and

Whereas, Michael Bruton, a lifelong resident of Chicago, husband of Marilyn, father of nine, and grandfather of 11, also was a dedicated family man;

Therefore, I, Jim Edgar, Governor of the State of Illinois, issue this proclamation in memory of MICHAEL BRUTON, his many accomplishments and in appreciation of his contributions to the citizens of Illinois.

Issued by the Governor November 15, 1995.

Filed by the Secretary of State November 16, 1995.

Rules acted upon during the quarter of October 1 through December 31, 1995 are listed in the Issues Index by Title number, Part number and Issue number. For example, 32 Ill. Adm. Code 610 published in Issue 42 will be listed as 32-610-42. This Issues Index supplements the Sections Affected and Cumulative Indexes published in the October 13, 1995 Illinois Register (Issue 41). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

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