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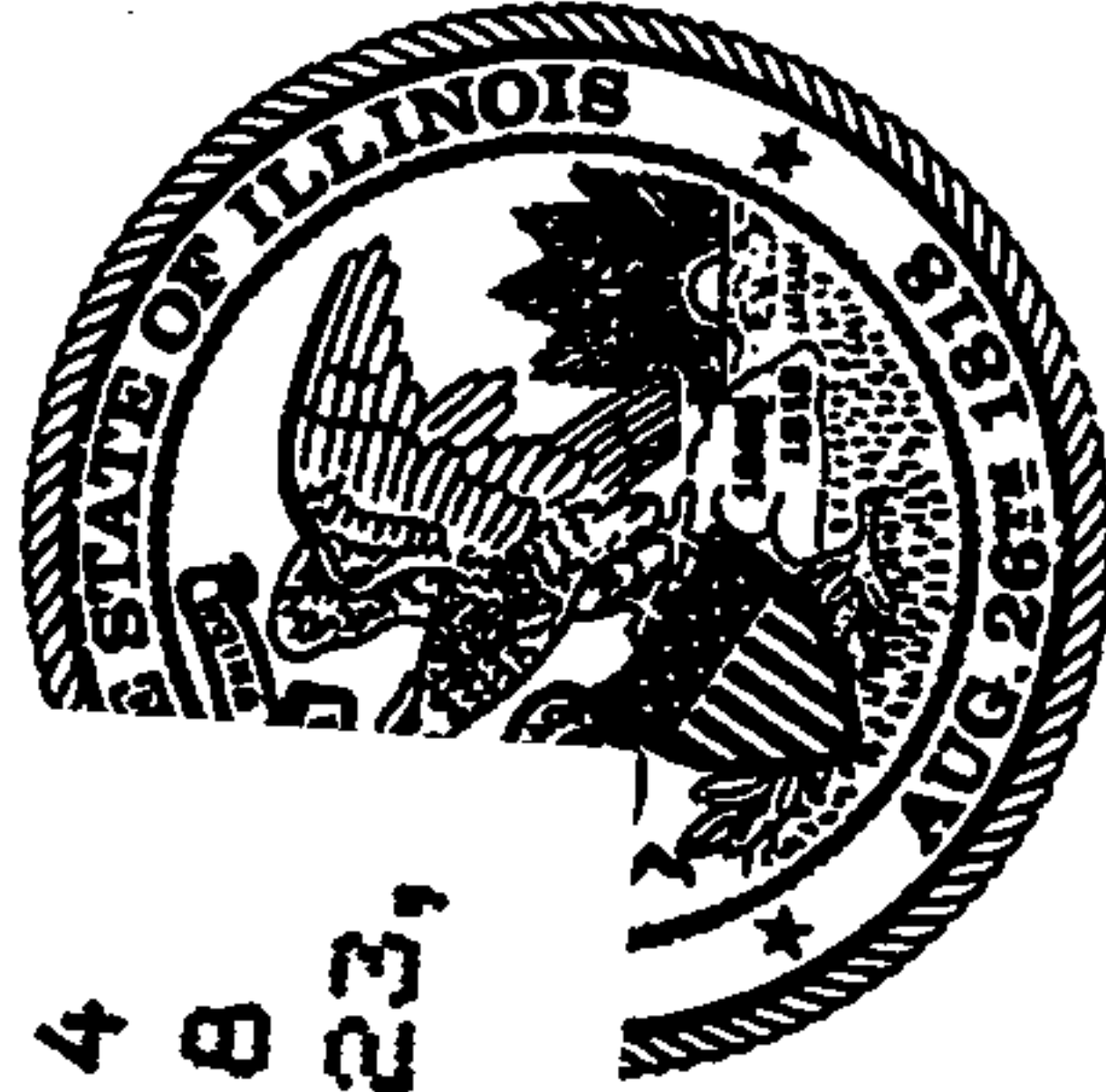
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Illinois register
Received on: 02-28-90



JIM EDGAR
Secretary of State

VOLUME 14
ISSUE 8

A WEEKLY
PUBLICATION

FEBRUARY 23
1990

Pages 2721-2980

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756
(217) 782-9786

ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The Register also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the Register contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The Register will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the Code along with the Register comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

| Material Rec'd after 4:30 p.m. on: | And before 4:30 p.m. on: | Will be in Issue #: | Published on: | Material Rec'd after 4:30 p.m. on: | And before 4:30 p.m. on: | Will be in Issue #: | Published on: |
|---------------------------------------|-----------------------------|------------------------|------------------|---------------------------------------|-----------------------------|------------------------|----------------------|
| Dec. 19, 1989 | Dec. 26, 1989 | 1 | Jan. 5, 1990 | June 26, 1990 | July 3, 1990 | 28 | July 13, 1990 |
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| June 19, 1990 | June 26, 1990 | 27 | July 6, 1990 | Dec. 24, 1990 | Dec. 31, 1990 | 2 | Jan. 11, 1991 |

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

reference? No.

1)

Heading of the Part: Relocation Towing

2)

Code Citation: 92 Ill. Adm. Code 1710

3)

Section Numbers: Proposed Action:

1710.90 Repeal

1710.91 Amend

1710.160 Amend

1710.170 Add

1710.171 Add

1710.172 Add

4)

Statutory Authority: 1987 Ill. Rev. Stat., ch. 95 1/2, par. 18a-200

5)

A Complete Description of the Subjects and Issues Involved: 92 Ill. Adm. Code 1710, "Relocation Towing," contains the Commission's rules on the commercial relocation of trespassing vehicles. The Transportation Division advocates amendment of Part 1710 to restructure record keeping of individual tows and amend the fees to reflect the new system for the creation and retention of records. It is necessary to increase the total monies generated in order to cover the expenses incurred implementing the Illinois Commercial Relocation of Trespassing Vehicles Law. Specifically, the proposed amendments would repeal the current requirement for a relocater to complete a copy of the Commission's relocation tow form for each relocation or tow (Section 1710.90) and replace this with a requirement to acquire forms from the Commission for a fee of \$3.00 per form and to use a form for each relocation (Sections 1710.170 and 1710.171). Under the proposed amendments, public notice must be given of the necessity of supplying the vehicle owner with a copy of the completed tow record form. Section 1710.160 is being amended to reduce the application fee and the renewal fee, eliminate the vehicle fee and the contract filing fee, and to add the per form fee. Section 1710.91 is being updated to provide the correct mailing address.

Does this proposed amendment replace an emergency amendment currently in effect? No.

7)

Does this rulemaking contain an automatic repeal date? No.

8)

Does this proposed amendment contain incorporations by

9)

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

10)

Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11)

Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Office of Transportation Counsel

Illinois Commerce Commission

527 East Capitol Avenue

Springfield, IL 62706

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

12)

Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 9, 1990

B) Types of small businesses affected: This amendment will affect those relocation towing companies that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: A relocation tow must complete and retain a copy of the Relocation Tow Record Form for each relocation tow performed.

D) Types of professional skills necessary for compliance: None

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

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1710
RELOCATION TOWING

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SUBPART B: APPLICATIONS FOR RELOCATOR'S, OPERATOR'S AND
DISPATCHER'S LICENSES

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1710.21 Notice of Applications
1710.22 Policy on Applications

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1710.30 Licenses Conditioned Upon Compliance
1710.31 Licenses To Be Carried By Holder
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ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

SUBPART E: POSTING OF SIGNS

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1710.50 Posting Requirements
1710.51 Sign Specifications
1710.52 Removal of Signs

SUBPART F: VEHICLE IDENTIFICATION

Section
1710.60 Vehicle Identification Requirement

SUBPART G: INSURANCE REQUIREMENTS

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Requirements
1710.71 Proof of Insurance or Bond Coverage
1710.72 Relocator's Liability

SUBPART H: REQUIRED NOTIFICATIONS

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1710.80 Notification of Law Enforcement Agencies
1710.81 Notification of the Commission

SUBPART I: BOOKS AND RECORDS

Section
1710.90 Records of Individual Relocation Tows (Repealed)
1710.91 Written Authorizations to Relocate/Contracts
1710.92 Maintenance of Books and Records
1710.93 Audit and Inspection of Books and Records

SUBPART J: ANNUAL REPORTS

Section
1710.100 Filing Requirements

SUBPART K: INFORMATION PROVIDED TO THE PUBLIC BY RELOCATORS

Section
1710.110 Public Information Pamphlets
1710.111 Informal Complaint Form

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 3 Ill. Reg. 22, p. 49, effective May 28, 1979; amended at 7 Ill. Reg. 4142, effective April 1, 1983; codified at 8 Ill. Reg. 8912; Part recodified at 10 Ill. Reg. 17718, 18012; old part repealed and new part adopted 11 Ill. Reg. 17718, effective October 15, 1987; peremptory amendment at 12 Ill. Reg. 1630, effective December 23, 1987; amended at 111. Reg. , effective

NOTE: Capitalization denotes statutory language.

SUBPART I: BOOKS AND RECORDS

Section 1710.90 Records of Individual Relocation Tows (Repealed)

Each relocater shall maintain a file of all written authorizations to relocate vehicles, and contracts relating thereto.
Each contract between a relocater and one or more property owners, lessees, or agents shall state:

- a) Each relocater shall maintain a file of all written authorizations to relocate vehicles, and contracts relating thereto.
- b) Each contract between a relocater and one or more property owners, lessees, or agents shall state:

- 1) The name of the relocater and all other parties to the contract;
- 2) The location of each property to which the contract applies;
- 3) A description of all services to be provided by the relocater; and
- 4) A description of all compensation to be received by the relocater.

c) Each contract shall also provide that:

- 1) Signs posted on the property in compliance with this Part are the property of the relocater!

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Section 1710.120 Conditions Under Which Vehicles Are To Be Released
1710.121 Identification of Vehicle Owner or Driver
1710.122 Payment of Fees and Charges
1710.123 Hours During Which Vehicles May Be Reclaimed

SUBPART M: STORAGE LOTS

Section 1710.130 Ownership and Identification of Storage Lots
1710.131 Security of Storage Lots
1710.132 Attendance at Storage Lots
1710.133 Maintenance of Records at Storage Lots

SUBPART N: ENFORCEMENT

Section 1710.140 Revocation of Licenses

SUBPART O: LEASING

Section 1710.150 Adoption by Reference of Leasing Requirements
1710.151 Supervision and Control of Leased Equipment with Drivers
1710.152 Leases to be Exclusive

SUBPART P: FEES

Section 1710.160 Fees

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section 1710.170 Relocation Tow Record Form
1710.171 Use and Retention of Relocation Tow Record Forms
1710.172 Public Notice

AUTHORITY: Implementing Section 18a-100 et seq. and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18a-100 et seq. and 18a-200).

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 2) The relocator has the right to enter the property for purposes of posting and removing signs; and
 - 3) The contract shall not be terminated except on 10 days notice; and
 - 4) The contract is the exclusive statement of terms between the parties.
- d) The provisions required under subsection (c) shall be implied if not expressly stated in the contract.
- e) The provisions of subsections (c)(1) and (c)(2) shall remain in effect until all signs have been removed by the relocator, notwithstanding the termination of the contract for other purposes.
- f) Contract Summary.
- 1) No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been filed.
 - 2) Only 1 authorization to tow or contract shall be in effect for any lot at any time. No other authorization or contract shall become effective until the prior authorization has been cancelled and notice of cancellation is filed with the Commission.
 - 3) Relocator Contract Summaries and notices of cancellation shall be filed with the Commission at the following address:

Illinois Commerce Commission
Transportation Division
100-N-Basille-St.
Chicago, IL--60601
188 Industrial Drive, Suite 232
Elmhurst, IL 60126

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

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

SUBPART P: FEES

Section 1710.160 Fees

a) The following initial fees shall apply:

- a)1) Filing fee for application for relocator's license \$27500 \$600
- 2) Relocator's vehicle fee (payable upon filing an application for relocator's license) \$---50
- b)3) Filing fee for application to renew for the biennial renewal of a relocator's license \$17000 \$600
- c)4) Filing fee for application for operator's employment permit \$ 60
- d)5) Filing fee for application for dispatcher's employment permit \$ 60
- e)6) Filing fee for application to renew operator's employment permit \$ 40
- f)7) Filing fee for application to renew dispatcher's employment permit \$ 40
- g)8) Equipment lease filing fee \$ 200
- 9) Filing fee for each property (by listed specific address) listed in contract(s) or contract summary form -\$---00

b)- The fees set out in subsection (a)(9) shall apply to any contract entered into on or after January 17, 1988.

c) The fees set out in (a)(9) shall be due and payable for any property upon which a relocator has placed a sign in conformance with Subpart E, unless proof of a contract entered into prior to January 17, 1988 can be established.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART G: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section 1710.170 Relocation Tow Record Form

a) A Relocation Tow Record Form purchased from the Commission must be completed for each relocation a relocater performs, whether or not the relocated vehicle is subsequently reclaimed. The form will consist of an original and two copies. Each form will be identified by a serial number, which will also be printed on the copies.

b) The forms will be available only at the Commission's office at 188 Industrial Drive, Suite 232, Elmhurst, Illinois, 60126, (708) 530-6700. The forms may be ordered from the Commission by sending a written request specifying the number of forms desired along with payment, or may be obtained in person during normal business hours.

c) The price charged for the forms shall be three dollars (\$3.00) per form plus the actual cost of printing.

(Source: Added at 111. Reg. , effective

Section 1710.171 Use and Retention of Relocation Tow Record Forms

a) The person to whom a relocated vehicle is released must be issued one copy of the Relocation Tow Record Form completed for that vehicle.

b) Relocaters must retain the original and one copy of each completed Relocation Tow Record Form for a period of three years from the date such forms are issued by the relocater. The relocater shall also retain the original and all copies of any spoiled forms or forms completed for unclaimed vehicles for a period of three years from the date such forms are spoiled or completed by the relocater.

c) Upon demand a relocater must produce the original and copy (or copies) of any Relocation Tow Record Form retained pursuant to this Section. In addition, a relocater must be able to produce any unused Relocation Tow Record forms. Failure or inability to produce the required documents, for any reason, is a violation of this Section.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

d) Blank or unused forms may not be disposed of or reproduced.

(Source: Added at 111. Reg. , effective

Section 1710.172 Public Notice

a) Relocaters must post the following notice at all locations at which vehicles may be reclaimed:

Notice: The Illinois Commerce Commission requires that we give a copy of our Relocation Tow Record Form to you as a receipt. Please keep your copy for your records.

b) The notice shall be in letters at least one inch high and one-quarter inch wide which shall be printed on a contrasting background. The notice shall be prominently displayed so that it may be easily seen by persons paying the charge for reclaiming their vehicles.

(Source: Added at 111. Reg. , effective

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telephone Assistance Program
- 2) Code Citation: 83 Ill. Adm. Code 757
- 3) Section Numbers:

| <u>Proposed Action:</u> | |
|-------------------------|-------------|
| 757.10 | Amendment |
| 757.300 | New Section |
| 757.310 | New Section |
| 757.320 | New Section |
| 757.330 | New Section |
| 757.340 | New Section |
| 757.350 | New Section |
| 757.400 | New Section |
| 757.410 | New Section |
| 757.EXHIBIT B | New Section |
| 757.EXHIBIT C | New Section |
| 757.EXHIBIT D | New Section |
- 4) Statutory Authority: Implementing Section 13-301 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-301 and 10-101).
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will implement Section 13-301 of the Act by establishing the Subscriber Line Charge Waiver Program. This program will provide on-going, monthly assistance to those qualifying low-income telephone customers in paying the monthly telephone charges.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives? These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date amendments were submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 8, 1990
 - B) Types of small businesses affected: This rulemaking will affect those local exchange carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
 - C) Reporting, bookkeeping or other procedures required for compliance: Periodic reporting required.
 - D) Types of professional skills necessary for compliance: Managerial skills.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER f: TELEPHONE UTILITIES

PART 757

TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

757.10 Definitions

757.15 Dispute Procedures

SUBPART B: LEC OBLIGATIONS

Section

757.100 Service Requirement

757.105 Recovery Mechanism

757.110 Publicity

757.115 Application Procedure and Processing

757.120 Filing Requirements

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section

757.200 Eligibility

757.205 Income Certification

SUBPART D: SLCWP APPLICATIONS, ELIGIBILITY AND BENEFITS

Section

757.300 SLCWP Publicity

757.310 SLCWP Service Requirement

757.320 SLCWP Eligibility

757.330 SLCWP Application Procedure and Processing

757.340 SLCWP Income Certification

757.350 SLCWP Recertification

SUBPART E: SLCWP COST RECOVERY AND FILING REQUIREMENTS

Section

757.400 SLCWP Recovery Mechanism

757.410 SLCWP Filing Requirements

757.EXHIBIT A Reporting Form

757.EXHIBIT B SLCWP Reporting Form

757.EXHIBIT C SLCWP Recertification Ineligibility Notice

757.EXHIBIT D SLCWP Certification Card

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 13-301 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-301 and 10-101).

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at Ill. Reg. , effective

SUBPART A: DEFINITIONS

Section 757.10 Definitions

For the purpose of this Part:

"Act" means The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111-2/3, pars. 1-101 et seq;)

"Commission" means the Illinois Commerce Commission.

"Customer service center" means any office, operated by a local exchange carrier, where applications for service can be made in person.

"Department" means the Illinois Department of Public Aid.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.320.

"Eligible new subscriber" is an applicant for local exchange service who meets the eligibility guidelines set forth in Section 757.200.

"Installation charge" means those tariffed charges assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"LEC" means "local exchange carrier," which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 13-204).

"Link Up" means the telephone assistance program described in Subparts B and C.

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"Medical card" is a card issued by the Department which certifies that the holder is a participant in a proxy program.

"NECA" means the National Exchange Carrier Association, established at 47 CFR 69.601.

"Participant" is an individual receiving benefits under the Subscriber Line Charge Waiver Program.

"Program," "plan," or "Lifeline" means the telephone assistance program in which all Illinois LEC's shall participate as provided in Section 757.100.

"Proxy Program(s)" include the following assistance programs administered by the Department: Aid to Families with Dependent Children (AFDC); Aid to the Aged, Blind, and Disabled (AABD); Food Stamps (FS); General Assistance (GA, city of Chicago only); Refugee/Repatriate Programs (RRA); Medical Assistance (including Aid to the Medically Indigent, excluding medical extension cases and spend down cases).

"SLCWP" or "SLC" means the Subscriber Line Charge Waiver Program in which all Illinois LEC's shall participate as provided in Section 757.310.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Waiver" means a reduction in a participant's local service exchange obligation in the amount equal to twice the established Federal subscriber line charge.

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

SUBPART D: SLCWP APPLICATIONS, ELIGIBILITY AND BENEFITS

Section 757.300 SLCWP Publicity

LEC's shall publicize the SLCWP throughout their respective service territories. The publicity requirements shall be the same as those in Section 757.110.

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

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Section 757.310 SLCWP Service Requirement

- a) Within 90 days of the SLCWP's certification by the FCC, each LEC shall participate in the SLCWP adopted by the FCC in 47 CFR 67.701 et seq. as of August 31, 1988. This incorporation does not include any later amendments or editions.
- b) Pursuant to subsection (a), the LEC's shall implement a low income assistance program consisting of a waiver equal to twice the amount of the Federal Subscriber Line Charge. The waiver shall be applicable to local exchange service charges.
- c) The SLCWP waiver shall be available for one access line only, which shall be at the principal place of residence of the participant.

(Source: Added at Ill. Reg. , effective

Section 757.320 SLWCP Eligibility

- a) In order to be eligible to receive benefits under the SLWCP, an individual must be a participant in a proxy program as defined in Section 757.10 and be a subscriber of local exchange telephone service. To be eligible, an individual cannot be a dependent for income tax purposes, unless he or she is more than 60 years of age (See 26 U.S.C. 152).
- b) Program benefits shall be delivered in the name of an individual receiving assistance from one of the six proxy programs defined in Section 757.10.

(Source: Added at Ill. Reg. , effective

Section 757.330 SLCWP Application Procedure and Processing

- a) The LEC's shall be responsible for processing all SLCWP applications.
- b) Individuals may apply for the SLCWP by mailing a certification card to their LEC or bringing a certification card in person to an LEC service center, or may complete the applications process via the telephone.

c) Certification cards shall be made available as follows:

- 1) The LEC's in cooperation with the Department shall mail all participants in one or more of the proxy programs a certification card within 90 days of FCC certification of the SLCWP. The specific manner with which the mailing shall be dispensed shall be consistent with the contractual arrangements existing between the Department and the LEC's.
- 2) Lifetime certification cards shall be made available at all LEC customer service centers.

(Source: Added at 111. Reg. , effective)

Section 757.340 SLCWP Income Certification

- a) An individual who receives a certification card pursuant to Section 757.330(c)(1) and who completes and returns said card to the relevant LEC, and who is subsequently confirmed to be eligible by the LEC through inquiry to facilities maintained by the Department, shall be deemed income eligible.
- b) An individual who brings a completed certification card, together with a current medical card, in person to an LEC customer service center shall be deemed income-eligible for the SLCWP.
- c) LEC's receiving applications via the telephone and maintaining an operational-inquiry only link to the Department shall notify individuals of their eligibility status at the time of such application.
- d) In the event an applicant takes exception to the eligibility status as determined by the LEC, the LEC shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.
- e) The LEC shall place an individual on the program upon determination of eligibility.
- f) The LEC shall notify an individual of income eligibility within 14 days of application.

(Source: Added at 111. Reg. , effective)

Section 757.350 SLCWP Recertification

Recertification of a participant's eligibility shall be conducted in the following manner:

- a) LEC's shall be responsible for recertification and shall conduct recertification through inquiry to the facilities maintained by the Department.
- b) Recertification shall be conducted no more than once every six months and no less than once a year.
- c) If an LEC determines upon recertification that an SLCWP participant is no longer available, the LEC shall provide the participant 30 days notice prior to terminating the participant from the SLCWP. Notice of such a determination shall be provided to the applicant in writing, and shall provide the information specified in Exhibit C.
- d) Recertification frequency shall be subject to ongoing evaluation. The relative frequency with which recertification shall take place shall be based on an assessment by the Commission of whether the incremental costs of recertifying more frequently than once a year exceed the incremental savings from prompt recertification of ineligible participants.

(Source: Added at 111. Reg. , effective)

SUBPART E: SLCWP COST RECOVERY AND FILING REQUIREMENTS

Section 757.400 SLCWP Recovery Mechanism

Costs incurred as a result of providing service under Section 757.310 shall be recovered in the following manner:

- a) The LEC's shall recover one-half of the waiver provided to SLCWP participants through funds provided by the NECA through the Subscriber Line Charge Waiver Assistance Program.
- b) The LEC's shall recover the remaining one-half of the waiver provided to SLCWP participants through the assessment of a surcharge on all business and residential access lines existing within their respective service territories. Such recovery shall be in a manner consistent with the provisions set forth in this Part.

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- c) The amount of the surcharge shall initially be established to provide for a level of funding sufficient to fully recover those costs projected to be incurred through implementation and administration of the SLCWP and Link Up program.
- d) On an annual basis, an assessment shall be made of funding requirements imposed by the Link Up and the SLCWP for the purpose of adjusting the surcharge necessary to support the administration of the two programs.
- e) Adjustments to the surcharge shall be based on an assessment of funding requirements as indicated by the actual expense and participation levels reported by each LEC through the SLCWP quarterly reports in the form of Exhibit B.

(Source: Added at Ill. Reg. , effective

Section 757.410 SLCWP Filing Requirements

- a) Within two weeks from the date the SLCWP receives FCC certification, LEC's shall file with the Commission for approval pursuant to the provisions of Section 9-201 of the Act and this Part the following tariff items:
 - 1) A tariff for the provision of the SLCWP waiver;
 - 2) A tariff for the collection of the access line surcharge as provided for in Section 757.400.
- b) LEC's shall file, on a quarterly basis, reports containing the information specified in Exhibit B.

(Source: Added at Ill. Reg. , effective

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Section 757. EXHIBIT B SLCWP Reporting Form

Local Exchange Company: _____

STATUS OF THE SLCWP

FOR CALENDAR QUARTER ENDING: _____

A)

APPLICATIONS

| | <u>Month</u> <u>(a)</u> | <u>Applications</u> <u>Received</u> <u>(b)</u> |
|-------------------------|----------------------------|--|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| <u>Program to Date:</u> | | _____ |

B)

MONTHLY CHARGES WAIVED

| | <u>Month</u> <u>(a)</u> | <u>Charges</u> <u>Waived</u> <u>(b)</u> |
|-------------------------|----------------------------|---|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| <u>Program to Date:</u> | | _____ |

C)

RECIPIENTS

Number of Persons Receiving SLCWP Assistance, Program to Date: _____

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SLCWP EXPENDITURE REPORT

Quarter Ending To Date

1. Telecommunications Expenses \$ \$

a. Billing and Data Processing \$ \$

b. Customer Notification and Bill Inserts \$ \$

c. Certification Adminis- tration (LEC) \$ \$

d. Certification Adminis- tration (DPA) \$ \$

e. Service Representative Training and Contact Time \$ \$

f. Other, please specify \$ \$

TOTALS \$ \$

Less Cost Recovery Received \$ \$

BALANCES \$ \$

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

Section 757.EXHIBIT C SLCWP Recertification Ineligibility Notice

Waiver Program

Utility Name _____ Customer _____
 Address _____ Address _____
 City, State, Zip _____ Phone Number _____
 Account Number _____

You will be removed from the Subscriber Line Charge Waiver Program and no longer receive monthly credits toward your bill under that program on or after _____, because the Illinois Department of Public Aid no longer shows that you are

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receiving benefits. Households are eligible for Subscriber Line Charge Waiver Program credits if they receive benefits under one of the following programs administered by the Department of Public Aid: Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind and Disabled (ABD), Food Stamps, General Assistance (GA) in Chicago, Refugee/Repatriate Programs and some Medical Assistance recipients.

TO AVOID REMOVAL FROM THE SUBSCRIBER LINE CHARGE WAIVER PROGRAM

If you are still receiving benefits under one of the listed programs, you should then call the Department of Public Aid to check whether they have your name on the master computer list. If the Department does, you should next call _____ (LEC Name) at _____ (Phone #) to have your eligibility rechecked.

If you reapply for public assistance benefits and the Department grants your application before _____ (Date), call _____ (LEC Name) at _____ (Phone #) to have your eligibility checked. If your application is granted by the Department after _____ (Date), you can reapply for Subscriber Line Charge Waiver Program benefits by calling _____ (LEC Name) at _____ (Phone #).

There will be no retroactive Subscriber Line Charge Program benefits between the time that your benefits are discontinued and the time that your reapplication is approved.

If you believe that the Department of Public Aid has improperly terminated you from one of the listed programs, you must resolve this with the Department. If your Public Aid benefits are continued while the dispute is pending, your Subscriber Line Charge Waiver Program benefits will also be continued; you should inform _____ (LEC Name) at _____ (Phone #) of this fact. If the Department is pending, you will not receive Subscriber Line Charge Waiver Program benefits until you have won your appeal. At that time you should call _____ (LEC Name) at _____ (Phone #) to have future Subscriber Line Charge Waiver Program benefits credited to you. There will be no retroactive Subscriber Line Charge Program benefits between the time that your benefits are discontinued and the time that your reapplication is approved.

(Source: Added at Ill. Reg. , effective

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Section 757, EXHIBIT D SLCWP Certification Card

ILLINOIS DEPARTMENT OF PUBLIC AID
SLC CERTIFICATION FORM

NAME _____ Date Issued ____/____/____
Valid for 90 days after
date of issuance
ADDRESS _____ APARTMENT _____
CITY _____ ZIP CODE _____
COUNTY _____ AGE _____

1. Are you claimed by someone else as a dependent for federal income tax purposes?

YES NO

2. Are you still a participant as of this date of application in one of the following State of Illinois Assistance Programs?

- Aid to Families with Dependent Children (AFDC)
- Aid to the Aged Blind and Disabled (AABD)
- Food Stamps
- General Assistance (GA)
- Refugee/Repatriate Programs (RRA)
- Medical Assistance

YES NO

SIGNED _____

DATE _____ PUBLIC AID CASE NO. _____

If you wish, you may apply by telephone or by simply contacting your local phone company. If you do not know the name of your local telephone company, or you wish to apply by mail and are unsure of where to send this application, contact the Illinois Commerce Commission at: (217)782-2024 in Springfield or (312)814-2887 in Chicago.

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

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

1) Heading of Part: Advertising and Sales Promotion of Life Insurance and Annuities

2) Code Citation: 50 Ill. Adm. Code 909

| <u>Section Numbers</u> | <u>Proposed Action</u> |
|------------------------|------------------------|
| 909.20 | Amended |
| 909.50 | Amended |
| 909.100 | New Section |
| 909.110 | Renumbered |
| 909.120 | Renumbered |

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, pars. 761, 763, 848, 849, 1033 and 1065.49 and Ill. Rev. Stat. 1987, ch. 73, par. 1013.

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this proposed rulemaking is to add a new section to the Part, to reflect recent statutory changes. Clarification of these changes requires some amending and renumbering.

6) Will this proposed rule replace emergency rule currently in effect? No.

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

8) Does this proposed rule contain incorporations by reference? No.

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

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

David Van Lieshout
Staff Attorney
Department of Insurance
320 W. Washington, 4th Floor
Springfield, Illinois 62767

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position of the insurer within the insurance industry and material urging policyholders to purchase, increase, modify, reinstate or retain a policy;

a general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged, provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Advertisement" shall be material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters;

material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

"Insurer" shall include any organization or person which issues life insurance or annuities to residents of this State.

"Policy" shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides for life insurance or annuity benefits.

"Preneed Funeral Contract or Prearrangement" shall mean an

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arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

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

Section 909.50 Disclosure Requirements

- a) The information required to be disclosed by this Rule shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.
- b) No advertisement shall omit material information or use words, phrases, statements, references or illustrations if such omission or such use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of the insurer, any policy benefit payable, loss covered, premium payable or state or federal tax consequences. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.
- c) In the event an advertisement used "Non-Medical," "No Medical Examination Required" or similar terms where issue is not guaranteed, such terms shall be accompanied by a further disclosure of equal prominence and in juxtaposition thereto to the effect that issuance of the policy may depend upon the answers to the health questions.
- d) An advertisement shall not use as the name or title of a life insurance policy or an annuity, any phrase which does not include the words "life insurance" or "annuity" unless accompanied by other language clearly indicating it is life insurance.
- e) An advertisement shall prominently include the specific title of the type of the policy being marketed and such title shall not be misleading as to the policy benefits.

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- k) Testimonials or Endorsements by Third Parties
 - 1) Testimonials used in advertisements must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a testimonial the insurer makes as its own all of the statements contained therein, and such statements are subject to all the provisions of this Rule.
 - 2) If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be disclosed in the advertisement.
 - 3) An advertisement shall not state or imply that an insurer or policy has been approved or endorsed by a group of individuals, society, association or other organization unless such is the fact and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the insurer, or receives any payment or other consideration from the insurer, for making such endorsement or testimonial, such fact shall be disclosed in the advertisement.
 - 1) An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects recent and relevant facts. The source of any such statistics used in an advertisement shall be identified therein.
 - m) Introductory, Initial or Special Offers and Enrollment Periods
 - 1) An advertisement of an individual policy or combination of such policies shall not state or imply that such policy or combination of such

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- f) An advertisement of an insurance policy marketed by the direct response techniques shall not state or imply that because there is no agent or commission included, there will be a cost saving to prospective purchasers unless such is the fact. No such cost savings may be stated or implied without justification satisfactory to the Insurance Director prior to use.
- g) An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decrease or increases with age or duration, such fact shall be prominently disclosed.
- h) An advertisement for a policy with non-level premiums shall prominently describe the premium changes.
- i) Dividends
 - 1) An advertisement shall not utilize or describe dividends in a manner which is misleading or has the capacity or tendency to mislead.
 - 2) An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future.
 - 3) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains
 - A) what benefits or coverage would be provided at such time and
 - B) under what conditions this would occur.
- j) An advertisement shall not state that a purchaser of a policy will share in or receive a stated percentage or
 - 1) An advertisement shall not state or imply that the capacity or tendency to mislead.
 - 2) An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future.
 - 3) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains
 - A) what benefits or coverage would be provided at such time and
 - B) under what conditions this would occur.

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policies is an introductory, initial or special offer or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies.

- 2) An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy.
- 3) An advertisement shall not offer a policy which utilizes a reduced initial rate in a manner which overemphasizes the availability and the amount of the initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement which contains a full rate schedule for the policy being advertised.
- 4) An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered within this State unless there has been a lapse of not less than six months between the close of the immediately preceding enrollment period for the same policy and the opening of the new enrollment period. The advertisement shall specify the date by which the applicant must mail the application, which shall be not less than ten days and not more than forty days following the date on which such enrollment period is advertised for the first time. This Rule applies to all advertising media: i.e., mail, newspapers, radio, television, magazines and periodicals, by any one insurer. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common

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management or control. This Rule does not apply to the use of a termination or cut-off date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request. It is also inapplicable to solicitations to employees or members of a particular group or association which otherwise would be eligible under specific provisions of the Insurance Code for group or blanket insurance. In cases where an insurance product is marketed on a direct mail basis to prospective insureds by reason of some common relationship with a sponsoring organization, this Rule shall be applied separately to such sponsoring organization.

- n) An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group, or quasi-group and as such enjoy special rates, dividends or underwriting privileges, unless such is the fact.
- o) An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services or methods of marketing.
- p) An advertisement for the solicitation or sale of a preneed contract or prearrangement as defined in Section 909.20 above, which is funded or to be funded by a life insurance policy or annuity contract shall adequately disclose the following:
 - 1) the fact that a life insurance policy or annuity contract is involved or being used to fund a prearrangement as defined in Section 909.20, and
 - 2) the nature of the relationship among the soliciting producer or producers, the provider of the funeral or cemetery merchandise or services, the administrator and any other persons.

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1) Heading of Part: Life Insurance Solicitation

2) Code Citation: 50 Ill. Adm. Code 930

3) Section Numbers Proposed Action

| | |
|--------|-------------|
| 930.30 | Amended |
| 930.40 | Amended |
| 930.60 | New Section |
| 930.70 | Renumbered |
| 930.80 | Renumbered |
| 930.90 | Renumbered |

4) Statutory Authority: 111. Rev. Stat. 1987, ch. 73, pars. 1028 et seq. and 1013.

5) A complete Description of the Subjects and Issues Involved:

The purpose of this proposed rulemaking is to add a new section to the Part to reflect recent statutory changes. Clarification of these changes requires some amending and renumbering.

6) Will this proposed rule replace emergency rule currently in effect? No.

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

8) Does this proposed rule contain incorporations by reference? No.

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

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to

comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

David Van Lieshout
Staff Attorney
Department of Insurance
320 W. Washington, 4th Floor
Springfield, Illinois 62767

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(Source: Amended by 111. Reg. , effective)

Section 909.100 Conflict-with-other-Rules Penalties

Any insurer or any of its officers, directors, producers or employees thereof which, or who, violate any of the provisions of this regulation, or knowingly participate in or abet such violation, shall be subject to a fine up to \$1000 for each violation and/or subject to suspension or revocation of their certificate of authority or license.

(Source: Section 909.100 renumbered to Section 909.110, new Section 909.100 adopted at 111. Reg. , effective)

Section 909.100 110 Conflict with Other Rules

It is not intended that this Rule conflict with or supersede any rules currently in force or subsequently adopted in this State governing specific aspects of the sale or replacement of life insurance including, but not limited to, rules dealing with life insurance cost comparison indices, deceptive practices in the sale of life insurance and replacement of life insurance policies. Consequently, no disclosure required under any such rules should be deemed to be an advertisement within the meaning of this Rule.

(Source: Section 909.110 renumbered from Section 909.100 at 111. Reg. , effective)

Section 909.120 Severability Provision

If any Section or portion of a Section of this Rule, or the applicability thereof to any person or circumstances is held invalid by a court, the remainder of the Rule, or the applicability of such provision or circumstances, shall not be affected thereby.

(Source: Section 909.120 renumbered from Section 909.110 at 111. Reg. , effective)

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- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed rulemaking will not affect small businesses as that term is defined by Ill. Rev. Stat. 1987, ch. 127, par. 1003.10.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
 REPRESENTATIVES AND REGISTERED FIRMS

PART 930
 LIFE INSURANCE SOLICITATION

| | |
|-----------|---|
| Section | |
| 930.10 | Authority |
| 930.20 | Purpose |
| 930.30 | Scope |
| 930.40 | Definitions |
| 930.50 | Disclosure Requirements |
| 930.60 | <u>General-Rules Preneed Funeral Contracts or Prearrangements</u> |
| 930.70 | <u>Life-Insurance-Buyer's-Guide---Language-and-Content General Rules</u> |
| 930.80 | <u>Failure-to-Comply Life Insurance Buyer's Guide, Language and Content</u> |
| 930.90 | <u>Failure to Comply</u> |
| Exhibit A | Life Insurance Buyer's Guide |

AUTHORITY: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 1028 et seq. and 1013).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 177, effective July 1, 1980; codified at 7 Ill. Reg. 2364; amended at _____ Ill. Reg. _____, effective _____, 1990.

Section 930.30 Scope

- a) Except as hereafter exempted, this Part shall apply to any solicitation, negotiation or procurement of life insurance occurring within this state. This Part shall apply to any issuer of life insurance contracts including fraternal benefit societies.

3) Group life insurance- (except for disclosures relating to preneed funeral contracts or prearrangements as provided herein. These disclosures requirements shall extend to the issuance or delivery of certificates as well as to the master policy.)

4) Franchise life insurance as defined in construction and filing of life insurance and annuity forms (50 and 51, Adm. Code 1405).

5) Life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. 1001 et seq.).

6) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account.

(Source: Amended at _____, effective _____, 111. Reg. _____, effective _____.)

Section 930.40 Definitions

For the purposes of this regulation, the following definitions shall apply:

a) "Buyer's Guide". A Buyer's Guide is a document which contains, and is limited to, the language contained in Exhibit A prescribed by Section 930.70 930.80 of this Part.

b) "Cash Dividend". A Cash Dividend is the current illustrated dividend which can be applied toward payment of the gross premium.

c) "Equivalent Level Annual Dividend". The Equivalent Level Annual Dividend is calculated by applying the following steps:

1) Accumulate the annual cash dividends at five percent interest compounded annually to the end of the tenth and twentieth policy years.

2) Divide each accumulation of paragraph (1) above by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in paragraph (1) over the respective periods stipulated in paragraph (1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

3) Divide the results of paragraph (2) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Equivalent Level Annual Dividend.

d) "Equivalent Level Death Benefit". The Equivalent Level Death Benefit of a policy or term life insurance rider is an amount calculated as follows:

1) Accumulate the guaranteed amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five per cent interest compounded annually to the end of the tenth and twentieth policy years respectively.

2) Divide each accumulation of paragraph (1) above by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in paragraph (1) over the respective periods stipulated in paragraph (1). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

e) "Generic Name". Generic Name means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

f) "Life Insurance Cost Indexes".

1) Life Insurance Surrender Cost Index. The Life Insurance Surrender Cost Index is calculated by applying the following steps:

A) Determine the guaranteed cash surrender value, if any.

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- B) For participating policies, add the terminal dividend payable upon surrender, if any, to the accumulation of the annual Cash Dividends at five percent interest compounded annually to the end of the period selected and add this sum to the amount determined in paragraph A.
- C) Divide the result of paragraph (B). (paragraph (A). for guaranteed-cost policies) by an interest factor that converts it into an equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in paragraph (B). (paragraph (A). for guaranteed cost policies) over the respective periods stipulated in paragraph (A). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.
- D) Determine the equivalent level premium by accumulating each annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in paragraph (A) and dividing the result by the respective factors stated in paragraph (C) (this amount is the annual premium payable for a level premium plan).
- E) Subtract the result of paragraph (C) from paragraph (D).
- F) Divide the result of paragraph (E) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Life Insurance Surrender Cost Index.
- 2) "Life Insurance Net Payment Cost Index". The Life Insurance Net Payment Cost Index is calculated in the same manner as the comparable Life Insurance Cost Index except that the cash surrender value and any terminal dividend are set at zero.
- g)
- 1) "Policy Summary". For the purposes of this Part, Policy Summary means a written statement describing

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the elements of the policy including but not limited to:

- A) A prominently placed title as follow: STATEMENT OF POLICY COST AND BENEFIT INFORMATION.
- B) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Policy Summary.
- C) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.
- D) The Generic Name of the basic policy and each rider.
- E) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which Life Insurance Cost Indexes are displayed and at least one age from sixty through sixty-five or maturity whichever is earlier:
- i) The annual premium for the basic policy.
 - ii) The annual premium for each optional rider.
 - iii) Guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.
 - iv) Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.

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- a) The fact that a life insurance policy is involved or being used to fund a prearrangement,
- b) the nature of the relationship among the soliciting agent or agents, the provider of the funeral or cemetery merchandise or services, the administrator and any other person,
- c) the relationship of the life insurance policy to the funding of the prearrangement and the nature and existence of any guarantees relating to the prearrangement,
- d) the impact on the prearrangement
 - 1) of any changes in the life insurance policy including but not limited to, changes in the assignment, beneficiary designation or use of the proceeds,
 - 2) of any penalties to be incurred by the policyholder as a result of failure to make premium payments,
 - 3) of any penalties to be incurred or monies to be received as a result of cancellation or surrender of the life insurance policy,
- e) a list of the merchandise and services which are applied or contracted for in the prearrangement and all relevant information concerning the price of the funeral services, including an indication that the purchase price is either guaranteed at the time of purchase or to be determined at the time of need,
- f) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy and the amount actually needed to fund the prearrangement,
- g) any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or the prearrangement guarantee,

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- h) the fact that a sales commission or other form of compensation is being paid and if so, the identity of such individuals or entities to whom it is paid.

(Source: Section 930.60 renumbered to Section 930.70, new Section 930.60 adopted at _____ Ill. Reg. _____, effective _____.)

Section 930.6070 General Rules

- a) Each insurer shall maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use pursuant to this regulation. Such file shall contain one copy of each authorized form for a period of three years following the date of its last authorized use.
- b) An agent shall inform the prospective purchaser, prior to commencing a life insurance sales presentation, that he is acting as a life insurance agent and inform the prospective purchaser of the full name of the insurance company which he is representing to the buyer. In sales situations in which an agent is not involved, the insurer shall identify its full name.
- c) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the insurance agent is generally engaged in an advisory business in which compensation is unrelated to sales unless such is actually the case.
- d) Any reference to policy dividends must include a statement that dividends are not guaranteed.
- e) A system or presentation which does not recognize the time value of money through the use of appropriate interest adjustments shall not be used for comparing the cost of two or more life insurance policies. Such a system may be used for the purpose of demonstrating the cash-flow pattern of a policy if such presentation is accompanied by a statement disclosing that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today.

NOTICE OF PROPOSED AMENDMENTS

f) A presentation of benefits shall not display guaranteed and non-guaranteed benefits as a single sum unless they are shown separately in close proximity thereto.

g) A statement regarding the use of the Life Insurance Cost Indexes shall include an explanation to the effect that the indexes are useful only for the comparison of the relative costs of two or more similar policies.

h) A Life Insurance Cost Index which reflects dividends or an Equivalent Level Annual Dividend shall be accompanied by a statement that it is based on the company's current dividend scale and is not guaranteed.

i) For the purposes of this Rule, the annual premium for a basic policy or rider, for which the company reserves the right to change the premium, shall be the maximum annual premium.

(Source: Section 930.70 renumbered from Section 930.60 at

Ill. Reg. _____, effective _____.)

Section 930.7080 Life Insurance Buyer's Guide, Language and

Content

The form requirements of the Life Insurance Buyer's Guide is to be found in Exhibit A of this Part as it appears in the Rules and Regulations of Illinois Insurance Department as prepared by the National Insurance Law Service. The reproduction of the Buyer's Guide should be as specified in Exhibit A with the one exception that the designation Exhibit A assigned by the Illinois Insurance Department should not be used.

(Source: Section 930.80 renumbered from Section 930.70 at

Ill. Reg. _____, effective _____.)

Section 930.8090 Failure to Comply

Failure of an insurer to provide or deliver a Buyer's Guide, or a Policy Summary as provided in Section 930.50 shall constitute an omission which misrepresents the benefits, advantages, conditions or terms of an insurance policy.

(Source: Section 930.90 renumbered from Section 930.80 at

Ill. Reg. _____, effective _____.)

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Definitions and General Provisions

Code Citation: 35 Ill. Adm. Code 211

Section Number: _____ Proposed Action:

211.122

Amendment

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111, pars. 1010 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

Abbott Laboratories' filed with the Pollution Control Board an Amended Petition for Rulemaking and Motion for Expedited Hearing on December 4, 1989. On December 20, 1989, the Board granted Abbott's motion for expedited proceeding insofar as it is practicable in light of the Board's current schedule and workload and directed the hearing officer to schedule hearings. Hearings have been scheduled for March 13 and 28, 1990.

So as to begin the Administrative Procedure Act rulemaking process, the Board proposed Abbott's amended proposal for first notice. However, the Board takes no position on the merits of the proposal at this time. The Board's action today is taken to effectuate the publication of the proposal in the Illinois Register.

For a description of the subjects and issues involved, the Board will set out Abbott's statement of reasons submitted with its original proposal. The Board notes that this description relates to the original proposal; however, on December 4, 1989, Abbott filed an amended proposal. It is only the amended proposal that is being published below. Although the two proposals are generally similar, the reader is advised to contact the Clerk's Office if he or she is interested in comparing the two proposals. Abbott's statement of reasons states as follows.

Abbott owns and operates two separate manufacturing plants located approximately five miles apart in Lake County, Illinois. The North Chicago site is located in the city of North Chicago, and the other site, Abbott Park, is located in an unincorporated area in Libertyville Township. Abbott's North Chicago facility occupies approximately 56 acres of land containing over 30 separate building structures. The surrounding area is a mixture of residential and industrial area. The complex is devoted to fermentation facilities, hospital products manufacturing, synthetic pharmaceutical production, laboratory and pilot plant research and development, and administrative offices.

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The Abbott Park facility, which occupies approximately 500 acres of land, is devoted to administrative offices, laboratory research and development, diagnostic kit assembly and pharmaceutical production. It is in a mostly rural area with farmland or a tollway on all sides except to the east which is a mixture of residential and very light industrial areas.

At the North Chicago facility, Abbott manufactures both synthesized pharmaceutical products (CTG products) and fermentation-based pharmaceutical products (non-CTG products) in bulk form. Unit operations at North Chicago typically consist of reactors, liquid-liquids extractors, crystallizers, distillation columns, centrifuges, filters, vacuum blender dryers, vacuum dryers and fluidized bed air dryers. Production is typically performed in batches, with batch times for individual process steps ranging from less than one hour to as much as 48 hours.

Volatile organic materials utilized at the North Chicago plant include ethanol, methanol, isopropanol, acetone, amyl acetate and others in less significant quantities. The production and associated air pollution control equipment must be specially designed and constructed to withstand a very wide range of operating conditions, including temperature, pressure, acids, alkalis and solvents. Production is highly variable since demand is driven primarily by the worldwide health care market and by inventory maintenance requirements.

At the Abbott Park facility the final dosage forms of Abbott's pharmaceutical products are prepared from the bulk products which have been manufactured at North Chicago or purchased elsewhere. Unit operations consist of mixers, massers, granulators, blenders, air tray dryers, fluidized bed dryers, tablet coaters and a particle coater. Ethanol is the only VOM utilized in these operations which requires control.

Both of Abbott's plants are located in an area designated as nonattainment for ozone. Abbott retained ETA Incorporated to assess the environmental impact of emissions from Abbott's two plants. Mr. Jay Norco, President of ETA, testified at the September 22, 1987 hearing in R86-10, that the effect of the then-proposed rules (which required considerable greater reductions than the adopted rules) would cause only a minuscule change in ozone concentrations. In fact, if all of Abbott's present level of emissions from Abbott Park and North Chicago (131.4 tons/year) were eliminated, there would be negligible effect on regional ambient ozone levels.

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SECTION BY SECTION ANALYSIS

Section 211.122: The only significant change from the present rules is that set forth in the final sentence of the definition of "Production Equipment Exhaust System." This language was originally drafted by the Agency and Abbott believes it should have been incorporated into the definition in that laboratory hoods, roof monitors and general building exhausts have very high air volumes, would emit very low levels of VOMs and would be unreasonably expensive to control. Abbott believes that the intent of this definition is simply to control those portions of the exhaust system which are directly associated with process pick-up exhaust, and laboratory hoods, roof monitors and general building exhaust do not fall within that category.

- 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 (amendment, repealer) contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part?

| Section Numbers: | Proposed Action: | Ill. Reg. Citation |
|------------------|------------------|--------------------|
| 211.122 | Amended | 13 Ill. Reg. 16257 |

- 10) Statement of Statewide Policy Objective (if applicable)?

The Board does not expect that this proposal will require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues. Therefore, the Board does not believe that this rule will create or enlarge a mandate subject to the State Mandates Act, Ill. Rev. State. ch 85, Sec. 2201 et seq.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R88-14 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):

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A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: January 22, 1990

B) Types of small businesses affected: None

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

D) Types of professional skills necessary for compliance: None

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

Section 211.121 211.122

Other Definitions Definitions

SUBPART B: DEFINITIONS

PART 211 DEFINITIONS AND GENERAL PROVISIONS

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

CHAPTER I: POLLUTION CONTROL BOARD
SUBTITLE B: AIR POLLUTION
TITLE 35: ENVIRONMENTAL PROTECTION

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 9 and 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111, pars. 1009, 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R88-14 at 13 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 211.122 Definitions

Production Equipment Exhaust System: a system for collecting and directing into the atmosphere emissions of volatile organic material from reactors, centrifuges and other process emission sources of fans and fixed or movable ducts, pickup points and hooding, for purposes of industrial hygiene or good practice, which collects materials from openings and other operations of reactors, centrifuges, and other process emission sources, which materials are not ducted to the atmosphere through direct vents extending from the interior of the reactor, centrifuge, or process emission source. Laboratory hoods,

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roof monitors and general building exhausts shall not be considered production equipment exhaust systems.

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

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1) The Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

| <u>Section Number:</u> | <u>Proposed Action:</u> |
|------------------------|-------------------------|
| 215.102 | Amendment |
| 215.480 | Amendment |
| 215.481 | Amendment |
| 215.486 | Amendment |
| 215.487 | Amendment |
| 215.489 | Amendment |

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1988, ch. 111½, pars. 1010 and 1027)

5) A Complete Description of the Subjects and Issues Involved:

Abbott Laboratories' filed with the Pollution Control Board an Amended Petition for Rulemaking and Motion for Expedited Hearing on December 4, 1989. On December 20, 1989, the Board granted Abbott's motion for expedited proceeding insofar as it is practicable in light of the Board's current schedule and workload and directed the hearing officer to schedule hearings. Hearings have been scheduled for March 13 and 28, 1990.

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Abbott owns and operates two separate manufacturing plants located approximately five miles apart in Lake County, Illinois. The North Chicago site is located in the city of North Chicago, and the other site, Abbott Park, is located in an unincorporated area in Libertyville

only a minuscule change in ozone concentrations. In fact, if all of Abbot's present level of emissions from Abbot Park and North Chicago (131.4 tons/year) were eliminated, there would be negligible effect on regional ambient ozone levels.

SECTION BY SECTION ANALYSIS

Section 215.102(b)(2): Abbot proposed to modify this paragraph to require use of the calculate actual vapor pressure rather than under some circumstances requiring the use of calculated pressures which are not reflective of actual vapor pressures. Abbot believes that it is fundamentally inappropriate to use vapor pressure calculations which ignore one or more mixture components, as the rule currently does. Under some circumstances, for example, the calculated pressures under the present rule would ignore the water component of the vapor which would not reflect reality.

Section 215.480: Abbot proposed the addition of air suspension coaters to the exempt sources in Section 215.480(b). Abbot believes that the Board and the Agency intended that these sources be subject to the same exemption levels for other Abbot Park sources. Abbot also has proposed additional language to ensure that those sources subject to the kg/year or tons/year exemption figure are not subject to control pursuant to the 100 lb/day limitation. Abbot believes that this language correctly expresses the intent of the Agency and the Board in R86-10 to exempt the listed sources. Abbot has proposed a new subsection 215.480(c) which exempts one source of acetylene, reactor PC842, at its North Chicago plant from the calculation as to what constitutes more than 2.5 tons/year. Abbot has dropped its requested exemption for the two tray dryers at its North Chicago plant because Abbot has successfully modified its process to reduce emissions to less than 100 pounds/day or 2.5 tons/year. As part of the review of all of its sources, Abbot has uncovered five additional sources which are subject to these RACT rules, at maximum production rates. Each source was in existence at the time of the R86-10 proceedings but was not included because the existing production forecasts showed them to be below these cutoffs. The first source is the Spectam Centrifuge which is now projected to emit a maximum of 2.9 tons/year of acetone. The centrifuge is operated under a nitrogen purge at 10°C for explosion prevention. Because of this temperature and the presence of water vapor, a scrubber would be required at an estimated installed cost of between \$50,000 to \$100,000. The remaining four sources are all located in the Erythromycin finishing located at PC634. While current emission rates are below the cutoffs, production demands could require increases to levels above the cutoff. The first PC634 source is the succinate filter press whose maximum projected emissions of acetone would be 7.9

Township. Abbot's North Chicago facility occupies approximately 56 acres of land containing over 30 separate building structures. The surrounding area is a mixture of residential and industrial area. The complex is devoted to fermentation facilities, hospital products manufacturing, synthetic pharmaceutical production, laboratory and pilot plant research and development, and administrative offices.

The Abbot Park facility, which occupies approximately 500 acres of land, is devoted to administrative offices, laboratory research and development, diagnostic kit assembly and pharmaceutical production. It is in a mostly rural area with farmland on all sides except to the east which is a mixture of residential and very tight industrial areas.

At the North Chicago facility, Abbot manufactures both synthesized pharmaceutical products (CTG products) and fermentation-based pharmaceutical products (non-CTG products) in bulk form. Unit-operations at North Chicago typically consist of reactors, liquid-liquids extractors, crystallizers, distillation columns, centrifuges, filters, vacuum blenders, vacuum dryers and fluidized bed air dryers. Production is typically performed in batches, with batch times for individual process steps ranging from less than one hour to as much as 48 hours.

Volatile organic materials utilized at the North Chicago plant include ethanol, methanol, isopropanol, acetone, amyl acetate and others in less significant quantities. The production and associated air pollution control equipment must be specially designed and constructed to withstand a very wide range of operating conditions, including temperature, pressure, acids, alkalis and solvents. Production is highly variable since demand is driven primarily by the worldwide health care market and by inventory maintenance requirements.

At the Abbot Park facility the final dosage forms of Abbot's pharmaceutical products are prepared from the bulk products which have been manufactured at North Chicago or purchased elsewhere. Unit operations consist of mixers, massers, granulators, blenders, air tray dryers, fluidized bed dryers, tablet coaters and a particle coater. Ethanol is the only VOM utilized in these operations which requires control.

Both of Abbot's plants are located in an area designated as nonattainment for ozone. Abbot retained EIA Incorporated to assess the environmental impact of emissions from Abbot's two plants. Mr. Jay Norco, President of EIA, testified at the September 22, 1987 hearing in R86-10, that the effect of the then-proposed rules (which required considerable greater reductions than the adopted rules) would cause

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tons/year. The second PC634 source is reactor tank 37 whose maximum projected emissions of acetone would be 9.9 tons/year. Abbott believes that one scrubber could control both sources at a cost of \$100,000 for the scrubber. The third PC634 source is centrifuge number 4 whose maximum projected emissions of acetone would be 7.2 tons/year. The fourth PC634 source is tank 48 whose maximum projected emissions of acetone would be 7.1 tons/year. Abbott believes that one scrubber could control both of these sources at a cost of \$160,000. Installation costs for both scrubbers would be very high due to extensive space constraints which would require a penthouse installation on building R-6 at a cost of \$400,000 to house both scrubbers. Condensers cannot be used as the acetone water vapor mixture could cause icing to occur, which would plug the condensers. Abbott believes that the record in R86-10 clearly supports these exemptions as evidenced by the testimony of Mr. Ponder, the Agency's expert.

Section 215.481: Abbott proposes that scrubbers, incinerators or carbon absorbers may be used along with the existing listed condensers. Abbott proposes that if such control systems are used, they shall have at least an 81 percent overall control efficiency. The proposal provides flexibility for choosing alternative control systems. This is necessary where, for example, the gas stream contains water vapor and use of the prescribed condenser would result in icing, thus preventing the condenser from operating properly and causing malfunctioning of the process.

Section 215.486: The correct name for the equipment regulated is "pan coater" as there is not such item of equipment called a "capsule coater".

Section 215.487: Abbott proposes to amend this section to allow emission calculations to be made consistent with U.S. EPA procedures described in the CTG for synthetic pharmaceutical manufacturing rather than requiring stack testing. Stack testing costs are very high and in most instances the calculations should be sufficient. The Agency has the authority to require such testing where necessary.

Section 215.489: Abbott proposed to amend the compliance date to December 31, 1991, which is consistent with Abbott's variance request. This date is premised upon a decision in this matter being made within two years of the date of filing and, if additional controls are required of Abbott, approximately 18 additional months to install those controls.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date?

POLLUTION CONTROL BOARD

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Yes _____ No X

If "yes," please specify the date: _____

- 8) Does this proposed (amendment, repealer) contain incorporations by reference? Yes.
- 9) Are there any other amendments pending on this Part?
- | Section Numbers: | Proposed Action: | Ill. Reg. Citation: |
|------------------|------------------|---------------------|
| 215.102 | Amendment | 13 Ill. Reg. 16645 |
| 215.104 | Amended | 13 Ill. Reg. 15551 |
| 215.104 | Amended | 13 Ill. Reg. 15249 |
| 215.104 | Amendment | 13 Ill. Reg. 16645 |
| 215.105 | New Section | 13 Ill. Reg. 15551 |
| 215.105 | Amendment | 13 Ill. Reg. 15249 |
| 215.105 | Amendment | 13 Ill. Reg. 16645 |
| 215.122 | Amendment | 13 Ill. Reg. 16645 |
| 215.123 | Amendment | 13 Ill. Reg. 19081 |
| 215.124 | Amendment | 13 Ill. Reg. 16645 |
| 215.127 | New Section | 13 Ill. Reg. 16645 |
| 215.128 | New Section | 13 Ill. Reg. 16645 |
| 215.181 | Amendment | 13 Ill. Reg. 16645 |
| 215.206 | Amended | 13 Ill. Reg. 12384 |
| 215.206 | Amendment | 13 Ill. Reg. 16645 |
| 215.208 | Amendment | 13 Ill. Reg. 16645 |
| 215.211 | Amendment | 13 Ill. Reg. 16645 |
| 215.241 | Amendment | 13 Ill. Reg. 16645 |
| 215.404 | Repealed | 13 Ill. Reg. 16645 |
| 215.409 | New Section | 13 Ill. Reg. 16645 |
| 215.410 | New Section | 13 Ill. Reg. 16645 |
| 215.421 | Amendment | 13 Ill. Reg. 16645 |
| 215.432 | Amendment | 13 Ill. Reg. 16645 |
| 215.445 | Amendment | 13 Ill. Reg. 16645 |
| 215.447 | Amendment | 13 Ill. Reg. 16645 |
| 215.464 | Amendment | 13 Ill. Reg. 16645 |
| 215.467 | New Section | 13 Ill. Reg. 16645 |
| 215.581 | Amendment | 13 Ill. Reg. 16645 |
| 215.582 | Amendment | 13 Ill. Reg. 16645 |
| 215.584 | Amendment | 13 Ill. Reg. 16645 |
| 215.585 | New Section | 13 Ill. Reg. 15551 |
| 215.585 | New Section | 13 Ill. Reg. 16645 |
| 215.601 | Amendment | 13 Ill. Reg. 16645 |
| 215.602 | Amendment | 13 Ill. Reg. 16645 |
| 215.603 | Amendment | 13 Ill. Reg. 16645 |
| 215.606 | Repealed | 13 Ill. Reg. 16645 |

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effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989, amended in R88-14 at ___ Ill. Reg. _____, effective _____.

Section 215.102 Testing Methods

- a) The total organic material concentrations in an effluent stream shall be measured by a flame ionization detector, or by other methods approved by the Illinois Environmental Protection Agency (Agency), according to the provisions of 35 Ill. Adm. Code 201.
- b) Measurement of Vapor Pressures
 - 1) For a single-component, the actual vapor pressure shall be determined by ASTM (American Society of Testing and Materials) Method D-2879-83 (Approved 1983), incorporated by reference in Section 215.105, or the vapor pressure may be obtained from a published source such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973), Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984), CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87), Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).
 - 2) For a mixture, the actual vapor pressure shall be determined by ASTM (American Society of Testing and Materials) Method D-2879-83 (Approved 1983), incorporated by reference in Section 215.105, or the vapor pressure may be taken as either:
 - A) If the vapor pressure of the volatile organic liquid is specified in the applicable rule, the lesser of the sum of the actual vapor pressure of each component or each volatile organic material component, as determined in

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accordance with 215.102(b)(1), weighted by its mole fraction excluding water; or

- B) If the vapor pressure of the organic material or volatile organic material is specified in the applicable rule, the sum of the actual vapor pressure of each such component as determined in accordance with 215.102(b)(1) weighted by its mole fraction, excluding water.

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

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section 215.480 Applicability of Subpart T

- a) The rules of this Subpart, except for Sections 215.483 through 215.485, apply to all emission sources of volatile organic material, including but not limited to reactors, distillation units, dryers, storage tanks for volatile organic liquids, equipment for the transfer of volatile organic liquids, filters, crystallizers, washers, laboratory hoods, coating operations, mixing operations, and centrifuges and air suspension coaters used in manufacturing, including packaging, of pharmaceuticals, and emitting more than 6.8 kg/day (15 lbs/day) of volatile organic material and more than 2268 kg/year (2.5 tons/year) of volatile organic material, or, if less than 2.5 tons/year, these sections still apply if emissions from any single source exceed 45.4 kg/day (100 lbs/day) except as to those emission sources subject to the exemptions contained in subsections 215.480(b) and (c).
- b) The following emissions shall be excluded from a determination of what constitutes more than 2268 kg/year (2.5 tons/year) of VOM for the purposes of subsection (a) above: not more than 4535 kg/year (5.0 tons/year) of volatile organic material from each fluid bed drier, or each tunnel drier, or air suspension coaters, and not more than 6803 kg/year (7.5 ton/year) of VOM from each Accelacota. For purposes of this exclusion the 4535 kg/year (5.0 tons/year) limitation on the eight tunnel dryers shall be calculated by adding the total emissions from the eight dryers and dividing by eight. This subsection shall apply only to fluid bed driers, tunnel driers and Accelacotas located in Libertyville Township, Lake County, Illinois, and only when such emissions are not vented to air pollution control equipment.
- c) The following emissions shall be excluded from a determination of what constitutes more than 2268 kg/year (2.5 tons/year) of VOM for the purposes of subsection (a) above: not more than 4535 kg/year

(5.0 tons/year) of acetylene from reactor PC842 and not more than 4535 kg/year (5.0 tons/year) of acetone from each of the following: Spectam Centrifuge, Succinate Filter Press, Reactor-Tank 37, Centrifuge Number 4 and Tank 48. This subsection shall apply only to reactor PC842, Spectam Centrifuge, Succinate Filter Press, Reactor-Tank 37, Centrifuge Number 4 and Tank 48 located in Shields Township, Lake County, Illinois.

d) Sections 215.483 through 215.485 apply to a plant having one or more emission sources that: 1) are used to manufacture pharmaceuticals; and 2) emit more than 6.8 kg/day (15 lbs/day) of volatile organic material and more than 2268 kg/year (2.5 tons/year) of volatile organic material, or, if less than 2.5 tons/year, these sections still apply if emissions from one or more sources exceed 45.4 kg/day (100 lbs/day).

e) No person shall violate any condition in a permit when the condition results in exclusion of an emission source from this Part 215, Subpart 1. (Source: Amended at 111. Reg. _____, effective _____) Section 215.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers a) The owner or operator shall equip all reactors, distillation units, crystallizers, centrifuges and vacuum dryers that are used to manufacture pharmaceuticals with surface condensers, scrubbers, incinerators or carbon adsorbers. operated such that the condenser outlet gas temperature does not exceed: 1) If a surface condenser is used, it shall be operated such that the condenser outlet gas temperature does not exceed: 248.2°K (-13°F) when condensing volatile organic material of vapor pressure greater than 40.0 kPa (5.8 psi) at 294.3°K (70°F); or 258.2°K (5°F) when condensing volatile organic material of vapor pressure greater than 20.0 kPa (2.9 psi) at 294.3°K (70°F); or

c) 273.2°K (32°F) when condensing volatile organic material of vapor pressure greater than 10.0 kPa (1.5 psi) at 294.3°K (70°F); or d) 283.2°K (50°F) when condensing volatile organic material of vapor pressure greater than 7.0 kPa (1.0 psi) at 294.3°K (70°F); or e) 298.2°K (77°F) when condensing volatile organic material of vapor pressure greater than 3.45 kPa (0.5 psi) at 294.3°K (70°F).

2) If a scrubber, incinerator or carbon adsorber is used it shall be operated in a manner which reduces by 81 percent or more the volatile organic materials that would otherwise be emitted to the atmosphere. b) The owner or operator shall enclose all centrifuges used to manufacture pharmaceuticals and that have an exposed volatile organic liquid surface, where the volatile organic material in the volatile organic liquid has a vapor pressure of 3.45 kPa (0.5 psi) or more at 294.3°K (70°F).

(Source: Amended at 111. Reg. _____, effective _____) Section 215.486 Other Emission Sources The owner or operator of a washer, laboratory hood, capsule pan coating operation, mixing operation, or any other process emission source not subject to Section 215.481 through 215.485 of this Subpart, and used to manufacture pharmaceuticals shall control the emissions of volatile organic material from such emission sources by: a) Air pollution control equipment which reduces by 81 percent or more the volatile organic material that would otherwise be emitted to the atmosphere, or b) A surface condenser which captures all the volatile organic material which would otherwise be emitted to the atmosphere and which meets the requirements of Section 215.481(a) of this Subpart.

(Source: Amended at 111. Reg. _____, effective _____) Section 215.487 Testing a) The owner or operator of any volatile organic material emission source subject to this Subpart shall, at his own expense, demonstrate

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compliance to the Agency by methods or procedures listed in Section 215.487(c).

- b) All tests pursuant to Section 215.487(a) shall be performed in conformance with the procedures set forth in 35 Ill. Adm. Code 283.
- c) Test procedures to determine operation and maintenance compliance with this Subpart shall be consistent with EPA-450/2-78-041, incorporated by reference in Section 215.105. Procedures for testing air pollution control equipment to determine compliance with this Subpart shall use Part 230, Appendix A Method 25 (40 CFR 60, Appendix A Method 25), material balances, or Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products, Appendix B (EPA-450/2-78-029) incorporated by reference in Section 215.105.

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

Section 215.489 Compliance Schedule

- a) The owner or operator of an emission source subject to this Subpart, the construction or modification of which has commenced prior to April 15, 1988 June 30, 1990, must complete on-site construction or installation of the emission control or process equipment, or both, so as to operate in compliance with this Subpart by April 15, 1989 December 31, 1991.
- b) The owner and operator of any emission source subject to this Subpart, the construction or modification of which has not commenced prior to April 15, 1988 June 30, 1990, shall construct such source so that it will operate in compliance with this Subpart.

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

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- 1) The Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 105
- 3) Section Number: 105.102 Proposed Action: Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111½, par. 1026.
- 5) A Complete Description of the Subjects and Issues Involved:

This matter arises on the Board's own motion. Recently, the appellate court interpretations of a Board regulation have been different than the Board's interpretation of that regulation. To ensure the Board's objective is secured, the Board proposes to amend that regulatory language to more clearly reflect the Board's present intentions.

The regulation at issue, 35 Ill. Adm. Code 105.102(b)(8) provides for de novo hearings on disputed issues of fact in NPDES permit appeals. The Second District, in Dean Foods Company v. PCB, 143 Ill. App. 3d 322, 492 N.E. 2d 1344 (Second District, 1986) held the "de novo" required the Board to entertain facts not before the Agency in its permit review. In City of East Moline v. Illinois Environmental Protection Agency, PCB 86-218 (September 8, 1988), the Board reevaluated the regulation and held that "de novo" meant a "new and fresh" look at the facts before the Agency and a decision that did not grant deference to the prior Agency decision. The Board felt that allowing new information to be introduced, information that was not before the Agency, would make this Board the permit issuing entity in Illinois in contravention of Section 39(a) of the Environmental Protection Act and Village of Hillside v. John Sexton Sand & Gravel Company, 105 Ill. App. 3d 533, 434 N. E. 2d 382 (First District, 1982).

The Board's interpretation appears to be at least partially at odds with two cases very recently decided by the Appellate Courts, City of East Moline v. PCB, 188 Ill. App. 3d 349, 544 N.E. 2d 82 (Third District, 1989), and Citizens Utilities v. PCB, ___ Ill. App. 3d ___, N.E.2d ___ (Third District, Slip Opinion January 5, 1990).

10) Statement of Statewide Policy Objective (if applicable)?
 The Board is proposing a new procedural rule amendment which would apply to all persons who participate in NPDES permit appeal proceedings before the Board. The Board does not believe that this proposed amendment will impose additional expenditures on units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
 The Board will accept written public comment on this proposal for a period of 45 days after the date of its publication in the Illinois Register. Comments should refer to Docket R90-8 and be addressed to Ms. Dorothy M. Gunn, Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):
 Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 9, 1990.

A) Types of small businesses affected:
 The proposed amendment is a procedural rule which would govern all persons who participate in NPDES permit appeal proceedings. To the extent that small businesses may participate in regulatory proceedings, this rule will affect those small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
 The proposed amendment prescribes various procedural requirements for participants in NPDES permit appeal proceedings. However, the proposed amendment does not impose any reporting, bookkeeping or other procedural requirements on persons who are not participating in such a proceeding.

D) Types of professional skills necessary for compliance:
 The proposed amendment involves merely procedural requirements which would not necessitate professional skills for compliance.

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

The Board intends to correct this discrepancy in interpretation by proposing to amend the regulatory language to more clearly reflect the Board's intentions.

The authorization of Section 26 of the Act allows the Board to adopt procedural rules pursuant to the Administrative Procedures Act ("APA"). The Board intends to follow the procedures of Section 5.01 of the APA by allowing comment for at least 45 days after first notice publication in the Illinois Register. Because of the limited scope of the proposed amendments, the Board does not intend to initiate hearings in this matter. Interested persons are requested to provide all comments in written format to the Clerk of the Board.

The Board's intention in this proceeding is to make the NPDES permit appeal process function in the same manner as the appeal of all other Agency issued permits. In those other circumstances the Board gives no deference to the Agency's decision, but neither does the Board allow a hearing based on totally new factual material not previously before the Agency. The Board believes implementation of this concept can be accomplished in NPDES permit appeals by including the language, "The decision of the Board shall be based exclusively on the record before the Agency including the record of hearing, if any." This language, as well as the burden of proof language, is found with minor semantic differences in Section 40 (b), (c), and (d) of the Act governing permit appeals. This proceeding is not intended to make any changes in the manner in which other non-NPDES permit appeal proceedings are conducted.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes No
 If "yes," please specify the date: _____

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

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

Section Numbers: Proposed Action: Ill. Reg. Citation:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE A: GENERAL PROVISIONS
 CHAPTER I: POLLUTION CONTROL BOARD

PART 105
 PERMITS

Section

| | |
|---------|-------------------|
| 105.101 | Setting Standards |
| 105.102 | Permit Appeals |
| 105.103 | Permit Review |
| 105.104 | Cost of Review |

APPENDIX A Old Rule Numbers Referenced

AUTHORITY: Authorized by Section 26 of the Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111½, par. 1026) and implementing Sections 5, 39, 40 and 40.1 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111½, pars. 1005, 1039, 1040 and 1040.1, as amended by P.A. 82-682).

SOURCE: Filed with Secretary of State January 1, 1978; amended 4 Ill. Reg. 52, page 41, effective December 11, 1980; codified 6 Ill. Reg. 8357; amended in R90-8 at 14 Ill. Reg. _____, effective _____.

Section 105.102 Permit Appeals

a) Permit Appeals Other than NPDES (National Pollutant Discharge Elimination System) Permit Appeals:

- 1) If the Agency denies the permit, it shall advise the permit applicant in writing in accordance with the requirements of Section 39(a) of the Environmental Protection Act (Act).
- 2) In the case of a denial of a permit or issuance by the Agency of a permit with one or more conditions or limitations to which an applicant objects, an applicant who seeks to appeal the Agency decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the Agency's final decision. The petition shall include:

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- A) Citation of the particular standards under which a permit is sought;
 - B) A complete and precise description of the facility, equipment, vehicle, vessel, or aircraft for which a permit is sought, including its location;
 - C) A complete description of contaminant emissions and of proposed methods for their control; and
 - D) Such other materials as may be necessary to demonstrate that the activity for which the permit is sought will not cause a violation of the Act or the regulations.
- 3) The method of filing service shall be in accordance with Sections 103.122 and 103.123.
 - 4) The Agency shall appear as respondent in the hearing and shall, within 14 days, upon notice of the petition, file with the Board the entire Agency record of the permit application, including:
 - A) The application;
 - B) Correspondence with the applicant; and
 - C) The denial.
 - 5) The Clerk shall give notice of the petition and hearing in accordance with Part 103.
 - 6) The proceedings shall be in accordance with the rules set forth in Part 103.
- b) NPDES Permit Appeals:
- 1) If the Agency denies an NPDES Permit, it shall advise the permit applicant in writing in accordance with the requirements of Section 39(a) of the Act.
 - 2) In the case of the denial of an NPDES Permit or the issuance by the Agency of an NPDES Permit with one or more conditions or limitations to which the

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its own determination of fact based on the record. If any party desires to introduce evidence before the board with respect to any disputed issue of fact, the board shall conduct a de novo hearing and receive evidence with respect to such issue of fact. In a permit appeal proceeding, the burden of proof shall be on the petitioner. It shall be the duty of the petitioner, at hearing, to prove for each and every material fact that its permit application, as submitted to the Agency, establishes that the facility will not cause a violation of the Act or Board regulations. If conditions are challenged, the petitioner must prove that they are not necessary to accomplish the purposes of the Act and therefore, were imposed unreasonably. The decision of the Board shall be based exclusively on the record before the Agency including the record of the Agency hearing, if any.

9) This proceeding shall be in accordance with Part 103.

10) The order of the Board entered pursuant to hearing may affirm or reverse the decision of the Agency, in whole or in part, may remand the proceeding to the Agency for the taking of further evidence, or may direct the issuance of the permit in such form as it deems just, based upon the law and the evidence.

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

applicant objects, the applicant may contest the decision of the Agency by filing with the Clerk of the Board a petition for review of the Agency's action in accordance with this Section.

3) Any person other than the applicant who has been a party to or participant at an Agency hearing with respect to the issuance or denial of an NPDES permit by the Agency, or any person who requested such a hearing in accordance with applicable rules, may contest the final decision of the Agency by filing with the Clerk a petition for review of the Agency's action.

4) The petition shall be filed and notice issued within 30 days from the date the Agency's final decision has been mailed to the applicant and all other persons who have right of appeal. The method of filing and service shall be in accordance with Sections 103.122 and 103.123.

5) The Agency shall appear as respondent and shall file an answer consisting of the hearing file of any hearing which may have been held before the Agency, including any exhibits, and the following documents: NPDES permit application, NPDES permit denial or issuance letter, and all correspondence with the applicant concerning the application.

6) All parties other than the petitioner who were parties to or participants at any Agency hearing shall be made respondents.

7) The petition shall contain a statement of the decision or part thereof to be reviewed. The Board upon motion of any respondent shall, or upon its own motion may, require of the petitioner a specification of the errors upon which the petitioner relies in his petition.

8) The hearings before the Board shall extend to all questions of law and fact presented by the entire record. The Agency's findings and conclusions on questions of fact shall be prima facie true and correct. If the Agency's conclusions of fact are disputed by the party or if issues of fact are raised in the review proceeding, the Board may make

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- 1) Heading of the Part: Underground Storage Tanks
- 2) Code Citation: 35 Ill. Adm. Code 731
- 3) Section Numbers: Proposed Action:
731.200 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 111 1/2, pars. 1022.4 and 1027, and Section 22.13(d) of the Environmental Protection Act, as amended by "An Act in relation to the underground storage of fuel and taxes on fuel", P.A. 86-125 and P.A. 86-958.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion and Order of January 25, 1990, in R89-19, which Opinion and Order is available from the address below. Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking implements Section 22.13(d) of the Environmental Protection Act, as adopted in P.A. 86-125 and 86-958. It allows the use of the Underground Storage Tank Fund to meet the financial responsibility requirement of 35 Ill. Adm. Code 731.193. That Section requires an owner or operator of a UST to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from operation of petroleum UST's.

40 CFR 280.101(d) requires the State to issue "a letter or certificate describing the nature of the state's assumption of responsibility". Proposed Section 731.200(b) requires the owner or operator to apply to the Office of the State Fire Marshal for such certificate.

P.A. 86-125 requires the owner or operator to have private insurance for the amount of the deductible under the UST Fund. Proposed Section 731.200(g) allows the owner or operator to use any of the mechanisms specified in 35 Ill. Adm. Code 731.Subpart G to meet this requirement. These mechanisms include self-insurance under 35 Ill. Adm. Code 731.195.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date?: No.

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- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? Yes. R89-10:

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| 731.191 | Amendment | January 5, 1990; 14 Ill. Reg. 153 |
| 731.193 | Amendment | January 5, 1990; 14 Ill. Reg. 153 |
| 731.203 | Amendment | January 5, 1990; 14 Ill. Reg. 153 |
| Appendix A | Amendment | January 5, 1990; 14 Ill. Reg. 153 |

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by 22.13(d) of the Environmental Protection Act. This rulemaking allows units of local government which own or operate underground storage tanks which contain petroleum to use the UST Fund to meet the financial responsibility requirement.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-19 and be addressed to:

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

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 26, 1990

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which own or operate underground storage tanks which contain petroleum. The rules indirectly affect small businesses which sell private insurance for UST's.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules require extensive reporting, bookkeeping and other procedures, including notification of the existence of tanks, monitoring for leaks, reporting of suspected leaks, preparation of corrective action plans and maintenance of repair records. The

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SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

| | |
|---------|---|
| Section | General |
| 731.160 | Initial Response |
| 731.161 | Initial Abatement Measures and Site Check |
| 731.162 | Initial Site Characterization |
| 731.163 | Free Product Removal |
| 731.164 | Investigations for Soil and Groundwater Cleanup |
| 731.165 | Corrective Action Plan |
| 731.166 | Public Participation |
| 731.167 | |

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

| | |
|---------|--|
| Section | Temporary Closure |
| 731.170 | Permanent Closure and Changes-in-Service |
| 731.171 | Assessing Site at Closure or Change-in-Service |
| 731.172 | Previously Closed Systems |
| 731.173 | Closure Records |
| 731.174 | |

SUBPART H: FINANCIAL RESPONSIBILITY

| | |
|---------|---|
| Section | Applicability |
| 731.190 | Compliance Dates |
| 731.191 | Definitions |
| 731.192 | Amount and Scope of Required Financial Responsibility |
| 731.193 | Allowable Mechanisms and Combinations |
| 731.194 | Financial Test of Self-insurance |
| 731.195 | Guarantee |
| 731.196 | Insurance or Risk Retention Group Coverage |
| 731.197 | Surety Bond |
| 731.198 | Letter of Credit |
| 731.199 | UST State Fund |
| 731.200 | Trust Fund |
| 731.201 | Standby Trust Fund |
| 731.202 | Substitution of Mechanisms |
| 731.203 | Cancellation or Nonrenewal by Provider |
| 731.204 | Reporting |
| 731.205 | Recordkeeping |
| 731.206 | Drawing on Financial Assurance |
| 731.207 | Release from Financial Assurance Requirement |
| 731.208 | Bankruptcy or other Incapacity |
| 731.209 | Replenishment |
| 731.210 | Incorporation by reference (Repealed) |
| 731.211 | Compliance Date (Repealed) |
| 731.900 | |
| 731.901 | |

Appendix A Notification Form

AUTHORITY: Implementing Section 22.4(d) and authorized by Section 27 of the

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Environmental Protection Act (Ill. Rev. Stat. 1988 Supp. ch. 111 1/2, pars. 1022.4(d) and 1027), and Section 22.13(d) of the Environmental Protection Act, as amended by "An Act in relation to the underground storage of fuel and taxes on fuel", P.A. 86-125 and P.A. 86-958.

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective September 12, 1989; amended in R89-10 at 14 Ill. Reg. , effective ; amended in R89-19 at 14 Ill. Reg. , effective

BOARD NOTE: Capitalization denotes language which quotes or paraphrases a statute.

SUBPART H: FINANCIAL RESPONSIBILITY

Section 731.200 UST State Fund

- a) Section 22.13 of the Act creates the Underground Storage Tank Fund (Fund). THE FUND IS INTENDED TO BE A STATE FUND BY WHICH PERSONS WHO QUALIFY FOR ACCESS TO THE FUND IN THE EVENT OF A RELEASE MAY SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS UNDER THIS PART. (Section 22.13 of the Act.)
- b) An owner or operator may apply to the Fire Marshal for a certificate of coverage, on forms provided by the Fire Marshal.
- c) If the Fire Marshal determines that the owner or operator would be entitled to receive funds from the Fund in the event of a release, shall issue a certificate of coverage. The certificate must specify:
 - 1) Name of the owner or operator;
 - 2) Name and address of the facility;
 - 3) The amount of funds for corrective action or compensating third parties which is assured by the Fund;
 - 4) The effective date and expiration date of the certificate;
- d) Certificates are valid for no longer than one year.
- e) The owner or operator shall reapply for a new certificate no less than 60 days prior to expiration of the old certificate.
- f) An owner or operator with a certificate is deemed in compliance with the requirements of this Subpart with respect to the facility listed in the certificate.

g) Owners or operators may use any financial assurance mechanism or combination of mechanisms meeting the requirements of the other Sections of this Subpart to meet the Fund requirement that they have insurance for the deductible.

h) The owner or operator may appeal the refusal to issue a certificate or the issuance of a certificate subject to conditions pursuant to 35 Ill. Adm. Code 105.

i) IF THE AGENCY REFUSES TO REIMBURSE OR AUTHORIZES ONLY A PARTIAL REIMBURSEMENT, THE AFFECTED OWNER OR OPERATOR MAY PETITION THE BOARD FOR A HEARING pursuant to 35 Ill. Adm. Code 105. (Section 22.18b(g) of the Act).

(Source: Added at 14 Ill. Reg. , effective)

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.9 Amendment

4) Statutory Authority: Sections 4-1, 4-2, 11-5 and 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1987, Ch. 23, Pars. 4-1, 4-2, 11-5 and 12-13)

5) A Complete Description of the Subjects and Issues

Involved: This rulemaking places into rule specific time frames for the return of information necessary to determine an individual's eligibility for assistance under the Aid to Families with Dependent Children Program.

6) Will this proposed Amendment replace an Emergency Amendment currently in effect? No

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

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

9) Are there any other Proposed Amendments pending on this part? Yes

Section Numbers Proposed Action Illinois Register Citation

112.70 Amendment January 19, 1990 (14 Ill. Reg. 1123)

112.71 Amendment January 19, 1990 (14 Ill. Reg. 1123)

112.72 Amendment January 19, 1990 (14 Ill. Reg. 1123)

112.74 Amendment January 19, 1990 (14 Ill. Reg. 1123)

112.76 Amendment January 19, 1990 (14 Ill. Reg. 1123)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|--|
| 112.77 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.78 | Amendment | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.79 | Amendment | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.80 | Amendment | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.82 | Amendment | November 3, 1989 (13 Ill. Reg. 16894) |
| 112.82 | Amendment | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.83 | Amendment | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.138 | New Section | December 1, 1989 (13 Ill. Reg. 18833) |
| 112.154 | Amendment | December 8, 1989 (13 Ill. Reg. 19117) |
| 112.300 | Amendment | November 3, 1989 (13 Ill. Reg. 16894) |
| 112.303 | Amendment | December 1, 1989 (13 Ill. Reg. 18833) |
| 112.304 | Amendment | January 12, 1990 (14 Ill. Reg. 538) |
| 112.308 | Amendment | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.315 | Renumbered and Amended | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.350 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|---|
| 112.352 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.354 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.356 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.358 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.360 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.362 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.364 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.366 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.400 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.402 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.406 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.408 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.410 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.412 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.414 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section

112.70 Registration Requirements for Project Chance
112.71 Individuals Exempt from Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive
112.74 Demonstration Program (Renumbered)
112.74 Project Chance Full Assessment Process/Development of an Employment Plan
112.76 Project Chance Orientation
112.77 Illinois Work Experience Program Evaluation Project (Renumbered)
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply with Project Chance Participation Requirements

NOTICE OF PROPOSED AMENDMENT

Section Numbers Proposed Action Illinois Register Citation

| | | |
|---------|-------------|---|
| 112.416 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |
| 112.418 | New Section | January 19, 1990 (14 Ill. Reg. 1123) |

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

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 the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.
The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section

- 112.81 Responsible Relative Eligibility For Project Chance
- 112.82 Project Chance Supportive Services
- 112.83 Employment Child Care
- 112.84 Work Experience Evaluation Project
- 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance
- 112.87 Project Advance Experimental and Control Groups
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
- 112.90 Project Advance Sanctions
- 112.91 Good Cause for Failure to Comply with Project Advance
- 112.93 Individuals Exempt From Project Advance
- 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

- 112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.100 Unearned Income
- 112.101 Unearned Income of Stepparent, Parent or Legal Guardian
- 112.105 Budgeting Unearned Income
- 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision.
- 112.107 Initial Receipt of Unearned Income
- 112.108 Termination of Unearned Income
- 112.110 Exempt Unearned Income
- 112.115 Education Benefits
- 112.120 Incentive Allowances
- 112.125 Unearned Income In-Kind
- 112.126 Earmarked Income
- 112.127 Lump Sum Payments
- 112.128 Protected Income
- 112.130 Earned Income
- 112.131 Earned Income Tax Credit
- 112.132 Budgeting Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section

- 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
- 112.134 Initial Employment
- 112.135 Budgeting Earned Income For Contractual Employees
- 112.136 Budgeting Earned Income For Non-Contractual School Employees
- 112.137 Termination of Employment
- 112.140 Exempt Earned Income
- 112.141 Earned Income Exemption
- 112.142 Exclusion From Earned Income Exemption
- 112.143 Recognized Employment Expenses
- 112.144 Income From Work/Study/Training Program
- 112.145 Earned Income From Self-Employment
- 112.146 Earned Income From Roomer and Boarder
- 112.147 Income From Rental Property
- 112.148 Payments from the Illinois Department of Children and Family Services
- 112.149 Earned Income In-Kind
- 112.150 Assets
- 112.151 Exempt Assets
- 112.152 Asset Disregards
- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers
- 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels in AFDC
- 112.252 Payment Levels in AFDC Group I Counties
- 112.253 Payment Levels in AFDC Group II Counties
- 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Monthly Reporting
- 112.303 Restrospective Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Aliens
- 112.308 Special Needs Authorizations
- 112.309 Institutional Status

NOTICE OF PROPOSED AMENDMENT

1981; peremptory amendment at 5 ILL. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10147, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 10733, effective October 1, 1981; amended at 5 ILL. Reg. 10760, effective October 1, 1981; amended at 5 ILL. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 ILL. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 ILL. Reg. 611, effective January 1, 1982; amended at 6 ILL. Reg. 1216, effective January 1, 1982; amended at 6 ILL. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 ILL. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 ILL. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 ILL. Reg. 6912, effective May 20, 1982; emergency amendment at 6 ILL. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 ILL. Reg. 8142, effective July 1, 1982; amended at 6 ILL. Reg. 8159, effective July 1, 1982; amended at 6 ILL. Reg. 10970, effective August 26, 1982; amended at 6 ILL. Reg. 11921, effective September 21, 1982; amended at 6 ILL. Reg. 12293, effective October 1, 1982; amended at 6 ILL. Reg. 12318, effective October 1, 1982; amended at 6 ILL. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 ILL. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 ILL. Reg. 2720, effective February 28, 1983; amended (by adding sections being codified with no substantive change) at 7 ILL. Reg. 5195; amended at 7 ILL. Reg. 11284, effective August 26, 1983; amended at 7 ILL. Reg. 13920, effective October 7, 1983; amended at 7 ILL. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 ILL. Reg. 16105; amended at 7 ILL. Reg. 17344, effective December 21, 1983; amended at 8 ILL. Reg. 213, effective December 27, 1983; emergency amendment at 8 ILL. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 ILL. Reg. 4176, effective March 19, 1984; amended at 8 ILL. Reg. 5207, effective April 9, 1984; amended at 8 ILL. Reg. 7226, effective May 16, 1984; amended at 8 ILL. Reg. 11391, effective June 27, 1984; amended at 8 ILL. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 ILL. Reg. 17894; peremptory amendment at 8 ILL. Reg. 18127, effective October 1, 1984; peremptory amendment at

NOTICE OF PROPOSED AMENDMENT

Young Parent Program 112.315
 Redetermination of Eligibility 112.320
 Six Month Extension of Medical Assistance Due to Increased Income from Employment 112.330
 Four Month Extension of Medical Assistance Due to Child Support Collections 112.331
 Extension of Medical Assistance Due to Loss of Earned Income Disregard 112.332
 AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (ILL. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).
 SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 ILL. Reg. 17, p. 117, effective February 1, 1978; amended at 2 ILL. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 ILL. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 ILL. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 ILL. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 ILL. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 ILL. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 ILL. Reg. 33, p. 399, effective August 18, 1979; amended at 3 ILL. Reg. 33, p. 415, effective August 18, 1979; amended at 3 ILL. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 ILL. Reg. 38, p. 321, effective September 7, 1979; amended at 3 ILL. Reg. 40, p. 140, effective October 6, 1979; amended at 3 ILL. Reg. 46, p. 36, effective November 2, 1979; amended at 3 ILL. Reg. 47, p. 96, effective November 13, 1979; amended at 3 ILL. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 ILL. Reg. 9, p. 259, effective February 22, 1980; amended at 4 ILL. Reg. 10, p. 258, effective February 25, 1980; amended at 4 ILL. Reg. 12, p. 551, effective March 10, 1980; amended at 4 ILL. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 ILL. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 ILL. Reg. 37, p. 797, effective September 2, 1980; amended at 4 ILL. Reg. 37, p. 800, effective September 2, 1980; amended at 4 ILL. Reg. 45, p. 134, effective October 27, 1980; amended at 5 ILL. Reg. 766, effective January 2, 1981; amended at 5 ILL. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 ILL. Reg. 5722, effective June 1, 1981; amended at 5 ILL. Reg. 7071, effective June 23, 1981; amended at 5 ILL. Reg. 8041 effective July 27, 1981; amended at 5 ILL. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 ILL. Reg. 8106, effective August 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective February 13, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Proposed Action:
113.9 Amendment
- 4) Statutory Authority: Sections 3-1, 3-2, 3-5 11-15 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1, 3-2, 3-5 11-15 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking places into rule specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the Aid to the Aged, Blind or Disabled Program.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
 Yes No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|--|
| 113.154 | Amendment | December 8, 1989 (13 Ill. Reg. 19130) |
| 113.155 | New Section | December 8, 1989 (13 Ill. Reg. 19130) |
| 113.253 | Amendment | January 5, 1990 (14 Ill. Reg. 163) |
| 113.260 | Amendment | January 5, 1990 (14 Ill. Reg. 163) |

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 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 the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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

Section 113.117 Budgeting Earned Income For Non-contractual School Employees

113.118 Termination of Employment

113.120 Exempt Earned Income

113.125 Recognized Employment Expenses

113.130 Income From Work/Study/Training Programs

113.131 Earned Income From Self-Employment

113.132 Earned Income From Roomer and Boarder

113.133 Earned Income From Rental Property

113.134 Earned Income In-kind

113.139 Payments from the Illinois Department of Children and Family Services

113.140 Assets

113.141 Exempt Assets

113.142 Asset Disregard

113.143 Deferral of Consideration of Assets

113.154 Property Transfers For Applications Filed Prior To October 1, 1989

113.155 Property Transfers For Applications Filed On Or After October 1, 1989

113.156 Court Ordered Child Support Payments of Parent/Step-parent

113.157 Sponsors of Aliens

113.160 Assignment of Medical Support Rights

Section 113.160

Section 113.160

Section 113.160

Section 113.160

Section 113.160

Section 113.160

Section 113.160

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Section 113.160

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section 113.1

Description of the Assistance Program

113.5 Incorporation By Reference

Section 113.5

Section 113.5

Section 113.5

Section 113.5

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Section 113.5

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NOTICE OF PROPOSED AMENDMENT

SUBPART E: OTHER PROVISIONS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases

Section
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.9 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

1) in the determination of eligibility;

2) with Department programs conducted for the purposes of acquisition or verification of

information upon which eligibility may depend;

3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

b) Clients are required to avail themselves of all potential resources.

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) At screening, applicants are to be informed, in writing of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

f) But in the absence of the information requested, the applicant is not to be denied the information requested. The information requested is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

g) But in the absence of the information requested, the applicant is not to be denied the information requested. The information requested is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

NOTICE OF PROPOSED AMENDMENT

May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 1462, effective August 30, 1988; amended at 13 Ill. Reg. 63, 17849, effective October 25, 1988; amended at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID
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Section 113.9 Client Cooperation (Cont'd)

~~shall be denied on the following work day.~~ At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.
- 3)4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing

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Section 113.9 Client Cooperation (Cont'd)

evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: Proposed Action:

114.9 Amendment

4) Statutory Authority: Section 6-1, 6-2, 11-15 and 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1987, Ch. 23, Pars. 6-1, 6-2, 11-15 and 12-13)

5) A Complete Description of the Subjects and Issues

Involved: This rulemaking places into rule specific timeframes for the return of information necessary to determine an individual's eligibility for assistance under the General Assistance Program.

6) Will this proposed Amendment replace an Emergency Amendment currently in effect? No

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

8) Does this Proposed Amendment contain incorporations by reference?

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

114.130 Amendment October 27, 1989 (13 Ill. Reg. 1691)

114.270 Amendment December 8, 1989 (13 Ill. Reg. 19146)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

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 the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams,

NOTICE OF PROPOSED AMENDMENT

Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

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| 114.1 | Description of the Assistance Program |
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| 114.9 | Client Cooperation |
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| 114.52 | Social Security Numbers |
| 114.60 | Work Registration Requirements |
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| 114.63 | Failure to Maintain Current Job Service Registration |
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| 114.70 | Initial Employment Expenses |
| 114.80 | Work and Training Programs |
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| 114.108 | Project Advance |
| 114.109 | Project Advance Participation Requirements of Adjudicated Fathers |
| 114.110 | Project Advance Cooperation Requirements of Adjudicated Fathers |
| 114.111 | Project Advance Sanctions |
| 114.113 | Project Advance Good Cause for Failure to Comply |
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SUBPART D: PROJECT CHANCE

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| 114.120 | Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid |
| 114.121 | Persons Required to Participate in Employment and Training |
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| 114.123 | Persons in Need of Work Rehabilitative Services (WRS) to Become Employable |
| 114.124 | Employment and Training Participation/Cooperation Requirements |
| 114.125 | Employment and Training Program Orientation |
| 114.126 | Employment and Training Program Full Assessment Process/Development of an Employment Plan |
| 114.127 | Employment and Training Program Components |
| 114.128 | Employment and Training Sanctions |
| 114.129 | Good Cause For Failure to Cooperate With Work and Training Participation Requirements |
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| 114.140 | Employment Child Care |

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| 114.200 | Unearned Income |
| 114.201 | Budgeting Unearned Income |
| 114.202 | Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision |
| 114.203 | Initial Receipt of Unearned Income |
| 114.204 | Termination of Unearned Income |
| 114.210 | Exempt Unearned Income |
| 114.220 | Education Benefits |
| 114.221 | Unearned Income In-Kind |
| 114.222 | Earmarked Income |
| 114.223 | Lump Sum Payments |
| 114.224 | Protected Income |
| 114.225 | Earned Income |
| 114.226 | Budgeting Earned Income |
| 114.227 | Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision |
| 114.228 | Initial Employment |
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| 114.235 | Recognized Employment Expenses |

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peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150

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days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
- 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

3+4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

b) Clients are required to avail themselves of all potential resources.

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) At screening, applicants are to be informed, in writing, of any information they are to provide at the eligibility interview.

e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

f) During the application process, when the applicant is requested to provide third party information, the department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Proposed Action:
 120.208 Amendment
 120.308 Amendment
- 4) Statutory Authority: Sections 5-4, 7-1, 7-2, 11-15 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4, 7-1, 7-2, 11-15 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking places into the rules specific timeframes for the return of information necessary to determine an individual's eligibility for medical assistance.
- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
 Yes No
- 8) Do these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|--|
| 120.20 | Amendment | December 8, 1989 (13 Ill. Reg. 19157) |
| 120.61 | Amendment | March 17, 1989 (13 Ill. Reg. 3281) |
| 120.70 | Amendment | January 12, 1990 (14 Ill. Reg. 558) |
| 120.72 | Amendment | January 12, 1990 (14 Ill. Reg. 558) |
| 120.74 | Amendment | January 12, 1990 (14 Ill. Reg. 558) |

NOTICE OF PROPOSED AMENDMENTS

- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|--|
| 120.76 | New Section | March 17, 1989 (13 Ill. Reg. 3281) |
| 120.285 | Amendment | December 8, 1989 (13 Ill. Reg. 19157) |
| 120.379 | New Section | December 8, 1989 (13 Ill. Reg. 19157) |
| 120.385 | Amendment | December 8, 1989 (13 Ill. Reg. 19157) |
| 120.386 | New Section | December 8, 1989 (13 Ill. Reg. 19157) |
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
 - 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 the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.
 - 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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

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NOTICE OF PROPOSED AMENDMENTS

Section 120.70 Supplementary Medical Insurance Benefits, Buy-In Program
 120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
 120.74 Qualified Medicare Beneficiary (QMB) Income Standard Hospital Insurance Benefits (HIB)
 120.76

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section 120.80 Recipient Restriction Program
 SUBPART F: MIGRANT MEDICAL PROGRAM

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.90 Migrant Medical Program
 120.91 Income Standards

Section 120.208 Client Cooperation
 120.210 Citizenship
 120.211 Residence
 120.212 Age
 120.215 Relationship
 120.216 Living Arrangement
 120.217 Supplemental Payments
 120.218 Institutional Status
 120.224 Foster Care Program
 120.225 Social Security Numbers
 120.230 Unearned Income
 120.235 Exempt Unearned Income
 120.236 Education Benefits
 120.240 Unearned Income In-Kind
 120.245 Earmarked Income
 120.250 Lump Sum Payments and Income Tax Refunds
 120.255 Protected Income
 120.260 Earned Income
 120.261 Budgeting Earned Income
 120.262 Exempt Earned Income
 120.270 Recognized Employment Expenses
 120.271 Income from Work/Study/Training Program
 120.272 Earned Income from Self-Employment
 120.273 Earned Income from Roomer and Boarder
 120.275 Earned Income In-Kind

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

Section 120.1 Incorporation By Reference
 SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility for Medical Assistance (Emergency Expired)
 120.11 Eligibility for Medical Assistance for Pregnant Women and Infants Under Age One Year Who Do Not Qualify as Mandatory Categorically Needy

120.20 MANG(AABD) Income Standard
 120.30 MANG(C) Income Standard
 120.31 MANG(P) Income Standard
 120.40 Exceptions To Use Of MANG Income Standard
 120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify as Mandatory Categorically Needy (Emergency Expired)
 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
 120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643 (Emergency Expired)
 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Emergency Expired)
 120.64 Not Qualify as Mandatory Categorically Needy Pregnant Women and Infants Under Age One Year Who Do

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

120.275 Earned Income In-Kind
 120.273 Earned Income from Roomer and Boarder
 120.272 Earned Income from Self-Employment
 120.271 Income from Work/Study/Training Program
 120.270 Recognized Employment Expenses
 120.262 Exempt Earned Income
 120.261 Budgeting Earned Income
 120.260 Earned Income
 120.255 Protected Income
 120.250 Lump Sum Payments and Income Tax Refunds
 120.245 Earmarked Income
 120.240 Unearned Income In-Kind
 120.236 Education Benefits
 120.235 Exempt Unearned Income
 120.230 Unearned Income
 120.225 Social Security Numbers
 120.224 Foster Care Program
 120.218 Institutional Status
 120.217 Supplemental Payments
 120.216 Living Arrangement
 120.215 Relationship
 120.212 Age
 120.211 Residence
 120.210 Citizenship
 120.208 Client Cooperation

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NOTICE OF PROPOSED AMENDMENTS

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| 120.276 | Payments from the Illinois Department of Children and Family Services |
| 120.280 | Assets |
| 120.281 | Exempt Assets |
| 120.282 | Asset Disregards |
| 120.283 | Deferral of Consideration of Assets |
| 120.284 | Spend-down of Assets (AMI) (Emergency Expired) |
| 120.285 | Property Transfers |
| 120.290 | Persons Who May Be Included in the Assistance Unit |
| 120.295 | Payment Levels for AMI |

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

| | |
|---------|--|
| Section | |
| 120.308 | Client Cooperation |
| 120.309 | Caretaker Relative |
| 120.310 | Citizenship |
| 120.311 | Residence |
| 120.312 | Age |
| 120.313 | Blind |
| 120.314 | Disabled |
| 120.315 | Relationship |
| 120.316 | Living Arrangements |
| 120.317 | Supplemental Payments |
| 120.318 | Institutional Status |
| 120.319 | Assignment of Rights to Medical Support and Collection of Payment |
| 120.320 | Cooperation in Establishing Paternity and Obtaining Medical Support |
| 120.321 | Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support |
| 120.322 | Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support |
| 120.323 | Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause |
| 120.324 | Foster Care Program |
| 120.325 | Social Security Numbers |
| 120.330 | Unearned Income |
| 120.332 | Budgeting Unearned Income |
| 120.335 | Exempt Unearned Income |
| 120.336 | Education Benefits |
| 120.338 | Incentive Allowance |
| 120.340 | Unearned Income In-Kind |
| 120.342 | Court Ordered Child Support Payments of Parent/Step-Parent |
| 120.345 | Earmarked Income |
| 120.346 | Medicaid Qualifying Trusts |

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NOTICE OF PROPOSED AMENDMENTS

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| 120.350 | Lump Sum Payments and Income Tax Refunds |
| 120.355 | Protected Income |
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| 120.364 | Earned Income Exemption |
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| 120.370 | Recognized Employment Expenses |
| 120.371 | Income From Work/Study/Training Programs |
| 120.372 | Earned Income From Self-Employment |
| 120.373 | Earned Income From Roomer and Boarder |
| 120.375 | Earned Income In Kind |
| 120.376 | Payments from the Illinois Department of Children and Family Services |
| 120.379 | Assessment of Assets |
| 120.380 | Assets |
| 120.381 | Exempt Assets |
| 120.382 | Asset Disregard |
| 120.383 | Deferral of Consideration of Assets |
| 120.384 | Spend-down of Assets (MANG) (Emergency Expired) |
| 120.385 | Property Transfers for Applications Filed Prior to October 1, 1989 |
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| 120.390 | Persons Who May Be Included in the Assistance Unit |
| 120.391 | Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year |
| 120.392 | Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy |
| 120.393 | Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project. |
| 120.395 | Payment Levels for MANG |
| 120.399 | Redetermination of Eligibility |

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

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peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

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1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8142, 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, September 26, 1984; amended at 8 Ill. Reg. 25053, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

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amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.208 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
- 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
 - 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

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Section 120.208: Client Cooperation (Cont'd.)

- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) At screening, applicants are to be informed, in writing, of any information they are to provide at the eligibility interview.
- e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.
- ~~d)f) -During the application process, when the applicant is requested to provide third party information and has not requested the third party information and/or cannot provide written verification of the request for third party information by the last day of the time period on the information request form, the application shall be denied on the following work day. At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department will allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the~~

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NOTICE OF PROPOSED AMENDMENTS

Section 120.308 Client Cooperation (Cont'd)

period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period must be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant must provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension in order to obtain third party information and provides written verification of the request for the third party information, an extension of forty-five (45) days from the date of application shall be granted. The first day of the forty-five (45) day period is the calendar day following the date of application. The 45th day must be a work day.
- 3)4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telecommunication Devices for the Hearing Impaired
 - 2) Code Citation: 89 Ill. Adm. Code 890
 - 3) Section Numbers: Proposed Action:

| | |
|--------|--------|
| 890.10 | repeal |
| 890.20 | repeal |
| 890.30 | repeal |
| 890.40 | repeal |
 - 4) Statutory Authority: Implementing Sections 3, 3.1, and 4 and authorized by Section 5 of "AN ACT in relation to the installation of telecommunication devices for use throughout the state by individuals with hearing impairments," (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 4203, 4203.1, 4204, and 4205)
 - 5) A Complete Description of the Subjects and Issues involved: Subpart A is being repealed in accordance with Public Act 86-629 in which the rulemaking authority over TDD's in public safety agencies has been eliminated.
 - 6) Will this proposed rule replace an emergency rule currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date?
___ Yes X No
 - 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other amendments pending on this Part? No
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|---|-----------------------------------|
| 10) | <u>Statement of Statewide Policy Objectives (if applicable):</u> Not Applicable | |
| 11) | <u>Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:</u> Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to: | |

DEPARTMENT OF REHABILITATION SERVICES

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Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429,
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put
comments into writing, you may make them orally to the
person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has
determined that this rulemaking will not affect small
businesses.

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

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 890

TELECOMMUNICATION DEVICES FOR THE HEARING IMPAIRED

SUBPART A: THE INSTALLATION, MAINTENANCE AND USE OF
TELECOMMUNICATIONS DEVICES BY SHERIFF'S OFFICES AND OTHER
PUBLIC SAFETY AGENCIES (Repealed)

Section
890.10 Authority and Applicability (Repealed)
890.20 Definitions (Repealed)
890.30 Participation (Repealed)
890.40 Criteria for Distribution (Repealed)

SUBPART B: TELECOMMUNICATION DEVICES FOR THE DEAF IN
MAJOR PUBLIC TRANSPORTATION SITES

Section
890.100 Applicability
890.110 Installation
890.120 Equipment and Maintenance
890.130 Third Party Assistance

Illustration A Telecommunication Device for the Deaf Logo

AUTHORITY: Implementing Sections 3, 3.1, and 4 and authorized
by Section 5 of "AN ACT in relation to the installation of
telecommunication devices for use throughout the State by
individuals with hearing impairments," (Ill. Rev. Stat. 1988
Supp., ch. III 1/2, pars. 4203.1, 4204, and 4205)

SOURCE: Adopted at 6 Ill. Reg. 5183, effective April 12, 1982;
codified at 7 Ill. Reg. 2377; emergency amendment at 10 Ill.
Reg. 12161, effective July 1, 1986, for a maximum of 150 days;
amended at 11 Ill. Reg. 824, effective December 24, 1986;
amended at 11 Ill. Reg. 111. Reg. 111. Reg. 111. Reg. 111.
effective

SUBPART A: THE INSTALLATION, MAINTENANCE AND USE OF
TELECOMMUNICATIONS SERVICES BY SHERIFF'S OFFICES AND OTHER
PUBLIC SAFETY AGENCIES (Repealed)

Section 890.10 Authority and Applicability (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) These rules are promulgated by the Illinois Department of Rehabilitation Services, pursuant to the authority of Public Act 81-531, as amended by Public Act 82-549, Section 9.1, Ill. Rev. Stat. 1981 ch. 111 1/2, par. 4201 et seq., to implement the Department's program for making Telecommunications Devices available to Sheriffs' Departments and other Public Safety Agencies to allow persons with hearing impairments to access and obtain emergency public safety services. These rules also set forth requirements relating to the installation, maintenance, use and transfer of the Devices.
- b) These rules apply to each public safety agency including all Sheriff's Departments; any unit of local government; and any special purpose district within the state which have the authority to and do provide 24 hours per day, 365 days per year emergency services (such as police, fire, medical, ambulance, rescue and poison advisory) which operate a Public Safety Answer Point. These rules are limited to such public safety agencies that accept a Telecommunications Device from the Department or have accepted such Device from the Illinois Department of Public Health prior to January 1, 1982 under PA 81-531.

(Source: Repealed ___ Ill. Reg. _____ ,
effective _____)

Section 890.20 Definitions (Repealed)

The term "Department" means the Department of Rehabilitation Services.

The term "911" (Nine-One-One) means an emergency answer and response system, in which the caller need only dial "9-1-1" on a public switched network telephone to obtain emergency services including police, fire, medical, ambulance and rescue.

The term "Public Safety Agency" means any unit of local government or special purpose district within the state which has authority to provide firefighting, police, or other emergency services. This includes any PSAP agency which handles emergency calls for the above agencies.

The term "Public Safety Answer Point" (PSAP) means the initial answering location of calls from the public to access any emergency services provided by public or private safety

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

agencies. For the purpose of these Rules the term PSAP will be limited to Public and Private Safety Answer Points that operate 24 hours per day, 365 days per year. Normally these centers handle calls for Sheriff's Offices, Police, Fire, Ambulance, Medical, Rescue and Poison Advisory.

The term "Telecommunications Device for the Deaf" (TDD), or "Telecommunications Device" or "Device" means a Teletypewriter or other instrument for telecommunications in which speaking or hearing is not required for communication.

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

Section 890.30 Participation (Repealed)

- a) Public Safety Agencies which receive Telecommunications Devices distributed by the Department or by the Illinois Department of Public Health prior to January 1, 1982, shall:
- 1) Provide the necessary Department approved telephone line and accessories required to receive emergency calls on the Device from the hearing impaired. The Department's policy is to encourage public safety agencies receiving Department TDD's to receive calls on all their present public input lines.
 - 2) Pay any installation and maintenance cost associated with the Device.
 - 3) Send when offered by the Department one or more PSAP operators to Department orientation training in the handling of calls from the hearing impaired and the use of the Device.
 - 4) Advertise the TDD emergency telephone number by having the letters TDD placed below and to the right of the number (i.e. "911 TDD") in the local Telephone Directory.
 - 5) Develop and implement a local public education program designed to alert the hearing impaired to the availability of the local TDD emergency service.

NOTICE OF PROPOSED AMENDMENTS

6) Provide the Department annually with information on the use and status of the Device on forms provided and prescribed by the Department.

7) Receive emergency TDD calls at its PSAP 24 hours per day, 365 days per year from the hearing impaired and insure that an appropriate emergency response is made by the agency itself, by a mutual aid agency, or any other individual or group acting on behalf of the agency.

8) Allow the Department, its employees or its designee to enter the premises housing the Telecommunications Device to monitor its operation at any time for the purpose of inspecting said Device and its use.

b) No Public Safety Agency shall be required to accept a Telecommunications Device from the Department.

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

Section 890.40 Criteria for Distribution (Repealed)

a) Public Safety Agencies desiring Telecommunications Devices shall submit an application to the Department and complete an agreement with the Department prescribed by the Department.

b) Telecommunications Devices shall be distributed by the Department to Public Safety Agencies and special purpose districts which operate a 24 hours per day, 365 days per year PSAP providing emergency response to all emergency TDD telephone requests from the hearing impaired or persons who are otherwise communicatively handicapped.

c) If the Department does not possess enough Devices to distribute one to all PSAP's who make application, then the Department shall distribute according to the following priorities:

1) County Sheriffs' Departments.

2) Multiple-county area PSAP's.

3) PSAP's covering municipalities with populations of 100,000 and over.

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4) PSAP's covering municipalities between 10,000 and 99,999 population.

5) Poison Advisory, Medical Advisory, and Crisis Intervention centers which receive direct public calls or referral transfer calls from public Safety Agencies 24 hours per day, 365 days per year.

6) PSAP's which have serviceable Telecommunication devices are not eligible for a Device granted by the Department unless special circumstances exist, and pending Device availability. Based upon engineering judgment, these special circumstances would include, but are not necessarily limited to the following: no hard copy printer, not compatible with the TDD for the deaf system, unmaintainability of the Device, and frequency of Device usage.

d) If the Department does not have a sufficient number of Devices to provide one for each agency which has applied within any one of the aforementioned categories then the Department shall also consider factors including: Multijurisdictions, 911 status, population size, land area covered, urban/rural mix, financial need and technical circumstances.

e) Public Safety Agencies which have received a Telecommunications Device provided by the Department or by the Illinois Department of Public Health prior to January 1, 1982, and

1) No longer desire to keep it;

2) No longer can or will use it for handling emergency calls from the hearing impaired;

3) No longer operate a 24 hours per day, 365 days Year PSAP; or

4) Do not use it in accordance with the Telecommunications Program for the hearing impaired; shall return said Device within 30 days of the occurrence of one of the above conditions to the Department for redistribution. The Department will then redistribute the Device according to 890.40(a),(b),(c) and (d) giving

DEPARTMENT OF REHABILITATION SERVICES

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priority to those agencies within the same county that the TDD come from. Any new agency receiving a Device from the Department shall also meet the criteria set forth in 890.40(a) and (b) above.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Proposed Action
 1030.84 Amendment
 1030.92 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rulemakings contain: 1) the safety inspection requirements of a vehicle being used to administer a road test and 2) the types of restrictions which may be added to a driver's license.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part?

| <u>Section Number</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|-----------------------|------------------------|--|
| 1030.30 | Amendment | 14 Ill. Reg. 179 (Januaray 5, 1990) |
| 1030.65 | Amendment | 13 Ill. Reg. 14019 (September 8, 1989) |
| 1030.80 | Amendment | 14 Ill. Reg. 579 (January 12, 1990) |
| 1030.91 | New Section | 13 Ill. Reg. 14344 (September 15, 1989) |
| 1030.94 | Amendment | 14 Ill. Reg. 1902 (February 2, 1990) |
| 1030.95 | Amendment | 13 Ill. Reg. 16297 (October 20, 1989) |

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1030
ISSUANCE OF LICENSES

Section 1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License
1030.15 Cite for Re-examination
1030.20 Classification of Drivers-References
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization
1030.55 Computer Van Driver Operating a For-Profit
Ridesharing Arrangement
1030.60 Employer Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid
1030.80 Driver's License Testing/Written Test
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts/Road Test
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement for Photograph and Signature of Licensee
On Driver's License
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Diplomatic and Consular Licenses
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
Appendix A Questions Asked of a Driver's License Applicant
Appendix B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (III. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Code (III. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).
SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at

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10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:
Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1030.84 Vehicle Inspection

- a) For the purposes of this Section terms shall be defined as follows:

"Examiner" - employee of the Secretary of State who is qualified to administer the a road test.

"First Division Vehicle" - those motor vehicles which are designed ~~for the carrying of~~ to carry not more than ten persons.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Motorcycle" - every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

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"Pedalcycle" - motor driven cycle whose speed attainable in one mile is thirty miles per hour or less, which is equipped with a motor which produces two brake horse power or less.

"Registration Sticker" - a device issued by the Secretary of State to be attached to a rear registration plate that will renew the registration and registration plate or plates for a predetermined period of time.

"Religious Organization Bus" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Second Division Vehicle" - vehicles which are designed for carrying more than ten persons, those designed or used for living quarters, ~~and~~ those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

"Secretary of State" - the Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

- b) An applicant, who is required to take the road test, as defined in Section 1030.85 of this Part, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle which is not properly equipped or which does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected as required for all First Division Vehicles the type of representative vehicles being used to administer the road test:

- 1) Registration plates shall be attached or affixed to the motor vehicle/ ~~one in the front and one in the rear~~. Every registration plate shall at all times be securely fastened in a position horizontal to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be

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- 9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of five inches and a minimum vertical dimension of ten inches.
- 10) The seat for the person giving the examination must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test ~~as designated by~~ pursuant to Section 1030.85 of this Part. The seat must be free from excessive soil, grease, and should have no protruding springs. Vehicles must not have loose objects on the seats or floors which could pose a danger to the driver or examiner.
- 11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles which have excessive free play in the steering mechanism shall be rejected as unsafe.
- 12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.
- 13) ~~Second Division vehicles must meet the same requirements as First Division vehicles found in paragraph (a) of this subsection with the following additions or exceptions:~~
- 13) Every ~~tailer and semitrailer~~ of motor vehicle of a width or design which would not allow hand signals to be adequately visible from the front and rear, shall be equipped with an electric turn signal device which indicates the intention of the driver ~~in the power unit~~ to turn to the right or to the left. Such signalling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, and mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.
- 2) ~~Trucktractors or road tractors manufactured before January 1, 1968, require only one tail lamp. Vehicles manufactured after January 1, 1968, require two tail lamps. If lighted lamps are required for the road test, both tail lamps must be in working order.~~

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- 3) ~~Trucktractors are not required to have a registration plate light at the rear of the power unit.~~
- 14) ~~Any trucktractor/ semitrailer~~ Any motor vehicle or combination vehicle which operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges which may prevent or hinder the safe operation of the vehicle braking system. ~~A truck tractor/ semitrailer~~ Any motor vehicle or combination vehicle which operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading falls below fails to maintain 95 pounds per square inch pressure during normal pressure buildup.
- 15) Three safety flags, flares, fuses or reflectors shall be provided in ~~the~~ all Second Division vehicles as described in Section 12-702 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-702.)
- 1) ~~School buses must meet the same requirements as a First Division vehicle as found in paragraph (a) of this subsection with the following additions or exceptions:~~
- 16) An operating speedometer shall be mounted in all vehicles designated as a school bus in such a manner that it is readable to the seated driver.
- 2) ~~A retractable lap seat belt shall be provided for the driver and must be used by the driver at all times while the bus is being operated.~~
- 17) The emergency doors at the front and the rear of ~~the~~ a designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.
- 18) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus ~~as required by~~ pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-808.)
- 19) ~~The~~ A school bus shall carry a removable and readily identifiable first aid kit, removable and readily identifiable, mounted in full view of and readily accessible to the driver ~~as required by~~ pursuant to Section 12-809 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-809.)

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§20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as defined by Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

§21) A school bus with a stop arm shall be equipped with a stop arm lamp as defined by Section 12-202 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-202), shall have mounted and properly display clearance, identification and side marker lamps. Such lamps shall be illuminated for the road test, during periods when headlamps are required pursuant to Section 12-201 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201.)

§22) A stop arm shall be placed on the driver's side of the school bus and may be operated either manually or mechanically. The design of the stop arm shall comply with Section 12-803 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-803.)

§23) The tailpipe(s) of each Second Division school bus should extend beyond the rear end of the chassis frame, but not beyond the rear of the bumper.

§24) A tailpipe or tailpipe extension shall be installed on the rear of the bus and shall be located in the rear of the bumper.

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§24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses as defined by pursuant to Sections 12-801, 12-802, 12-804 and 12-806 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 12-801, 12-802, 12-804 and 12-806.) A road test, for a religious organization bus or senior citizen transportation vehicle shall be conducted in accordance with the provisions of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201.)

§25) The following is the text of the proposed amendments to the Illinois Vehicle Code:

1) Each motor vehicle shall be equipped with a rearview mirror. The mirror shall be of a type which provides a clear view of the rearward field of vision. The mirror shall be mounted on the interior of the vehicle in a position to be readily visible to the driver. The mirror shall be of a type which is not likely to be damaged by vibration or by the elements. The mirror shall be of a type which is not likely to be damaged by the elements. The mirror shall be of a type which is not likely to be damaged by the elements.

2) The front of a vehicle with a front end engine shall be equipped with a front end engine compartment door. The door shall be of a type which is not likely to be damaged by vibration or by the elements. The door shall be of a type which is not likely to be damaged by the elements. The door shall be of a type which is not likely to be damaged by the elements.

3) The motor shall be operable in either forward or reverse. The motor shall be of a type which is not likely to be damaged by vibration or by the elements. The motor shall be of a type which is not likely to be damaged by the elements. The motor shall be of a type which is not likely to be damaged by the elements.

4) The windshield shall be of a type which is not likely to be damaged by vibration or by the elements. The windshield shall be of a type which is not likely to be damaged by the elements. The windshield shall be of a type which is not likely to be damaged by the elements.

5) When lights are used for the purpose of illuminating the road ahead, the lights shall be of a type which is not likely to be damaged by vibration or by the elements. The lights shall be of a type which is not likely to be damaged by the elements. The lights shall be of a type which is not likely to be damaged by the elements.

6) The brake lights shall be of a type which is not likely to be damaged by vibration or by the elements. The brake lights shall be of a type which is not likely to be damaged by the elements. The brake lights shall be of a type which is not likely to be damaged by the elements.

7) A passenger seat shall be provided for the driver. The seat shall be of a type which is not likely to be damaged by vibration or by the elements. The seat shall be of a type which is not likely to be damaged by the elements. The seat shall be of a type which is not likely to be damaged by the elements.

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8) No vehicle should be used for the road test if one of more tires is considered unsafe under Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-1405. A vehicle will be rejected if it is equipped with metal-studded snow tires.

9) The service brakes should be in such condition as to be activated with one movement of the activating device. A Class M motorcycle should have two methods of braking. A Class L motor driven cycle or pedalcycle shall have at least one method of braking.

1025) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.

1126) The operator of a motorcycle, motor-driven cycle or pedalcycle, used for the road test shall be protected by glasses, goggles or a transparent shield. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-1404.)

27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to Sections 13-111 and 13-114 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-111 and 13-114), except those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not be subject to such certificate.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1030.92 Restrictions

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

"Binocular Visual Acuity" - visual reading obtained utilizing both eyes at the same time.

"Commercial Driver's License (CDL)" - a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles.

"Commercial Driver License Information System (CDLIS)" - the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or

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any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Driver Services Facility Representative" - employee of the Secretary of State.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Mechanical Aid" - any device added to a motor vehicle which would enhance the operator's ability to safely operate the vehicle.

"Monocular Vision Acuity" - visual acuity reading obtained utilizing individual eye.

"Peripheral Vision" - area of vision from the outside line of direct sight toward the temporal area.

"Prosthesis" - artificial limb such as arm or leg.

"Religious Organization Bus" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Restrictions" - requirements or conditions added on a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Secretary of State" - Secretary of State of Illinois.

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"Senior Citizen Transportation Vehicle" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

"Visual Acuity Standards" - minimum vision standards in accordance with §2 111/ Aqm/ QdQ Sections 1030.70 and 1030.75 of this Part.

"Visual Peripheral Standards" - minimum vision standards in accordance with §2 111/ Aqm/ QdQ Sections 1030.70 and 1030.75 of this Part.

b) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.

c) If a change in a individual's physical and/or visual condition is discovered by a facility representative, such representative has the authority to add, delete, or change the restriction(s).

d) A type 1 B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section 1030.70 of this Part. This restriction includes eye glasses, of contact lenses in one or both eyes, and non-standard lens arrangements.

e) A type 2 C restriction requires an outside left mirror which is not a passenger mirror. A left mirror which is not a passenger mirror is added when a person has a hearing aid or hearing aid which does not meet the 20/40 minimum (see Section 1030.70(b) but is not worse than 20/100 of acuity) or when a person has a hearing aid which does not meet the 20/100 of acuity. This restriction is added when a driver has a hearing aid which does not meet the 20/100 of acuity. This restriction is added when a driver has a hearing aid which does not meet the 20/100 of acuity.

f) A type 3 D restriction requires the person driver to only drive a vehicle which is added when a person has a hearing aid which does not meet the 20/40 minimum (see Section 1030.70(b) but is not worse than 20/100 of acuity) or when a person has a hearing aid which does not meet the 20/100 of acuity. This restriction is added when a driver has a hearing aid which does not meet the 20/100 of acuity.

use one or more prosthetic aids while operating a motor vehicle.

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A type 4 E restriction requires automatic transmission. An automatic transmission restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.

h) A type 5 F restriction requires a wheelchair seat cushion of 10 inches or less in length and 10 inches or less in width. This restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs. This restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.

i) A type 6 G restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs. This restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.

j) A type 7 H restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs. This restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.

k) A type 8 J restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs. This restriction is added when a person driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.

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be restricted to the gas accelerator pedal to the left of the steering column or if the person has both legs missing. A built-up pedal restriction is used for a person with a short or deformed leg with appropriate numerical indicators includes other restrictions not listed in this Section. These type J restrictions and numerical indicators are as follow:

- J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois license.
- J02 Driver authorized to operate a Religious Organization Bus within classification, as provided in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2.)
- J03 Driver authorized to operate a Religious Organization Bus or Van within Class D only. The driver took the Religious Organization Bus test in a Class D vehicle, but may hold a Class A, B, or C license.
- J04 Driver authorized to operate a Religious Organization Bus or Van within Class C only. The driver took the Religious Organization Bus test in a Class C vehicle, but may hold a Class A or B license.
- J05 Driver authorized to operate a Senior Citizen Transportation Vehicle within classification. The driver operates a vehicle which is utilized solely for the purpose of providing transportation for senior citizens, as provided in Section 6-106.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.3.)
- J06 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class D only. The driver took the Senior Citizen Transportation Vehicle test in a Class D vehicle, but may hold a Class A, B, or C license.
- J07 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class C only. The driver took the Senior Citizen Transportation Vehicle test in a Class C vehicle, but may hold a Class A or B license.
- J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4.)

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- J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor driven cycles or Class M motorcycles, as provided in Section 6-103(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-103(2).)
- J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- J11 Indicates the driver took the road test on a three wheel motorcycle (Class M) or three wheel motor driven cycle (Class L) and is restricted to a three wheel cycle of the proper class.
- J99 This restriction appears on the license if more than two J restrictions are placed on the driver.
- 1) A type 6 restriction coded as 1D) on the driver's license indicates that the Secretary of State has restricted the type of brakes a person shall use. A power brake restriction is added when a person with a weak or deformed leg is unable to use standard brakes. An electric brake restriction shall be added when a person with a weak or deformed leg takes his/her test in a vehicle with electric brakes. An air brake restriction shall be added if a person with a weak or deformed leg takes his/her test in a vehicle with air brakes. A built-up brake pedal or built-up clutch pedal restriction is added when a person has a deformed or short leg. A clutch and brake bar restriction is added when a person is unable to use both legs while driving a standard shift vehicle.
- n) A type 6 restriction coded as 1E) on the driver's license indicates that the Secretary of State has restricted a person to a completely hand controlled vehicle. This restriction is added when a person is unable to use his/her legs for driving.
- n) A type 6 restriction coded as 1F) on the driver's license indicates that the Secretary of State has restricted the type of dimmer switch a person may use. A hand operated dimmer switch or automatic dimmer switch restriction is added when a person is unable to depress his/her dimmer switch with his/her left leg.
- o) A type 6 restriction coded as 1G) on the driver's license indicates that the Secretary of State has restricted the person to a built-up shoe. This restriction is added when a person has one leg shorter than the other or is short in stature and cannot reach normally located floor controls.
- p) A type 6 restriction coded as 1H) on the driver's license indicates that the Secretary of State has required a person to use a brace on an

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- cc) A type C restriction coded as 1VV1 on the driver's license indicates that an out-of-state resident has been issued an Illinois driver's license only for the purpose of authorizing him/her to operate a child day care vehicle in Illinois while still holding a license issued by his/her home state as provided in Section 5/1 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 5/1).
- dd) A type C restriction coded as 1W1 on the driver's license indicates that the person is authorized to operate a senior citizen organization vehicle as provided in Section 6-106/3 of the Illinois Driver Licensing Law.
- ee) A type C restriction coded as 1X1 on the driver's license indicates that an out-of-state resident has been issued an Illinois license only for the purpose of authorizing him/her to operate a senior citizen transportation on vehicle in Illinois while still holding a driver's license issued by his/her home state as provided in Section 6-106/3 of the Illinois Driver Licensing Law.
- ff) A type C restriction coded as 1Y1 on the driver's license indicates that the person is authorized to operate a commuter van in a for-profit flagging arrangement as provided in Section 6-106/4 of the Illinois Driver Licensing Law.
- gg) A type C restriction coded as 1Y21 on the driver's license indicates that an out-of-state resident has been issued an Illinois driver's license only for the purpose of authorizing him/her to operate a commuter van in a for-profit flagging arrangement while still holding a license issued by his/her home state as provided in Section 6-106/4 of the Illinois Driver Licensing Law.
- hh) A type C restriction coded as 1Z1 on the driver's license indicates that a person who is 16 or 17 years of age is authorized to operate an L or M class cycle as provided in Section 6-103(2) of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-103(2)).
- ii) A type C restriction coded as 1Z21 on the driver's license indicates that the person has been issued an Illinois driver's license for the purpose of allowing him/her to operate a commercial vehicle as provided in 92 Ill. Adm. Code 1070/80.
- jj) If an individual wishes to appeal a restriction that has been added to his/her driver's license, he/she shall submit the following to the Medical Review Unit of the Department:
- 1) a written request stating that he/she wishes to appeal the addition of the restriction, and
 - 2) a letter from his/her physician on the physician's letterhead explaining that the restriction is unnecessary.

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- kk) After the necessary documentation has been submitted to the Department, the case shall be forwarded to the Driver's License Medical Advisory Board of the Illinois Department of Public Health for a recommendation pursuant to Section 506-1 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-1 et seq.). The Department is then notified in writing of the Driver's License Medical Advisory Board's recommendation. After the Department adopts the Driver's License Medical Advisory Board's recommendation, any further appeal shall be directed to the Driver's License Advisory Board pursuant to Section 8 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506/8).
- k) A type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- l) A type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.
- m) If an individual wishes to appeal a type B, C, D, E, F, or G restriction that has been added to his/her driver's license, he/she shall submit the following to the Medical Review Unit of the Department:
- 1) a written request stating that he/she wishes to appeal the addition of the restriction, and
 - 2) a letter from his/her physician, on the physician's letterhead, explaining that the restriction is unnecessary.
- n) After the necessary documentation has been submitted to the Department, the case shall be forwarded to the Driver License Medical Advisory Board for a recommendation pursuant to Section 506-1 et seq. of the Driver License Medical Review Act of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-1 et seq.) A report of the Driver License Medical Advisory Board's findings, determinations and recommendations shall be forwarded to the Department within seven (7) days for appropriate action. The action taken by the Medical Review Unit of the Department is appealable to the Department of Administrative Hearings. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118.) Further review shall be conducted by the courts pursuant to Administrative Review Law. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-212.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1125
FAIR SHARE FEE OBJECTIONS

| | |
|----------|--|
| Section | |
| 1125.10 | General Statement of Purpose |
| 1125.20 | Notice of Fair Share Fees |
| 1125.30 | Objections to Fair Share Fees |
| 1125.40 | Escrow Accounts |
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| 1125.60 | Consolidation of Fair Share Fee Objections |
| 1125.70 | Investigation of Fair Share Fee Objections |
| 1125.80 | Hearings |
| 1125.90 | Consideration by the Board (Repealed) |
| 1125.100 | Internal Review Procedure |

AUTHORITY: Implementing Sections 3(a), 11, 14(a)(1) and (b)(1) and authorized by Section 5(h) of the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, pars. 1703(a), 1711, 1714(a)(1) and (b)(1), and 1705(h), as amended by P.A. 86-412, effective August 30, 1989).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 12873, effective August 5, 1985, for a maximum period of 150 days; adopted at 10 Ill. Reg. 206, effective December 19, 1985; emergency amendments at 12 Ill. Reg. 13707, effective August 10, 1988, for a maximum of 150 days; emergency expired January 7, 1989; amended at 13 Ill. Reg. 1784, effective January 31, 1989; emergency amendments at 13 Ill. Reg. 15469, effective September 13, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 2873, effective February 9, 1990.

Section 1125.40 Escrow Accounts

- a) Upon service of an objection, the employer shall continue to deduct the fair share fee from the objecting employee's pay, but shall not pay the fee to the exclusive representative, unless the exclusive representative maintains an escrow account in accordance with subsections (b) and (c) and the exclusive representative has so notified the employer. The employer shall transmit the fee to the Board which shall hold the fee in escrow in an account established for that purpose. If the objecting employee has disputed only part of the fee, the employer shall pay the undisputed amount to the exclusive representative and shall transmit the disputed amount to the Board. The employer shall continue to transmit all such fees to the Board until further order of the Board.
- b) An exclusive representative may maintain an escrow account for the purpose of holding fair share fees to which employees have objected. If an exclusive representative maintains such an account, the employer

NOTICE OF ADOPTED AMENDMENT(S)

shall continue to transmit an objecting employee's fair share fee to the exclusive representative. Upon service of an objection, the exclusive representative shall deposit the objecting employee's fair share fee into the escrow account which it maintains. If the objecting employee has disputed only part of the fee, the exclusive representative shall pay the disputed amount into the escrow account and may retain the undisputed amount. The exclusive representative shall continue to pay into the escrow account all fair share fees or the disputed portion of the fees until further order of the Board.

c) An escrow account maintained by an exclusive representative shall meet the following standards:

- 1) The account shall be maintained in a federally insured financial institution.
- 2) The account shall earn interest of at least the rate provided by commercial banks for regular passbook savings accounts.
- 3) If the account combines the fair share fees of more than one objector, separate records must be kept of each objector's fee, prorating the interest earned on the account.
- 4) The escrow account may contain the fees of objecting employees in different bargaining units.
- 5) Any charges resulting from a financial institution for the cost of maintaining an escrow account shall be borne by the exclusive representative.

bā) Within 45 days after service of the objection, the exclusive representative may file a motion to reduce the amount of the escrow. The motion shall be filed with the Executive Director. The exclusive representative shall attach to the motion any documents it wishes to have considered in support of this motion. The motion and supporting documents shall be served on the objecting employee and the employer in accordance with 80 Ill. Adm. Code 1100.20(d). The exclusive representative shall have the burden of demonstrating that its proposed reduction in the amount of the escrow will clearly not prejudice the constitutional and statutory rights of the objecting employee.

ē) The objecting employee shall have 15 days computed in accordance with 80 Ill. Adm. Code 1100.30 to respond. The response shall be served on the exclusive representative and the employer in accordance with 111. Adm. Code 1100.20(d).

dē) If the Executive Director determines that reduction of the amount of the escrow will clearly not prejudice the constitutional and statutory rights of the objecting employee, he shall order the escrow reduced to an amount necessary to protect the rights of the parties in a written decision containing his reasons. The order shall be served on the objecting employee, the exclusive representative, and the employer. Thereafter, the employer shall transmit the reduced escrow amount to the Board and the remainder to the exclusive representative, unless the exclusive representative maintains an escrow account in accordance with subsections (b) and (c). If the exclusive representative maintains such an escrow account, the exclusive representative shall

NOTICE OF ADOPTED AMENDMENT(S)

pay the reduced escrow amount into the escrow account and may retain the remainder.

eg) In making the determination, the Executive Director will consider court decisions interpreting the constitutional and statutory rights of employees, patterns of expenditures by the exclusive representative, prior adjudications involving the exclusive representative, and other relevant factors as substantiated by material submitted by the parties.

fh) The Executive Director's decision on the motion may be appealed to the Board. Notice of appeal, together with any supporting briefs, shall be filed no later than 15 days after service of the Executive Director's decision. Parties may file briefs in accordance with 80 Ill. Adm. Code 11057. Subpart B. The Board shall review the Executive Director's decision to determine whether it is in accordance with the Act, this Part, and the evidence submitted by the parties.

(Source: Amended at 14 Ill. Reg. 2873, effective February 9, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 301
- 3) Section Numbers: Adopted Action:

| | |
|---------|-------------|
| 301.106 | New Section |
| 301.107 | New Section |
| 301.108 | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1027, and 1028.2.
- 5) Effective Date of Amendments: February 13, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do the Amendments contain incorporations by reference?
Yes. Section 301.106 contains incorporations by reference.

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? Yes.
- 8) Date filed in Agency's Principal Office: January 25, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14152 (September 15, 1989)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

For a more detailed explanation of changes made to these amendments, see Board Opinion and Orders of December 6, 1989 and January 25, 1990, available from the Clerk of the Board (see #15).

Section 301.106

-Reference to APHA's "Standards Methods" has been changed to the 16th Edition, 1985.
-Reference to "Quality Criteria for Water 1986" has been deleted to conform with deletions at 35 Ill. Adm. Code 302.654(b)(7).

POLLUTION CONTROL BOARD

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-40 CFR 136 has been added and ATMS Standard D 1126-86 and ASTM Standard D 1253-86 have been deleted for conformity to changes in definitions.
-ASTM toxicity testing standards have been added.

Section 301.108

A new section has been added here which states the statutory language of the Illinois Environmental Protection Act regarding adjusted standards.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
JCAR has indicated that no agreements involving these amendments were necessary.
- 13) Will the Amendments replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21(A). Other related amendments were adopted in Parts 302, 305, and 309, and are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 25, 1990, which is available from Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601.

These amendments address incorporations by reference and severability of provisions.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these Amendments are federally required.

NOTICE OF ADOPTED AMENDMENTS

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

Kathleen M. Crowley
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601
(312) 814-6929

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

| | |
|---|---------|
| Section | 301.101 |
| Authority | 301.102 |
| Policy | 301.103 |
| Repeals | 301.104 |
| Analytical Testing | 301.105 |
| References to Other Sections | 301.106 |
| Incorporations by Reference | 301.107 |
| Severability | 301.108 |
| Adjusted Standards | 301.200 |
| Definitions | 301.205 |
| Act | 301.210 |
| Administrator | 301.215 |
| Agency | 301.220 |
| Aquatic Life | 301.225 |
| Artificial Cooling Lake | 301.230 |
| Basin | 301.235 |
| Board | 301.240 |
| CWA | 301.245 |
| Calumet River System | 301.250 |
| Chicago River System | 301.255 |
| Combined Sewer | 301.260 |
| Combined Sewer Service Area | 301.265 |
| Construction | 301.270 |
| Dilution Ratio | 301.275 |
| Effluent | 301.280 |
| Hearing Board | 301.285 |
| Industrial Wastes | 301.290 |
| Institute | 301.295 |
| Interstate Waters | 301.300 |
| Intrastate Waters | 301.305 |
| Land Runoff | 301.310 |
| Marine Toilet | 301.315 |
| Modification | 301.320 |
| New Source | 301.325 |
| NPDES | 301.330 |
| Other Wastes | 301.335 |
| Person | 301.340 |
| Pollutant | 301.345 |
| Population Equivalent | 301.350 |
| Pretreatment Works | 301.355 |
| Primary Contact | 301.360 |
| Public and Food Processing Water Supply | |

PART 301
INTRODUCTION

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

NOTICE OF ADOPTED AMENDMENTS

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| | |
|---------|------------------------------------|
| 301.365 | Publicly Owned Treatment Works |
| 301.370 | Publicly Regulated Treatment Works |
| 301.375 | Sanitary Sewer |
| 301.380 | Secondary Contact |
| 301.385 | Sewage |
| 301.390 | Sewer |
| 301.395 | Sludge |
| 301.400 | Standard of Performance |
| 301.405 | STORET |
| 301.410 | Storm Sewer |
| 301.415 | Treatment Works |
| 301.420 | Underground Waters |
| 301.425 | Wastewater |
| 301.430 | Wastewater Source |
| 301.435 | Watercraft |
| 301.440 | Waters |

APPENDIX: References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990.

Note: Capitalization denotes statutory language

Section 301.106 Incorporations by Reference

a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:

"ASTM" means American Society for Testing and Materials

"GPO" means Superintendent of Documents, U.S. Government Printing Office

"NTIS" means National Technical Information Service

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association

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"USEPA" means United States Environmental Protection Agency

b) The Board incorporates the following publications by reference:

American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D.C. 20005

Standard Methods for the Examination of Water and Wastewater, 16th Edition, 1985

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19013 (215) 299-5400

ASTM Standard E 724-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Larvae of Four Species of Bivalve Molluscs", approved 1980.

ASTM Standard E 729-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Fishes, Macroinvertebrates, and Amphibians", approved 1980.

ASTM Standard E 857-81 "Standard Practice for Conducting Subacute Dietary Toxicity Tests with Avian Species", approved 1981.

ASTM Standard E 1023-84 "Standard Guide for Assessing the Hazard of a Material to Aquatic Organisms and Their Uses", approved 1984.

ASTM Standard E 1103-86 "Method for Determining Subchronic Dermal Toxicity", approved 1986.

ASTM Standard E 1147-87 "Standard Test Method for Partition Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography", approved February 27, 1987

ASTM Standard E 1192-88 "Standard Guide for Conducting Acute Toxicity Tests on Aqueous Effluents with Fishes, Macroinvertebrates and Amphibians", approved 1988.

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ASTM Standard E 1193-87 "Standard Guide for Conducting Renewal Life-Cycle Toxicity Tests with Daphnia Magna", approved 1987.

ASTM Standard E 1241-88 "Standard Guide for Conducting Early Life-Stage Toxicity Tests with Fishes", approved 1988.

ASTM Standard E 1242-88 "Standard Practice for Using Octanol-Water Partition Coefficients to Estimate Median Lethal Concentrations for Fish due to Narcosis", approved 1988.

ASTM Standard E 4429-84 "Standard Practice for Conducting Static Acute Toxicity Tests on Wastewaters with Daphnia", approved 1984.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600

SIDS: STORET Input Data Editing System, January, 1973, Document Number PB-227 052/8

Water Quality Data Base Management Systems, February, 1984, Document Number AD-P004 768/8

USEPA. United States Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, D.C. 20460

Mutagenicity and Carcinogenicity Assessment for 1,3-Butadiene, September, 1985, Document Number EPA/600/8-85/004A

c) The Board incorporates the following federal regulations by reference:

40 CFR 136 (1988)

40 CFR 141 (1988)

40 CFR 302.4 (1988)

d) This Section incorporates no future editions or amendments.

(Source: Added at 14 Ill. Reg. 2879, effective February 13, 1990)

NOTICE OF ADOPTED AMENDMENTS

Section 301.107 Severability

If any provision of this subtitle is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this subtitle as a whole, or any part, subpart, section, subsection, sentence or clause thereof not adjudged invalid.

(Source: Added at 14 Ill. Reg. 2879, effective Feb. 13, 1990)

Section 301.108 Adjusted standards

a) AFTER ADOPTING A REGULATION OF GENERAL APPLICABILITY, THE BOARD MAY GRANT, IN A SUBSEQUENT ADJUDICATORY DETERMINATION, AN ADJUSTED STANDARD FOR PERSONS WHO CAN JUSTIFY SUCH AN ADJUSTMENT CONSISTENT WITH SUBSECTION (a) OF SECTION 27 OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT. IN GRANTING SUCH ADJUSTED STANDARDS, THE BOARD MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT. THE RULE-MAKING PROVISIONS OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq) AND TITLE VII OF THE ENVIRONMENTAL PROTECTION ACT SHALL NOT APPLY TO SUCH SUBSEQUENT DETERMINATIONS. (Section 28.1(a) of the Act)

b) IN ADOPTING A RULE OF GENERAL APPLICABILITY, THE BOARD MAY SPECIFY THE LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER FOR AN ADJUSTED STANDARD CONSISTENT WITH THE SECTION. (Section 28.1(b) of the Act)

c) IF A REGULATION OF GENERAL APPLICABILITY DOES NOT SPECIFY A LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER TO QUALIFY FOR AN ADJUSTED STANDARD, THE BOARD MAY GRANT INDIVIDUAL ADJUSTED STANDARDS WHENEVER THE BOARD DETERMINES UPON ADEQUATE PROOF BY PETITIONER, THAT:

1) FACTORS RELATING TO THAT PETITIONER ARE SUBSTANTIALLY AND SIGNIFICANTLY DIFFERENT FROM THE

FACTORS RELIED UPON BY THE BOARD IN ADOPTING THE GENERAL REGULATION APPLICABLE TO THAT PETITIONER;

2) THE EXISTENCE OF THOSE FACTORS JUSTIFIES AN ADJUSTED STANDARD;

3) THE REQUESTED STANDARD WILL NOT RESULT IN ENVIRONMENTAL OR HEALTH EFFECTS SUBSTANTIALLY AND

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SIGNIFICANTLY MORE ADVERSE THAN THE EFFECTS
CONSIDERED BY THE BOARD IN ADOPTING THE RULE OF
GENERAL APPLICABILITY; AND

- 4) THE ADJUSTED STANDARD IS CONSISTENT WITH ANY
APPLICABLE FEDERAL LAW.

(Section 28.1(c) of the Act)

(Source: Added at 14 Ill. Reg. 2879, effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Monitoring and Reporting
- 2) Code Citation: 35 Ill. Adm. Code 305
- 3) Section Numbers: Adopted Action:
305.102 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2,
pars. 1013, 1027, and 1028.2(e).
- 5) Effective Date of Amendments: February 13, 1990
- 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: January 25, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14159 (September 15, 1989).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
Citation to Section 39 of the Environmental Protection Act
was added to 305.102(a).
- 12) Have all the changes agreed upon by the Board and JCAR been
made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will these Amendments replace an emergency Rule currently in
effect? No
- 14) Are there any other amendments pending on this Part? Yes.

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|----------------------------|----------------------------|---------------------------------------|
| 305.102 | Amendment | 13 Ill. Reg. 20252 |
- 15) Summary and Purpose of Amendments:
These amendments are part of a proceeding entitled, Proposed
Amendments to Title 35, Subtitle C (Toxics Control), Board
Docket R88-21. Other related amendments to Parts 301, 302,

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2) ~~Clean Water Act (CWA), (33 U.S.C. 1251 et seq.), or Discharge 15% or more of the total hydraulic flow received by the treatment works, or~~

3) ~~Discharge 15% or more of the total biological loading received by the treatment works as measured by 5-day biochemical oxygen demand.~~

b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.

c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

(Source: Amended at 14 Ill. Reg. 2888 , effective Feb. 13, 1990)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Adopted Action:
309.103 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1027, and 1028.2(e).
- 5) Effective Date of Amendments: February 13, 1990
- 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: January 29, 1990
- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14164 (September 15, 1989)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
 - In subsection (a)(3), the phrase "Should aquatic toxicity be apparent" has been replaced with "If this toxicity testing shows the effluent to be toxic".
 - References to "NPDES", "Agency", and "CWA" were spelled out.
 - References to Section 39 of the Environmental Protection Act was added.
 - Amendments to Section 309.152 are no longer being pursued in this Docket.

15) Summary and Purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21. Other related amendments are proposed in Parts 301, 302, and 305, and are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 24, 1990, which is available from Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 W. Randolph St., Suite 11-500, Chicago, Illinois 60601.

This Part imposes requirements upon National Pollution Discharge Elimination System ("NPDES") permitted dischargers consistent with the prohibition against discharging toxic substances in toxic amounts into the waters of this State.

Consistent with the policy objective of prohibiting the discharge of toxic substances in toxic amounts into the waters of this State, this Part allows the Illinois Environmental Protection Agency ("Agency") to require that NPDES permit applicants install, use, maintain and report results from monitoring equipment, including biological monitoring. The Agency may also require effluent toxicity testing.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these amendments are federally required.

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

Kathleen M. Crowley
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601
(312) 814-6929

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

TITLE 35 ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 309
PERMITS

SUBPART A: NPDES PERMITS

| | |
|---|---------|
| Section | 309.101 |
| Preamble | 309.102 |
| NPDES Permit Required | 309.103 |
| Application - General | 309.104 |
| Renewal | 309.105 |
| Authority to Deny NPDES Permits | 309.106 |
| Access to Facilities and Further Information | 309.107 |
| Distribution of Applications | 309.108 |
| Tentative Determination and Draft Permit | 309.109 |
| Public Notice | 309.110 |
| Contents of Public Notice of Application | 309.111 |
| Combined Notices | 309.112 |
| Agency Action After Comment Period | 309.113 |
| Fact Sheets | 309.114 |
| Notice to Other Governmental Agencies | 309.115 |
| Public Hearings on NPDES Permit Applications | 309.116 |
| Notice of Agency Hearing | 309.117 |
| Agency Hearing File | 309.118 |
| Agency Hearing After Hearing | 309.119 |
| Agency Action After Hearing | 309.141 |
| Terms and Conditions of NPDES Permits | 309.142 |
| Water Quality Standards and Waste Load Allocation | 309.143 |
| Effluent Limitations | 309.144 |
| Federal New Source Standards of Performance | 309.145 |
| Duration of Permits | 309.146 |
| Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements | 309.147 |
| Authority to Apply Entry and Inspection Requirements | 309.148 |
| Schedules of Compliance | 309.149 |
| Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works | 309.150 |
| Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act | 309.151 |
| Maintenance and Equipment | 309.152 |
| Toxic Pollutants | 309.153 |
| Deep Well Disposal of Pollutants (Repealed) | 309.154 |
| Authorization to Construct | 309.155 |
| Sewage Sludge Disposal | 309.156 |
| Total Dissolved Solids Reporting and Monitoring | |

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NOTICE OF ADOPTED AMENDMENTS

| | |
|---------|---|
| 309.181 | Appeal of Final Agency Action on a Permit Application |
| 309.182 | Authority to Modify, Suspend or Revoke Permits |
| 309.183 | Revision of Schedule of Compliance |
| 309.184 | Permit Modification Pursuant to Variance |
| 309.185 | Public Access to Information |
| 309.191 | Effective Date |

SUBPART B: OTHER PERMITS

| | |
|---------|---|
| Section | |
| 309.201 | Preamble |
| 309.202 | Construction Permits |
| 309.203 | Operating Permits; New or Modified Sources |
| 309.204 | Operating Permits; Existing Sources |
| 309.205 | Joint Construction and Operating Permits |
| 309.206 | Experimental Permits |
| 309.207 | Former Permits (Repealed) |
| 309.208 | Permits for Sites Receiving Sludge for Land Application |
| 309.221 | Applications - Contents |
| 309.222 | Applications - Signatures and Authorizations |
| 309.223 | Applications - Registered or Certified Mail |
| 309.224 | Applications - Time to Apply |
| 309.225 | Applications - Filing and Final Action by Agency |
| 309.241 | Standards for Issuance |
| 309.242 | Duration of Permits Issued Under Subpart B |
| 309.243 | Conditions |
| 309.244 | Appeals from Conditions in Permits |
| 309.261 | Permit No Defense |
| 309.262 | Design, Operation and Maintenance Criteria |
| 309.263 | Modification of Permits |
| 309.264 | Permit Revocation |
| 309.265 | Approval of Federal Permits |
| 309.266 | Procedures |
| 309.281 | Effective Date |
| 309.282 | Severability |

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg.

POLLUTION CONTROL BOARD

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34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990.

SUBPART A: NPDES PERMITS

Section 309.103 Application - General

a) Application Forms

- 1) An applicant for an National Pollution Discharge Elimination System (NPDES) Permit shall file an application, in accordance with Section 309.223 hereof, on forms provided by the Illinois Environmental Protection Agency (Agency). Such forms shall comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is being sought and such additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will be in compliance with applicable state and federal requirements.
- 2) In addition to the above application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
- 3) In addition to the above application forms, the Agency may require, pursuant to Section 39 of the Act, the installation, use, maintenance and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, pursuant to Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require further testing and identification of the toxicant(s) pursuant to 35 Ill. Adm. Code 302.210(a).

NOTICE OF ADOPTED AMENDMENTS

- b) Animal Waste Facilities
 - 1) An applicant for an NPDES permit in connection with the operation of an animal waste facility shall complete, sign, and submit an NPDES application in accordance with the provisions of Part 35 Ill. Adm. Code: Subtitle E, Chapter I.
- c) Mining Activities
 - 1) If, as defined by Section 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES permit is held or required, the applicant must submit a permit application as required by Sections 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by Section 35 Ill. Adm. Code 402.101, the applicant shall also submit an NPDES permit application in accordance with Section 309.223 on forms supplied by the Agency.
 - 2) As provided by Section 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart A of 35 Ill. Adm. Code 309 apply to 35 Ill Adm. Code: Subtitle D, Chapter I NPDES Permits.
 - 3) As provided by Section 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent and water quality standards of Parts 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.

NOTICE OF ADOPTED AMENDMENTS

- e) Signatures
 - 1) An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.
- 2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), or with any applicable zoning or siting requirements established pursuant to Section 208(b)(2)(C) of the CWA, and any other applicable water quality standards and limitations.

- d) New Discharges
 - 1) Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency, must apply for an NPDES permit either:
 - 1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or

- (Source: Amended at 14 Ill. Reg. 2892, effective Feb. 13, 1995)
 - 1) As provided by Section 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart A of 35 Ill. Adm. Code 309 apply to 35 Ill Adm. Code: Subtitle D, Chapter I NPDES Permits.
 - 2) As provided by Section 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart A of 35 Ill. Adm. Code 309 apply to 35 Ill Adm. Code: Subtitle D, Chapter I NPDES Permits.
 - 3) As provided by Section 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent and water quality standards of Parts 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:
 - 302.100 New Section
 - 302.101 Amendment
 - 302.102 Amendment
 - 302.103 Amendment
 - 302.203 Amendment
 - 302.208 Amendment
 - 302.210 Amendment
 - 302.601 New Section
 - 302.603 New Section
 - 302.604 New Section
 - 302.606 New Section
 - 302.612 New Section
 - 302.615 New Section
 - 302.618 New Section
 - 302.621 New Section
 - 302.627 New Section
 - 302.630 New Section
 - 302.633 New Section
 - 302.642 New Section
 - 302.645 New Section
 - 302.648 New Section
 - 302.651 New Section
 - 302.654 New Section
 - 302.657 New Section
 - 302.658 New Section
 - 302.660 New Section
 - 302.663 New Section
 - 302.666 New Section
 - 302.669 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1027, and 1028.2(e).
- 5) Effective Date of Amendments: February 13, 1990
- 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: January 25, 1990

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- 9) Notice of Proposal Published in Illinois Register:
13 Ill. Reg. 14172 (September 15, 1989)
- 10) Has JCAR issued a Statement of Objections to these rules?
Yes.
 - A) Statement of Objection: February 2, 1990 14 Ill. Reg. 2120
(issue date)
 - B) Agency Response: February 23, 1990 14 Ill. Reg. 2960
(issue date)
 - C) Date Agency Response Submitted for Approval to JCAR:
January 25, 1990
- 11) Differences between proposal and final version:
For a more detailed explanation of changes made to these amendments, see Board Opinion and Orders of December 6, 1989 and January 25, 1990, available from the Clerk of the Board (see #15).

Section 302.100
-The definition for "Adverse effect" has been added.
-Language was added to the definition of "Chronic Toxicity".
-Acceptable measurement procedures for "Hardness" and "Total Residual Chlorine" have been limited to those specified in 40 CFR 136.
-A definition for "Mixing Zone" has been added.
-Minor word changes have been accomplished in the definition of "Toxic Substance".
-Definitions subsidiary to ZID ("immediate" and "rapid" were moved to Section 302.102(e)).

Section 302.102
-"Allowed Mixing" was added to the title of this section.
-The core of the first sentence of existing 302.102(a) which had been proposed for deletion at first notice, has been retained.
-Other word changes to subsection (a) were accomplished.
-Subsection (b) was modified to allow that proscriptions apply to allowed mixing whether or not a formal mixing zone has been granted.
-There were wording changes made to subsections (b)(4) and (b)(6).
-Subsection (b)(9) was added.
-A sentence was added to subsection (b)(8).

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-The definitions of "LOABL" and "NOABL" have been amended.

Section 302.606

-Citation to specific ASTM standards was added.

Section 302.615

-A grammar change was made to subsection (f). Also, the use of the word "families" has been replaced with the word "taxa". The last sentence of subsection (f) was changed to correct a reference problem.
-Wordng changes were made to subsection (h).

Section 302.618

-This Section was changed to provide clarity regarding log-log and other relationships.
-Acute Aquatic Toxicity Criterion was spelled-out.

Section 302.621

-The last sentence of subsection (b) was modified for increased clarity.

Section 302.627

-Minor corrections were made to this Section.

Section 302.630

-Subsection (b) has been modified for increased clarity.

Section 302.633

-The word "may" was changed to "shall" in subsection (b).

Section 302.642

-The wording of the first sentence has been altered to make clear that the Human Threshold Criterion is a concentration of a substance.

Section 302.645

-The title of this Section has been changed to reflect content.

NOTICE OF ADOPTED AMENDMENTS

-Clarifications were made to subsections (c) and (d).
-Subsection (e) was added to incorporate several precepts regarding ZIDs.

-Subsection (f) was added regarding the Agency's and Board's authorities in the NPDES process relating to mixing zones.
-Subsections (g) and (h) were added regarding the controlling status of decisions made in the NPDES process.

Section 302.208

-The title of this section has been changed.
-Changes were made to subsection (b) to improve clarity.
-Subsection (c) has been changed to better conform its language to concepts regarding allowed mixing, mixing zones, and ZIDs.

-Several changes to the table in subsection (d) have been made to conform to Code Division standards, which necessitated some deletions.
-A typographical error was corrected in subsection (d) to include the correct limit for lead which is "not to exceed 100 ug/L".
-Indentation changes were made to the table in subsection (e), and the use of the term "mixing zone" has been replaced.

Section 302.210

-The second sentence of this Section has been changed.
-Various changes were made in subsections (a) through (c) to better express the nature of the criteria derived pursuant to Subpart F.

-Subsection (d) has been generally amended to better conform its language to concepts regarding allowed mixing, mixing zones, and ZIDs.
-Two new sentences were added to the end of subsection (e) to explicitly establish the basis for challenges to criteria.
-Subsection (f) has been modified to conform with the challenges to criteria calculations. Also portions of subsection (f) were deleted regarding publication requirements and enforcement prerequisites.

Section 302.603

-The word "substantial" has been replaced by the words "statistically significant" in the definition of "Carcinogen".

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Section 302.648

-The incidental exposure rate was redefined.

Section 302.651

-Changes were made regarding acceptable cancer risk levels associated with single and additive substances.
 -The last two sentences were deleted and a reference to subsections (a) and (b) were added.
 -Subsections (a) and (b) were added.

Section 302.654

-The title of this Section has been changed to reflect content.
 -Cancer risk levels are explicitly stated in the introductory section and in the definition of "K" in subsection (b).
 -Units for the "RAI" were corrected to milligrams per day.
 -The equation in subsection (b) has been recast to conform to format used in other equations within the Part.
 -In subsection (b)(1), the word "must" was replaced by the word "shall".
 -The reference in subsection (b)(7) has been replaced.

Section 302.657

-The cancer factor specified in the definition of "RAI" has been decreased to 1 in 1,000,000.
 -The definition of "W" has been modified as it relates to incidental exposure.

Section 302.663

-The term "may" has been replaced with "shall" in subsections (b)(5) and (c).
 -The equation for calculating the bioconcentration factor of subsection (c) has been altered to a generic form.
 -Also in subsection (c), it is specified that the constants shall be -0.23 and 0.76, unless scientifically valid alternative constants can be demonstrated.

Section 302.669

-Subsection (b) was added regarding publication of criteria and adoption of numeric standards.
 -Subsection (c) was added regarding Agency record keeping.

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NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? The Board has made all changes agreed upon with the exception of those concerning the issues to which JCAR objected.
- 13) Will these Amendments replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|------------------------------------|
| 302.208 | Amendment | 35 Ill. Adm. Code 30273 (12/29/89) |
| 302.211 | Amendment | 35 Ill. Adm. Code 30273 (12/29/89) |
| 302.304 | Amendment | 35 Ill. Adm. Code 30273 (12/29/89) |

15) Summary and Purpose of Amendments:

These amendments are part of a proceeding entitled, Proposed Amendments to Title 35, Subtitle C (Toxics Control), Board Docket R88-21(A). Other related amendments are proposed in Parts 301, 305, and 309, and are contained in separate notices pertaining to those parts. A description is also contained in the Board's Opinion and Order of January 25, 1990, which is available from Dorothy M. Gunn, Clerk, Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, IL 60601.

This part contains water quality standards applicable throughout the state. A "two-number standard system" utilizing an acute standard and a chronic standard replaces the previous "single-number approach" for certain chemical constituents. This Part limits certain specifically enumerated chemical constituents. Other toxic substances are regulated by use of a narrative standard procedure. The concepts of mixing zones and zones of initial dilution are also set forth in this Part.

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1028.2(e), the Illinois Environmental Protection Agency has certified that these amendments are federally required.

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| | |
|---------|----------------------------------|
| 302.405 | Dissolved Oxygen |
| 302.406 | Fecal Coliform (Repealed) |
| 302.407 | Chemical Constituents |
| 302.408 | Temperature |
| 302.409 | Cyanide |
| 302.410 | Substances Toxic to Aquatic Life |

SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

| | |
|---------|--|
| Section | |
| 302.501 | Scope and Applicability |
| 302.502 | Dissolved Oxygen |
| 302.503 | pH |
| 302.504 | Chemical Constituents |
| 302.505 | Fecal Coliform |
| 302.506 | Temperature |
| 302.507 | Existing Sources on January 1, 1971 |
| 302.508 | Sources under Construction But Not in Operation on January 1, 1971 |
| 302.509 | Other Sources |

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

| | |
|----------------|--|
| Section | |
| <u>302.601</u> | <u>Scope and Applicability</u> |
| <u>302.603</u> | <u>Definitions</u> |
| <u>302.604</u> | <u>Mathematical Abbreviations</u> |
| <u>302.606</u> | <u>Data Requirements</u> |
| <u>302.612</u> | <u>Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures</u> |
| <u>302.615</u> | <u>Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry</u> |
| <u>302.618</u> | <u>Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry</u> |
| <u>302.621</u> | <u>Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances</u> |
| <u>302.627</u> | <u>Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures</u> |
| <u>302.630</u> | <u>Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances</u> |
| <u>302.633</u> | <u>The Wild and Domestic Animal Protection Criterion</u> |
| <u>302.642</u> | <u>The Human Threshold Criterion</u> |
| <u>302.645</u> | <u>Determining the Acceptable Daily Intake</u> |
| <u>302.648</u> | <u>Determining the Human Threshold Criterion</u> |
| <u>302.651</u> | <u>The Human Nonthreshold Criterion</u> |
| <u>302.654</u> | <u>Determining the Risk Associated Intake</u> |
| <u>302.657</u> | <u>Determining the Human Nonthreshold Criterion</u> |
| <u>302.658</u> | <u>Stream Flow for Application of Human Nonthreshold Criterion</u> |
| <u>302.660</u> | <u>Bioconcentration Factor</u> |

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| | |
|----------------|---|
| <u>302.663</u> | <u>Determination of Bioconcentration Factor</u> |
| <u>302.666</u> | <u>Utilizing the Bioconcentration Factor</u> |
| <u>302.669</u> | <u>Listing of Derived Criteria</u> |

| | |
|------------|------------------------------|
| APPENDIX A | References to Previous Rules |
| APPENDIX B | Sources of Codified Sections |

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818, effective June 22, 1982; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended in R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended in R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990.

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section 302.100 Definitions

Unless otherwise specified, the definitions of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and 35 Ill. Adm. Code 301 apply to this Part. As used in this Part, each of the following definitions has the specified meaning.

"Acute Toxicity" means the capacity of any substance or combination of substances to cause mortality or other adverse effects in an organism resulting from a single or short-term exposure to the substance.

"Adverse Effect" means any gross or overt effect on an organism, including but not limited to reversible histopathological damage, severe convulsions, irreversible functional impairment and lethality, as well as any non-overt effect on an organism resulting in functional impairment or pathological lesions which may affect the performance of the whole organism, or which reduces an organism's ability to respond to an additional challenge.

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"Chronic Toxicity" means the capacity of any substance or combination of substances to cause injurious or debilitating effects in an organism which result from exposure for a time period representing a substantial portion of the natural life cycle of that organism, including but not limited to the growth phase, the reproductive phases or such critical portions of the natural life cycle of that organism.

"Criterion" means the numerical concentration of one or more toxic substances derived in accordance with the procedures in Subpart F which, if not exceeded, would assure compliance with the narrative toxicity standard of Section 302.210.

"Hardness" means a water quality parameter or characteristic consisting of the sum of calcium and magnesium concentrations expressed in terms of equivalent milligrams per liter as calcium carbonate. Hardness is measured in accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Mixing zone" means a portion of the waters of the State identified as a region within which mixing is allowed pursuant to Section 302.102(d).

"Total Residual Chlorine" or "TRC" means those substances which include combined and uncombined forms of both chlorine and bromine and which are expressed, by convention, as an equivalent concentration of molecular chlorine. TRC is measured in accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Toxic substance" means a chemical substance which causes adverse effects in humans, or in aquatic or terrestrial animal or plant life. Toxic substances include, but are not limited to those substances listed in 40 CFR 302.4, incorporated by reference in 35 Ill. Adm. Code 301.106, or any "chemical substance" as defined by the Illinois Chemical Safety Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 951 et seq.)

"ZID" or "zone of initial dilution" means a portion of a mixing zone, identified pursuant to Section 302.102(e), within which acute toxicity standards need not be met. (Source: Added at 14 Ill. Reg. 2899, effective February 13, 1990)

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Section 302.101 Scope and Applicability

a) Part 302.101 This Part contains schedules of water quality standards which are applicable throughout the State as designated in Part 35 Ill. Adm. Code 303. Site specific water quality standards are found with the water use designations in Part 35 Ill. Adm. Code 303.

b) Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (Section 35 Ill. Adm. Code 303.201).

c) Subpart C contains the public and food processing water supply standards. These are cumulative with Subpart B and must be met by all designated waters at the point at which water is drawn for treatment and distribution as a potable supply or for food processing (Section 35 Ill. Adm. Code 303.202).

d) Subpart D contains the secondary contact and indigenous aquatic life standards. These standards must be met only by certain waters designated in Section 35 Ill. Adm. Code 303.204 and 303.441.

e) Subpart E contains the Lake Michigan water quality standards. These are cumulative with the Subpart B and C standards and must be met by the waters of Lake Michigan and such other waters as may be designated in Part 35 Ill. Adm. Code 303 (Section 35 Ill. Adm. Code 303.443).

f) Subpart F contains the procedures for determining each of the criteria designated in Section 302.210.

g) Unless the contrary is clearly indicated, all references to "parts" or "sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "part 309" is 35 Ill. Adm. Code 309.101, and "section 309.101" is 35 Ill. Adm. Code 309.101.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990) Section 302.102 Allowed Mixing, Mixing zones and ZIDs

a) In the application of this Chapter whenever a water quality standard is more restrictive than its corresponding effluent standard, or where there is no

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corresponding effluent standard specified at 35 Ill. Adm. Code 304, then an opportunity shall be allowed for the compliance with 35 Ill. Adm. Code 304.105 by mixture of an effluent with its receiving waters, provided the discharger has made every effort to comply with the requirements of 35 Ill. Adm. Code 304.102. Water quality standards must be met at every point outside of the mixing zone. The size of the mixing zone cannot be uniformly prescribed. The governing principle is that the proportion of any body of water or segment thereof within mixing zones must be quite small if the water quality standards are to have any meaning. This principle shall be applied on a case-by-case basis to ensure that neither any individual source nor the aggregate of sources shall cause excessive zones to exceed the standards. The water quality standards must be met in the bulk of the body of water, and no body of water may be used totally as a mixing zone for a single outfall or combination of outfalls. Moreover, except as otherwise provided in this Chapter, no single mixing zone shall exceed the area of a circle with a radius of 183 m (600 feet). Single sources of effluents which have more than one outfall shall be limited to a total mixing area no larger than that allowable if a single outfall were used.

b) In determining the size of the mixing zone for any discharge, the following must be considered: The portion, volume and area of any receiving waters within which mixing is allowed pursuant to subsection (a) shall be limited by the following:

- 1) The character of the body of water, Mixing must be confined in an area or volume of the receiving water no larger than the area or volume which would result after incorporation of outfall design measures to attain optimal mixing efficiency of effluent and receiving waters. Such measures may include, but are not limited to, use of diffusers and engineered location and configuration of discharge points.
- 2) the present and anticipated future use of the body of water, Mixing is not allowed in waters which include a tributary stream entrance if such mixing occludes the tributary mouth or otherwise restricts the movement of aquatic life into or out of the tributary.

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- 3) the present and anticipated water quality of the body of water, Mixing is not allowed in waters adjacent to bathing beaches, bank fishing areas, boat ramps or dockages or any other public access area.
- 4) the effect of the discharge on the present and anticipated future water quality, Mixing is not allowed in waters containing mussel beds, endangered species habitat, fish spawning areas, areas of important aquatic life habitat, or any other natural features vital to the well being of aquatic life in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.
- 5) the dilution ratio, and Mixing is not allowed in waters which contain intake structures of public or food processing water supplies, points of withdrawal of water for irrigation, or watering areas accessed by wild or domestic animals.
- 6) the nature of the contaminant, Mixing must allow for a zone of passage for aquatic life in which water quality standards are met.
- 7) The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing, must not intersect any area or volume of any body of water in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.
- 8) The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing, must not contain more than 25% of the cross-sectional area or volume of flow of a stream except for those streams where the dilution ratio is less than 3:1. Mixing is not allowed in receiving waters which have a zero minimum seven day low flow which occurs once in ten years.
- 9) No mixing is allowed where the water quality standard for the constituent in question is already violated in the receiving water.
- 10) No body of water may be used totally for mixing of a single outfall or combination of outfalls.

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Section 302.103 Stream Flows

Except as otherwise provided in this Chapter with respect to temperature, the water quality standards in this Part shall apply at all times except during periods when flows are less than the average minimum seven day low flow which occurs once in ten years.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.203 ~~Unnatural Sludge~~ Offensive Conditions

Waters of the State shall be free from ~~unnatural~~ sludge or bottom deposits, floating debris, visible oil, odor, ~~unnatural~~ plant or algal growth, ~~unnatural~~ color or turbidity of other than natural origin, ~~or matter of other than natural origin in concentrations or combinations toxic or harmful to human, plant or aquatic life.~~ The allowed mixing provisions of Section 302.102 shall not be used to comply with the provisions of this Section.

(Source: Amended at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.208 Numeric Standards for Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

| CONSTITUENT | STORET NUMBER | CONCENTRATION (mg/L) |
|-----------------------------|---------------|----------------------|
| Arsenic (total) | 01002 | 1.0 |
| Barium (total) | 01007 | 5.0 |
| Boron (total) | 01022 | 1.0 |
| Cadmium (total) | 01027 | 0.05 |
| Chloride | 00940 | 500. |
| Chromium (total hexavalent) | 01032 | 0.05 |
| Chromium (total trivalent) | 01033 | 1.0 |
| Copper (total) | 01042 | 0.02 |
| Cyanide | 00720 | 0.025 |
| Fluoride | 00951 | 1.4 |
| Iron (total) | 01045 | 1.0 |
| Lead (total) | 01051 | 0.1 |
| Manganese (total) | 01055 | 1.0 |
| Mercury (total) | 71900 | 0.0005 |
| Nickel (total) | 01067 | 1.0 |
| Phenols | 32730 | 0.1 |
| Selenium (total) | 01147 | 1.0 |

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|------------------------|-------|-------|
| Silver (total) | 01077 | 0.005 |
| Sulfate | 00945 | 500. |
| Total Dissolved Solids | 70300 | 1000. |
| Zinc | 01092 | 1.0 |

- a) The acute standard (AS) for the chemical constituents listed in subsection (d) shall not be exceeded at any time except as provided in subsection (c).
- b) The chronic standard (CS) for the chemical constituents listed in subsection (d) shall not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of at least four days, except as provided in subsection (c). The samples used to demonstrate compliance or lack of compliance with a CS must be collected in a manner which assures an average representative of the sampling period.
- c) In waters where mixing is allowed pursuant to Section 302.102, the following apply:
 - 1) The AS shall not be exceeded in any waters except for those waters for which the Agency has approved a ZID pursuant to Section 302.102;
 - 2) The CS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.

| Constituent | STORET Number | AS (ug/L) | CS (ug/L) |
|-----------------------------|---------------|--|---|
| Arsenic (total) | 01002 | 360 | 190 |
| Cadmium (total) | 01027 | $\frac{\exp[A + B \ln(H)]}{50 \text{ ug/L, where } A = -2.918 \text{ and } B = 1.128}$ | $\frac{\exp[A + B \ln(H)]}{\text{where } A = -3.490 \text{ and } B = 0.7852}$ |
| Chromium (total hexavalent) | 01032 | 16 | 11 |
| Chromium (total trivalent) | 01033 | $\frac{\exp[A + B \ln(H)]}{\text{where } A = 3.688 \text{ and } B = 0.8190}$ | $\frac{\exp[A + B \ln(H)]}{\text{where } A = 1.561 \text{ and } B = 0.8190}$ |

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| Constituent | Units | Standard |
|----------------|-------|----------|
| Copper (total) | mg/L | 01042 |
| Cyanide | mg/L | 00718 |
| Lead (total) | mg/L | 01051 |
| Mercury | ug/L | 71900 |
| TRC | ug/L | 50060 |

where: $\text{ug/L} = \text{microgram per liter}$,
 $\text{exp}[x] = \text{base of natural logarithms raised to the } x\text{-power, and}$
 $\text{ln}(H) = \text{natural logarithm of Hardness}$
 (STORET 00900).
 Concentrations of the following chemical constituents shall not be exceeded except in waters for which mixing is allowed pursuant to Section 302.102.

| Constituent | Units | Standard |
|------------------------|-------|----------|
| Barium (total) | mg/L | 01007 |
| Boron (total) | mg/L | 01022 |
| Chloride (total) | mg/L | 00940 |
| Fluoride | mg/L | 00951 |
| Manganese (total) | mg/L | 01055 |
| Nickel (total) | mg/L | 01067 |
| Phenols | mg/L | 32730 |
| Selenium (total) | ug/L | 01147 |
| Silver (total) | ug/L | 01077 |
| Sulfate | mg/L | 00945 |
| Total Dissolved Solids | mg/L | 70300 |
| Zinc (total) | mg/L | 01092 |

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where: $\text{mg/L} = \text{milligram per liter and}$
 $\text{ug/L} = \text{microgram per liter}$
 (Source: Amended at 14 111. Reg. 2899, effective Feb. 13, 1990)
 Section 302.210 Substances Toxic to Aquatic Life Other Toxic Substances
 Any substance toxic to aquatic life shall not exceed one-tenth of the 96-hour median tolerance limit (96-hr- TL_{50}) for native fish or essential fish food organisms except for
 Waters of the State shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. Individual chemical substances or parameters for which numeric standards are specified in this Subpart are not subject to this Section.

- a) Any substance or combination of substances shall be deemed to be toxic or harmful to aquatic life if present in concentrations that exceed the following:
 1) An Acute Aquatic Toxicity Criterion (AATC) validly derived and correctly applied pursuant to procedures set forth in Sections 302.612 through 302.618 or in Section 302.621; or
 2) A Chronic Aquatic Toxicity Criterion (CATC) validly derived and correctly applied pursuant to procedures set forth in Sections 302.627 or 302.630.
- b) Any substance or combination of substances shall be deemed to be toxic or harmful to wild or domestic animal life if present in concentrations that exceed any wild and Domestic Animal Protection Criterion (WDAPC) validly derived and correctly applied pursuant to Section 302.633.
- c) Any substance or combination of substances shall be deemed to be toxic or harmful to human health if present in concentrations that exceed criteria, validly derived and correctly applied, based on either of the following:
 1) Disease or functional impairment due to a physiological mechanism for which there is a

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threshold dose below which no damage occurs calculated pursuant to Sections 302.642 through 302.648 (Human Threshold Criterion); or

- 2) Disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage calculated pursuant to Sections 302.651 through 302.658 (Human Nonthreshold Criterion).
- d) The most stringent criterion of subsections (a), (b), and (c) shall apply at all points outside of any waters within which mixing is allowed pursuant to Section 302.102. In addition, the AATC derived pursuant to subsection (a)(1) shall apply in all waters except that it shall not apply within a ZID that is prescribed in accordance with Section 302.102.
- e) The procedures of Subpart F set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria pursuant to subsections (a), (b), and (c). No other procedures may be used to establish such criteria unless approved by the Board in a rulemaking or adjusted standards proceeding pursuant to Title VII of the Act. The validity and applicability of the Subpart F procedures may not be challenged in any proceeding brought pursuant to Titles VIII or X of the Act, although the validity and correctness of application of the numeric criteria derived pursuant to Subpart F may be challenged in such proceedings pursuant to subsection (f).
- f) 1) A permittee may challenge the validity and correctness of application of a criterion derived by the Agency pursuant to this Section only at the time such criterion is first applied in an NPDES permit pursuant to 35 Ill. Adm. Code 309.152 or in an action pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion at the time of its first application shall constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion to that person.
- 2) Consistent with subsection (f)(1), if a criterion is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may

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challenge the criterion in a permit appeal pursuant to Section 40 of the Act and 35 Ill. Adm. Code 309.181. In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion, whether such information was developed by the Agency or submitted by the Petitioner. THE BURDEN OF PROOF SHALL BE ON THE PETITIONER TO DEMONSTRATE THAT THE CRITERION-BASED CONDITION IS NOT NECESSARY TO ACCOMPLISH THE PURPOSES OF SUBSECTION (a) (Section 40(a)(1) of the Act), but there is no presumption in favor of the general validity and correctness of the application of the criterion as reflected in the challenged condition.

- 3) Consistent with subsection (f)(1), in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion, the person bringing such action shall have the burdens of going forward with proof and of persuasion regarding the general validity and correctness of application of the criterion.
- g) Subsections (a) through (e) do not apply to USEPA registered pesticides approved for aquatic application and applied pursuant to the following conditions:
- a1) Application shall be made in strict accordance with label directions;
- b2) Applicator shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));
- e3) Applications of aquatic pesticides must be in accordance with the laws, regulations and guidelines of all State and federal agencies authorized by law to regulate, use or supervise pesticide applications, among which are is included the Illinois Department of Agriculture and the Illinois Department of Public Health pursuant to Ill. Rev. Stat. 1979 ch. 5, pars. 256 through 267, and the Department of Energy and Natural Resources pursuant to Section 3 of "AN ACT in relation to natural resources, research, data collection and environmental studies", Ill. Rev. Stat. 1979 ch. 96 1/2, par. 7403.

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Section 302.606 Data Requirements

The Agency shall review, for validity, applicability and completeness, data used in calculating criteria. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be according to methods published by USEPA or nationally recognized standards organizations, including but not limited to those methods found in "Standard Methods", incorporated by reference in 35 Ill. Adm. Code 301.106, or approved by the American Society for Testing and Materials as incorporated by reference in 35 Ill. Adm. Code 301.106.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures

- a) A chemical specific Acute Aquatic Toxicity Criterion (AATC) is calculated using procedures specified in Sections 302.615 and 302.681 if acute toxicity data are available for at least five (5) resident or indigenous species from five (5) different North American genera of freshwater organisms including representatives of the following taxa:
- 1) Representatives of two families in the Class Osteichthyes (Bony Fishes).
 - 2) The family Daphnidae.
 - 3) A benthic aquatic macroinvertebrate.
 - 4) A vascular aquatic plant or a third family in the Phylum Chordata which may be from the Class Osteichthyes.
- b) If data are not available for resident or indigenous species, data for non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance. The procedures of Section 302.615 must be used to obtain an AATC for individual substances whose toxicity is unaffected by ambient water quality characteristics. The procedures of Section 302.618 must be used if the toxicity of a substance is dependent upon some other water quality characteristic.

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- c) If data are not available that meet the requirements of subsection (a), an AATC is calculated by obtaining at least one EC-50 or LC-50 value from both a daphnid species and either fathead minnow or bluegill. If there are data available for any other North American freshwater species, they must also be included. An AATC is calculated by dividing the lowest Species Mean Acute Value (SMAV), as determined according to Section 302.615, by 10.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including but not limited to, hardness, pH, temperature, etc., the AATC is calculated by using the procedures below.

- a) For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.
- b) For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.
- c) The GMAVs are ordered from high to low.
- d) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.
- e) The cumulative probability, P, is calculated for each GMAV as $R/(N + 1)$.
- f) The GMAVs to be used in the calculations of subsection (g) must be those with cumulative probabilities closest to 0.05. If there are less than 59 GMAVs in the total data set, the values utilized must be the lowest obtained through the ranking procedures of subsections (c) and (d). "T" is the number of GMAV's which are to be used in the calculations of subsection (g). T is equal to 4 when the data set includes at least one

representative from each of the five taxa in Section 302.612 and a representative from each of the three taxa listed below. T is equal to 3 when the data includes at least one representative from each of the five taxa in Section 302.612 and from one or two of the taxa listed below. T is equal to 2 when the data set meets the minimum requirements of Section 302.612 but does not include representatives from any of the three taxa listed below. When toxicity data on any of the three taxa listed below are available, they must be used along with the minimum data required pursuant to Section 302.612.

1) A benthic crustacean, unless such was used pursuant to Section 302.612(a)(3), in which case an insect must be utilized.

2) A member of a phylum not used in subsections (a), (b) or f(1).

3) An insect from an order not already represented.

9) Using the GMAVs and T -value identified pursuant to subsection (f) and the PS calculated pursuant to subsection (e), the Final Acute Value (FAV) and the AATC are calculated as:

$$FAV = \exp(A) \text{ and}$$

$$AATC = FAV/2$$

Where:

$$A = L + 0.2236 S;$$

$$L = [SUM(\ln GMAV) - S(SUM(P**0.5))]/T; \text{ and}$$

$$S = [(SUM(\ln GMAV)**2) - ((SUM(\ln GMAV))**2)/T]/[T]**0.5.$$

h) If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, or prevent disruptions of the waterbody's ecosystem, including but not limited to loss of species diversity or a shift to a biotic community dominated by pollution-tolerant species, will not be protected by the

calculated FAV, then the EC-50 or LC-50 for that species is used as the FAV.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.618

Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, an Acute Aquatic Toxicity Criterion (AATC) may be calculated. The best documented relationship is that between the water quality characteristic, hardness and acute toxicity of metals. Although this relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e. for any variable, K , $f(K) = \text{hardness against the logarithm of acute toxicity}$. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e. for any variable, K , $f(K) = K$) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An AATC is calculated using the following procedures.

a)

For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAP) values on the transformed water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.

b)

Each of the slopes determined pursuant to subsection (a) is evaluated as to whether or not it is statistically valid, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar, or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the AATC must be calculated using the procedures in Section 302.615.

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- c) Normalize the TAT values for each species by subtracting W, the arithmetic mean of the TAT values of a species from each of the TAT values used in the determination of the mean, such that the arithmetic mean of the normalized TAT values for each species individually or for any combination of species is zero (0.0).
- d) Normalize the TWQC values for each species using X, the arithmetic mean of the TWQC values of a species, in the same manner as in subsection (c).
- e) Group all the normalized data by treating them as if they were from a single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope, V.
- f) For each species, the graphical intercept representing the species TAT intercept, f(Y), at a specific selected value, Z, of the WQC is calculated using the equation:

$$f(Y) = W - V(X - g(Z))$$

Where:

f() is the transformation used to convert acute toxicity values to TAT values;

Y is the species acute toxicity intercept or species acute intercept;

W is the arithmetic mean of the TAT values as specified in subsection (c);

V is the pooled acute slope as specified in subsection (e);

X is the arithmetic mean of the TWQC values as specified in subsection (d);

g() is the transformation used to convert the WQC values to TWQC values; and

Z is a selected value of the WQC.

- g) For each species, determine the species acute intercept, Y, by carrying out an inverse transformation of the species TAT value, f(Y). For example, in the case of a

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logarithmic transformation, $Y = \text{antilogarithm of } (f(Y))$; or in the case where no transformation is used, $Y = f(Y)$.

- h) The Final Acute Intercept (FAI) is derived by using the species acute intercepts, obtained from subsection (g), in accordance with the procedures described in Section 302.615(b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.
- i) The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI by two.
- j) The AATC at any value of the WQC, denoted by WQCx, is calculated using the terms defined in subsection (f) and the equation:

$$\text{AATC} = \exp[V(g(\text{WQCx}) - g(Z)) + f(\text{AAI})].$$

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.621 Determining the Acute Aquatic Toxicity Criterion - Procedure for Combinations of Substances

An AATC for any combination of substances (including effluent mixtures) must be determined by the following toxicity testing procedures:

- a) Not more than 50% of test organisms from the most sensitive species tested may exhibit mortality or immobility after a 48-hour test for invertebrate or a 96-hour test for fishes.
- b) Three resident or indigenous species of ecologically diverse taxa must be tested initially. If resident or indigenous species are not available for testing, non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures

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- b) Three resident or indigenous species of ecologically diverse taxa must be tested initially. If resident or indigenous species are not available for testing, non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.633 The Wild and Domestic Animal Protection Criterion

The Wild and Domestic Animal Protection Criterion (WDAPC) is the concentration of a substance which if not exceeded protects Illinois wild and domestic animals from adverse effects, such as functional impairment or pathological lesions, resulting from ingestion of surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State.

- a) For those substances for which a NOAEL has been derived from studies of mammalian or avian species exposed to the substance via oral routes including gavage, the lowest NOAEL among species must be used in calculating the WDAPC. Additional considerations in selecting NOAEL include:
 - 1) If the NOAEL is given in milligrams of toxicant per liter of water consumed (mg/L), prior to calculating the WDAPC, the NOAEL must be multiplied by the daily average volume of water consumed by the test animals in liters per day (L/d) and divided by the average weight of the test animals in kilograms (kg).
 - 2) If the NOAEL is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the WDAPC, the NOAEL must be multiplied by the average amount of food in kilograms consumed daily by the test animals (kg/d) and divided by the average weight of the test animals in kilograms (kg).
 - 3) If the animals used in a study were not exposed to the toxicant each day of the test period, the NOAEL must be multiplied by the ratio of days of exposure to the total days in the test period.

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- 4) If more than one NOAEL is available for the same animal species, the geometric mean of the NOAELs must be used to calculate the WDAPC.
- b) For those substances for which a NOAEL is not available but the lowest observed adverse effect level (LOAEL) has been derived from studies of animal species exposed to the substance via oral routes including gavage, one-tenth of the LOAEL shall be substituted for the NOAEL.
- c) The LOAEL must be selected in the same manner as that specified for the NOAEL in subsection (a).
- d) The WDAPC, measured in milligrams per liter (mg/L), is calculated according to the equation:

WDAPC = [0.1 NOAEL x Wt]/[W + (F x BCF)]

Where:

NOAEL is derived from mammalian or avian studies as specified in subsection (a) and (b), and is measured in units of milligrams of substance per kilogram of body weight per day (mg/kg-d);

Wt = Average weight in kilograms (kg) of the test animals;

W = Average daily volume of water in liters consumed per day (L/d) by the test animals;

F = Average daily amount of food consumed by the test animals in kilograms (kg/d);

BCF = Aquatic life Bioconcentration Factor with units of liter per kilogram (L/kg), as derived in Sections 302.660 through 302.666; and

The 0.1 represents an uncertainty factor to account for species variability.

- e) If no studies pertaining to the toxic substance in question can be found by the Agency, no criterion can be determined.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

c) For those substances for which the lowest observed adverse effect level (LOAEL-H) for humans exposed to the substance in drinking water has been derived, one-hundredth of the LOAEL-H may be substituted for the NOAEL-H in subsection (b).

For those substances for which a no observed adverse effect level (NOAEL-A) has been derived from studies of mammalian test species exposed to the substance via oral routes including gavage, the acceptable daily intake equals the product of multiplying 1/100 of the NOAEL-A given in milligrams toxicant per day per kilogram of test species weight (mg/kg-d) by the average weight of an adult human of 70 kilograms (kg). The lowest NOAEL-A among animal species must be used in the calculation of the acceptable daily intake. Additional considerations in selecting the NOAEL-A include:

- 1) If the NOAEL-A is given in milligrams of toxicant per liter of water consumed (mg/L) then, prior to calculating the acceptable daily intake, the NOAEL-A must be multiplied by the mammalian test species in water consumed by the mammalian test species in liters per day (L/d) and divided by the average weight of the mammalian test species in kilograms (kg).
- 2) If the NOAEL-A is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the acceptable daily intake the NOAEL-A must be multiplied by the average amount in kilograms of food consumed daily by the mammalian test species (kg/d) and divided by the average weight of the mammalian test species in kilograms (kg).
- 3) If the mammalian test species were not exposed to the toxicant each day of the test period, the NOAEL-A must be multiplied by the ratio of days of exposure to the total days of the test period.
- 4) If more than one NOAEL-A is available for the same mammalian test species, the geometric mean of the NOAEL-As must be used.

e) For those substances for which a NOAEL-A is not available but the lowest observed adverse effect level (LOAEL-A) has been derived from studies of mammalian

Section 302.642 The Human Threshold Criterion

The Human Threshold Criterion (HTC) of a substance is that concentration or level of a substance at which humans are protected from adverse effects resulting from incidental exposure to, or ingestion of, surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State. HTCs are derived for those toxic substances for which there exists a threshold dosage or concentration below which no adverse effect or response is likely to occur.

(Source: Added at 14 ILL. Reg. 2899, effective Feb. 13, 1990)

Section 302.645 Determining the Acceptable Daily Intake

The Acceptable Daily Intake (ADI) is the maximum amount of a substance which, if ingested daily for a lifetime, results in no adverse effects to humans. Subsections (a) through (e) list, in the order of preference, methods for determining the acceptable daily intake.

a) The lowest of the following ADI values:

- 1) For those substances which are listed with a maximum contaminant level in 40 CFR 141, incorporated by reference in 35 ILL. Adm. Code 301.106, or in 35 ILL. Adm. Code 611, the ADI equals the product of multiplying the maximum contaminant level given in milligrams per liter (mg/L) by 2 liters per day (L/d).
- 2) For those substances which are listed with a maximum allowable concentration standard in 35 ILL. Adm. Code: Subtitle R, the acceptable daily intake equals the product of multiplying the public health enforcement standard given in milligrams per liter (mg/L) by 2 liters per day (L/d).

b) For those substances for which a no observed adverse effect level (NOAEL-H) for humans exposed to the substance in drinking water has been derived, the acceptable daily intake equals the product of multiplying one-tenth of the NOAEL-H given in milligrams of toxicant per liter of water consumed (mg/L) by 2 liters per day (L/d). The lowest NOAEL-H must be used in the calculation of the acceptable daily intake.

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test species exposed to the substance via oral routes including gavage, one-tenth of the LOAEL-A may be substituted for the NOAEL-A in subsection (d). The LOAEL-A must be selected in the same manner as that specified for the NOAEL-A in subsection (d).

- f) If no studies pertaining to the toxic substance in question can be found by the Agency, no criterion can be determined.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.648 Determining the Human Threshold Criterion

The HTC is calculated according to the equation:

$$\text{HTC} = \text{ADI} / [W + (F \times \text{BCF})]$$

Where:

HTC = Human health protection criterion in milligrams per liter (mg/L);

ADI = Acceptable daily intake of substance in milligrams per day (mg/d) as specified in Section 302.645;

W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas pursuant to Section 302.201(b)(3), or 0.001 liters per day (L/d) for other General Use waters;

F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and

BCF = Aquatic organism Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in Sections 302.660 through 302.666.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

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Section 302.651 The Human Nonthreshold Criterion

The Human Nonthreshold Criterion (HNC) of a substance is that concentration or level of a substance at which humans are protected from an unreasonable risk of disease caused by a nonthreshold toxic mechanism as a result of incidental exposure to or ingestion of surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State. HNCs are derived for those toxic substances for which any exposure, regardless of extent, carries some risk of damage as specified in subsections (a) and (b).

- a) For single substances, a risk level of one in one million (1 in 1,000,000) shall be allowed (i.e., considered acceptable) for the purposes of determination of an HNC.
- b) For mixtures of substances, an additive risk level of one in one hundred thousand (1 in 100,000) shall be allowed (i.e., considered acceptable) for the purposes of determination of an HNC.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.654 Determining the Risk Associated Intake

The Risk Associated Intake (RAI) is the maximum amount of a substance which if ingested daily for a lifetime is expected to result in the risk of one additional case of human cancer in a population of one million. Where more than one carcinogenic chemical is present, the RAI shall be based on an allowed additive risk of one additional case of cancer in a population of one hundred thousand. The RAI must be derived as specified in subsections (a) through (c).

- a) For those substances for which a human epidemiologic study has been performed, the RAI equals the product of the dose from exposure in units of milligrams toxicant per kilogram body weight per day (mg/kg-d) that results in a 70-year lifetime cancer probability of one in one million, times the average weight of an adult human of 70 kilograms (kg). The resulting RAI is expressed in milligrams toxicant per day (mg/d). If more than one human epidemiologic study is available, the lowest exposure level resulting in a 70-year lifetime probability of cancer equal to a ratio of one in one hundred thousand must be used in calculating the RAI.

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$$\text{HNC} = \text{RAI} / [W + (F \times \text{BCF})]$$

Where:

HNC = Human Nonthreshold Protection Criterion in milligrams per liter (mg/L);

RAI = Risk Associated Intake of a substance in milligrams per day (mg/d) which is associated with a lifetime cancer risk level equal to a ratio of one to 1,000,000 as derived in Section 302.654;

W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas pursuant to Section 302.201(b)(3), or 0.001 liters per day (L/d) for other General Use waters;

F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and

BCF = Aquatic Life Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in Section 302.663.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.658 Stream Flow for Application of Human Nonthreshold Criterion

The HNC shall apply at all times except during periods when flows are less than the harmonic mean flow (Q_{hm}), as determined by:

$$Q_{hm} = N / \text{SUM}(1/Q_i)$$

Where:

Q_{hm} = harmonic mean flow,

N = number of daily values for stream flows, and

Q_i = daily streamflow value on day i.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

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Section 302.660 Bioconcentration Factor

A Bioconcentration Factor is used to relate substance residue in aquatic organisms to the concentration of the substance in the waters in which the organisms reside.

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990)

Section 302.663 Determination of Bioconcentration Factors

A Bioconcentration Factor equals the concentration of a substance in all or part of an aquatic organism in milligrams per kilogram of wet tissue weight (mg/kg), divided by the concentration of the substance in the water to which the organism is exposed in milligrams of the substance per liter of water (mg/L).

- a) The Bioconcentration Factor is calculated from a field study if the following conditions are met:
- 1) Data are available to show that the concentration of the substance in the water to which the organism was exposed remained constant over the range of territory inhabited by the organism and for a period of time exceeding 28 days;
 - 2) Competing mechanisms for removal of the substance from solution did not affect the bioavailability of the substance; and
 - 3) The concentration of the substance to which the organism was exposed is less than the lowest concentration causing any adverse effects on the organism.
- b) In the absence of a field-derived Bioconcentration Factor, the Bioconcentration Factor is calculated from a laboratory test if the following conditions are met:
- 1) The Bioconcentration Factor was calculated from measured concentrations of the toxic substance in the test solution;
 - 2) The laboratory test was of sufficient duration to have reached steady-state which is defined as a less than 10 percent change in the calculated Bioconcentration Factor over a 2-day period or 16 percent of the test duration whichever is longer. In the absence of a laboratory test which has

reached steady-state, the Bioconcentration Factor may be calculated from a laboratory test with a duration greater than 28 days if more than one test is available for the same species of organism;

3) The concentration of the toxic substance to which the test organism was exposed is less than the lowest concentration causing any adverse effects on the organism;

4) If more than one Bioconcentration Factor for the same species is available, the geometric mean of the Bioconcentration Factors is used; and

5) The Bioconcentration Factor is calculated on a wet tissue weight basis. A Bioconcentration Factor calculated using dry tissue weight shall be converted to a wet tissue weight basis by multiplying the dry weight bioconcentration value by 0.1 for plankton and by 0.2 for individual species of fishes and invertebrates.

c) In the absence of any Bioconcentration Factors measured from field studies as specified in subsection (a) or laboratory studies which have reached steady-state as specified in subsection (b), the Bioconcentration Factor is calculated according to the equation:

$\log BCF = A + B \log Kow$

where:

BCF = Bioconcentration Factor;

Kow = The octanol/water partition coefficient measured as specified in ASTM E 1147, incorporated by reference in 35 Ill. Adm. Code 301.106 (If the Kow is not available from laboratory testing, it shall be calculated from structure-activity relationships or available regression equations.)! and

The constants A = -0.23 and B = 0.76 shall be used unless a change in the value of the constants is requested (The Agency shall honor requests for changes only if such changes are accompanied by scientifically valid supporting data.).

(Source: Added at 14 Ill. Reg. 2899, effective Feb. 13, 1990) Section 302.666 Utilizing the Bioconcentration Factor

The Bioconcentration Factor derived in Section 302.663 is used to calculate water quality criteria for a substance as specified below:

a) When calculating a WDAPC as described in Section 302.633, the geometric mean of all available steady-state whole body Bioconcentration Factors for fish and shellfish species which constitutes or represents a portion of the diet of indigenous wild and domestic animal species is used. Additional considerations in deriving a Bioconcentration Factor include:

1) An edible portion Bioconcentration Factor is converted to a whole body Bioconcentration Factor for a fish or shellfish species by multiplying the edible portion Bioconcentration Factor by the ratio of the percent lipid in the whole body to the percent lipid in the edible portion of the same species.

2) A Bioconcentration Factor calculated as described in Section 302.663(c) is converted to a whole body Bioconcentration Factor by multiplying the calculated Bioconcentration Factor by the ratio of the percent lipid in the whole body to 7.6.

b) When calculating either a human threshold criterion or a human nonthreshold criterion as described in Sections 302.642 through 302.648 and Sections 302.651 through 302.657, respectively, the geometric mean of all available edible portion Bioconcentration Factors for fish and shellfish species consumed by humans is used. Additional considerations in deriving a Bioconcentration Factor include:

1) Edible portions include:

- A) Decapods -- muscle tissue.
- B) Bivalve molluscs -- total living tissue.
- C) Scaled fishes -- boneless, scaleless filets including skin except for bivaler chubs in

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which the edible portion is the whole body excluding head, scales and visera.

D) Smooth-skinned fishes -- boneless, skinless filets.

2) A whole body Bioconcentration Factor is converted to an edible portion Bioconcentration Factor by multiplying the whole body Bioconcentration Factor of a species by the ratio of the percent lipid in the edible portion to the percent lipid in the whole body of the same species.

3) A Bioconcentration Factor calculated as described in Section 302.663 is converted to an edible portion Bioconcentration Factor by multiplying the calculated Bioconcentration Factor by the ratio of the percent lipid in the edible portion to 7.6.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

Section 302.669 Listing of Derived Criteria

a) The Agency shall develop and maintain a listing of toxicity criteria pursuant to this Subpart. This list shall be made available to the public and updated periodically but no less frequently than quarterly, and shall be published when updated in the Illinois Register.

b) A criterion published pursuant to subsection (a) may be proposed to the Board for adoption as a numeric water quality standard.

c) The Agency shall maintain for inspection all information including, but not limited to, assumptions, toxicity data and calculations used in the derivation of any toxicity criterion listed pursuant to subsection (a) until adopted by the Board as a water quality standard.

(Source: Added at 14 Ill. Reg. 2899 , effective Feb. 13, 1990)

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NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Cancellation, Revocation, or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

| | |
|---------------------------|-----------------------|
| 3) <u>Section Numbers</u> | <u>Adopted Action</u> |
| 1040.25 | New Section |

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Sections 6-100 et seq. and 6-700 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq. and 6-700 et seq.).

5) Effective Date of Amendments: February 7, 1990

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: February 7, 1990

9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 14810 (September 22, 1989).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

The headings for Section 1040.25 in the table of contents and the text were changed to read the same.

In subsection (a) in the definition of "Auto Emissions Suspension", "in accordance with Section 13A-101 et seq. of the Illinois Vehicle Emission Inspection Law of the Illinois Vehicle Code" was changed to "in accordance with the Vehicle Emissions Inspection Law of the Illinois Vehicle Code".

In subsection (f), (g), (h), (i), (l), and (n), the table indented 1/2" to the right.

In subsection (k), line 10, "of the Illinois Vehicle Code" was added after the phrase "the Illinois Driver Licensing Law".

In subsection (p), lines 1-2, "6-206(a)19 or Section 6-206(a)6" was changed to "Section 6-206(a)(19) or (6)".

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1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7082, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 1, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990.

Note: Boldface type denotes statutory language.

Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License

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

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 et seq. of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 13A-101 et seq.).

"Cleared Suspension or Revocation" - a suspension or revocation of driving privileges which has terminated.

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100).

"Curfew Violation Suspension" - suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 2371 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 2371) in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206(a)(13)).

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

"Failure to Appear Suspension" - suspension for failing to pay fine or appear in court following the issuance of a traffic ticket.

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-304 and/or 7-305).

"Miscellaneous Suspension" - safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.

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"Prior Suspension or Revocation" - a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-176).

"Safety Responsibility Suspension" - suspension in accordance with Sections 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-205 and 7-208).

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-204).

"Unsatisfied Judgment Suspension" - suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-303 and 7-313).

"Valid Driver's License or Permit" - license or permit issued by the Secretary of State which is of the proper classification for the purposes for which it is being used and which has not been invalidated by cancellation, revocation, suspension or use after curfew.

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

b) When considering prior convictions, only convictions for driving without a valid driver's license within seven (7) years of the arrest date of the incoming conviction shall be considered.

c) Only those suspensions or revocations cleared within seven (7) years of the forthcoming suspension's or revocation's effective date shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.

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d) Miscellaneous suspensions which have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid license.

e) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.

f) If a person has no prior suspension(s) or revocation(s) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| Convictions | Action |
|---------------------------------|------------------------------|
| first conviction | two (2) month suspension |
| second conviction | four (4) month suspension |
| third conviction | six (6) month suspension |
| fourth conviction | twelve (12) month suspension |
| fifth or subsequent convictions | revocation |

g) If a person has one (1) prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| Convictions | Action |
|----------------------------------|------------------------------|
| first conviction | four (4) month suspension |
| second conviction | six (6) month suspension |
| third conviction | twelve (12) month suspension |
| fourth or subsequent convictions | revocation |

h) If a person has two (2) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| Convictions | Action |
|---------------------------------|------------------------------|
| first conviction | six (6) month suspension |
| second conviction | twelve (12) month suspension |
| third or subsequent convictions | revocation |

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i) If a person has three (3) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| Convictions | Action |
|----------------------------------|------------------------------|
| first conviction | twelve (12) month suspension |
| second or subsequent convictions | revocation |

j) If a person has four (4) or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

k)

l) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for one (1) year from the date of the conviction or one (1) year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest during a period of suspension (excluding all miscellaneous suspensions except curfew) which is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-303).

m)

n) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has one (1) prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

| Conviction | Action |
|-----------------------------------|------------------------------|
| first conviction | four (4) month suspension |
| second conviction | six (6) month suspension |
| third conviction | twelve (12) month suspension |
| fourth and subsequent convictions | revocation |

o) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has one (1) prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

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TABLE

| <u>Conviction</u> | <u>Action</u> |
|---------------------------------|------------------------------|
| first conviction | six (6) month suspension |
| second conviction | twelve (12) month suspension |
| third or subsequent convictions | revocation |

- n) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has two (2) prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

| <u>Conviction</u> | <u>Action</u> |
|----------------------------------|------------------------------|
| first conviction | twelve (12) month suspension |
| second or subsequent convictions | revocation |

- o) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has three (3) or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.
- p) If a person has a suspension in effect pursuant to Section 6-206(a)(19) or (6) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-206(a)(19) or (6) and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Added at 14 Ill. Reg. 2944, effective February 7, 1990)

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NOTICE OF ADOPTED RULE(S)

- 1) The Heading of the Part: Mandatory Vehicle Liability Insurance
- 2) Code Citation: 50 Ill. Adm. Code 8010
- 3) Section numbers:

| <u>Section numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 8010.10 | New Section |
| 8010.20 | New Section |
| 8010.30 | New Section |
| 8010.40 | New Section |
| 8010.50 | New Section |
| 8010.60 | New Section |
| 8010.70 | New Section |
- 4) Statutory Authority: Implementing and authorized by Article VI of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1988 Supp., ch. 95 1/2, par. 7-601 et seq.)
- 5) Effective Date of Rules: February 7, 1990
- 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: February 7, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 15, 1989, 13 Ill. Reg. 14349
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Rewrote the Authority notice.
 2. In the main source, left a blank in front of "Ill. Reg." for the volume number.
 3. In Section 8010.10, moved the opening sentence to the one inch margin. Also moved the definitions to the left 1/2 inch.
 4. In Section 8010.10, in the last line of the definition of "Owner", changed "Stats." to "Stat."
 5. In Section 8010.10, line 4 of the definition of "Display" specified the Section and title of the Act. Also did this in Sections 8010.20(a) and (g), 8010.40(a), 8010.60 and 8010.70.

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officer's inspection thereof as provided in Section 7-602 of the Act.

"Insurance Binder" - legal document issued by an insurer or its authorized representative showing that a specific vehicle is insured for liability.

"Owner" - a person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with this right of purchase upon performance of the conditions stated in the agreement and with an immediate right-of-possession vested in the conditional vendee or lessee, or in the event a mortgagor of such motor vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner as described in Section 1-155 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-155).

"Revocation" - the termination by formal action of the Secretary of a vehicle's registration which termination shall not be subject to renewal or restoration except that an application for a new registration may be presented and acted upon by the Secretary after the expiration of at least one year after the date of the revocation.

"Suspension" - the temporary withdrawal by formal action of the Secretary of a vehicle's registration for a period specifically designated by the Secretary.

Section 8010.20 Insurance Card Requirements

- a) Pursuant to Section 7-602 of the Act, each insurance company which issues vehicle liability policies in Illinois shall issue an insurance card to the policy holder of the vehicle indicating the vehicle is insured. The insurance card shall be issued with the policy premium notice or within a reasonable amount of time after receipt of a premium payment. Additional insurance cards shall be issued upon request by the named insured.
- b) The top of the front of the insurance card shall display the words "ILLINOIS INSURANCE CARD". The words "IDENTIFICATION" and "TEMPORARY" may also be displayed at the discretion of the issuing company.
- c) The insurance card shall contain the following vehicle information:
 - 1) the vehicle year,

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- 2) the vehicle make; and
 - 3) either all or the last six (6) characters of the vehicle identification number (VIN). If the insurance card is issued for a fleet policy, it may state "FLEET" in lieu of vehicle years, makes, and VINs and if the card is issued with a non-owner policy, it may state "NON-OWNER POLICY" in lieu of the vehicle year, name and VIN.
- d) The insurance card shall contain the following insurance information:
- 1) the name of the insured(s);
 - 2) the company name;
 - 3) the company code number assigned by the National Association of Insurance Commissioners;
 - 4) the policy number;
 - 5) the effective date and expiration date which shall cover a period of time not to exceed 12 months;
 - 6) a disclaimer as follows: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy"; and
 - 7) a warning of excluded drivers or vehicles, when applicable.
- e) The minimum size of the insurance card shall be 3" by 2¼"; no maximum size is prescribed. A minimum twenty (20) pound paper stock is required. Except for the required disclaimer and any required warnings, the required information shall be displayed on the front of the card. Except for the disclaimer and warnings, the required information shall be displayed in a minimum eight (8) point upper case type.
- f) The insurance card may include other information at the discretion of the insurer.
- g) Insurance companies may allow authorized representatives to issue temporary insurance cards to satisfy the requirements of the Act. Temporary insurance cards are not required to have the policy number but shall contain all other required information.

Section 8010.30 Document Requirements for Other Evidence of Insurance

- a) If an insured owner has lost or has not yet received an insurance card from his/her insurance company, other evidences of insurance may be carried in the vehicle for display to a law enforcement

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officer. These include but are not limited to the following:

- 1) A current policy declarations page.
- 2) A certificate of insurance.
- 3) An insurance binder.
- 4) The combination of proof of purchase of the motor vehicle card issued for the motor vehicle replaced by such purchase. Proof of purchase shall include but not be limited to the following items:
 - A) bill of sale;
 - B) purchase agreement;
 - C) installment contract;
 - D) copy of front and back of title; or
 - E) the registration identification card showing transfer information.
- 5) A receipt for payment of a current liability insurance premium.
- 6) Illinois Department of Revenue tax form.

- 1) company name;
 - 2) policy number - not required on a binder or premium receipt;
 - 3) effective date;
 - 4) expiration date or number of days from the effective date;
 - 5) name of insured(s);
 - 6) vehicle year;
 - 7) vehicle make;
 - 8) either all or the last six characters of the vehicle identification number (VIN);
 - 9) date of premium payment - required only on a receipt; and
 - 10) signature of authorized representative.
- Documents issued with a fleet policy may state "FLEET" in lieu of vehicle years, makes and VIN's. Documents issued with a non-owner policy may state "NON-OWNER POLICY" in lieu of vehicle year, make and VIN.

Section 8010.40 Mandatory Vehicle Insurance Verification Form as provided in Section 7-604 of the Act, the Secretary of State

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may randomly sample motor vehicles subject to Section 7-601 of the Act to determine whether the motor vehicles are insured.

- b) The Secretary shall send to the owners of the randomly selected motor vehicles or to randomly selected motor vehicle owners an insurance verification form which must be completely filled out and returned to the Department within thirty (30) days.
- c) The vehicle owner shall supply the following insurance verification information:
 - 1) whether the vehicle was insured on the verification date specified, and the reason no insurance existed for the vehicle if not insured;
 - 2) the name of the insurance company that insures the motor vehicle;
 - 3) the policy number;
 - 4) the effective date of the policy and the expiration date of the policy;
 - 5) the owner's signature.

The insurance verification form shall indicate clearly the date on which the form must be returned to the Department.

- e) The insurance verification form also shall contain the owner's drivers license number, the license plate number, the vehicle identification number (VIN), and the model and year of the vehicle.
- f) An owner shall be given a forty-five (45) day notice that his/her vehicle registration shall be suspended for one of the following reasons:

- 1) the owner does not return the insurance verification form within thirty (30) days;
- 2) the insurance verification form is not completely filled out;
- 3) the vehicle owner replies that the vehicle is not insured and does not qualify for an exemption; or
- 4) If the information supplied by the vehicle owner is not verified in the insurance company's response. The registration suspension shall be cancelled (if the suspension has not yet become effective) or rescinded (if the suspension has become effective) if the owner presents to the Department evidence of insurance, as required by this Part, in effect on the verification date.

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Section 8010.50 Insurance Company Verification

- a) The Department shall verify with the named insurance company the information provided on the Mandatory Vehicle Insurance Verification Form. The request for verification may be a computer list, computer tape, or other forms as prescribed by the Secretary of State. The verification response shall be completed on the forms supplied by the Secretary of State.
- b) If, after 30 days, an insurance company has not responded to the request for verification, then the Department shall make a second request for the verification within thirty (30) days. If the insurance company still fails to reply, the Department shall notify the Department of Insurance.

Section 8010.60 Suspension Notices

The suspension notice pursuant to Section 7-606 of the Act shall be mailed at least fourteen (14) days before the suspension is to begin. The suspension notice shall be sent to the vehicle owner's last known address.

Section 8010.70 Termination of a Suspension for a Violation of the Mandatory Insurance Law

After the statutorily required period of suspension of the vehicle registration, the vehicle owner shall have the suspension terminated if the owner has paid the statutorily required reinstatement fee provided in Sections 7-606 or 7-607 of the Act and provided to the Department evidence of insurance in effect on the reinstatement date.

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TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
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- 1) The Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers: 302.601, 302.603, 302.604, 302.606,
302.612, 302.615, 302.618, 302.621,
302.627, 302.630, 302.633, 302.642,
302.645, 302.648, 302.651, 302.654,
302.657, 302.658, 302.660, 302.663,
302.666, 302.669
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
September 15, 1989 13 Ill. Reg. 14172
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:
February 2, 1990 14 Ill. Reg. 2120
(issue date)
- 6) Summary of Action Taken by the Agency:

By Resolution of September 25, 1990, the Board refused to withdraw or modify the proposed rules. The text of the Resolution is as follows:

In Docket R88-21A, the Pollution Control Board (Board) proposed amendments to 35 Ill. Adm. Code Parts 301, 302, 305 and 309. The proposed amendments to each of these four Parts were considered by the Joint Committee on Administrative Rules (JCAR) at its January 10, 1990 meeting. JCAR issued an objection to some, but not all, of the rules proposed in this Docket. Specifically, JCAR objected to the rules proposed as 35 Ill. Adm. Code 302.Subpart F, "Procedures for Determining Water Quality Criteria"; these proposed rules are intended to implement the narrative water quality standard contained in Section 302.210. Section 302.210, in summary, prohibits the discharge into Illinois waterways of toxic contaminants in toxic amounts. Where the Board has not listed specific numeric limitations for discharge of specific chemical constituents in Section 302.208, Section 302.210 and 302.Subpart F provide the procedures and directives for Board and Illinois Environmental Protection Agency (Agency) case-by-case analysis of other toxic contaminants which may be present in an individual discharge.

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Section 28.2 of the Environmental Protection Act establishes procedures for the adoption of a "required rule", defined in part as one "needed to meet the requirements of the federal Clean Water Act (CWA)". Section 28.2 goes on to provide that "[w]henver a required rule is needed, the Board shall adopt a rule which fully meets the applicable federal law".

Pursuant to Section 28.2, the Agency has certified that water toxic rules are "required rules"; the United States Environmental Protection Agency (USEPA) has also presented testimony and comment that the adoption of rules is required on or before February 4, 1990 pursuant to Section 303(c)(2)(B) of the CWA.

Section 303(c)(2)(B) of the Water Quality Act of 1987 provides in part that all states "shall adopt criteria for all toxic pollutants listed pursuant to Section 307(a)(1) ... as necessary to support such designated uses. ... Such criteria shall be specific numerical criteria for such toxic pollutants. Where such numerical criteria are not available ... such states shall adopt criteria based on biological monitoring or assessment methods consistent with information published pursuant to Section (a)(8)." (33 U.S.C. §303(c)(2)(B)).

2. Where "specific numerical criteria" are not available, federal law requires the adoption of specific procedures for their development. The rules contained in 302.Subpart F establish such procedures.

The term "criteria", as used by USEPA, has not previously been used in Illinois environmental regulations. The term used for rules of general applicability is "standards". In the context of this rulemaking, some "specific numeric criteria" are "not available" for timely adoption by the Board as rules of general applicability; the Board has proceeded with this rulemaking on the basis of the Agency proposal, and includes within Section 302.208 the numeric standards which have been demonstrated by the Agency to the Board as appropriate for application on a state-wide basis.

Where specific numeric standards have not been adopted, USEPA guidance documents provide that a state may satisfy the

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CWA mandate by adopting narrative water quality criteria procedures. The 302.Subpart F rules are intended to establish such procedures.

3. Based on Illinois case law, concerning delegation of rulemaking authority, the Board believes that the 302.Subpart F rules are permissible "directives" to the Agency consistent with the Environmental Protection Act and IAPA. The Board further believes that to allow the Agency to adopt IAPA "data requirements and test procedures" is impermissible, and is the type of Agency rulemaking to which the Joint Committee itself has objected.

The commentators in this proceeding have each discussed the three principal Illinois court cases which have examined Board rules to determine whether the Board has improperly delegated rulemaking authority. While the commentators disagree over whether these Section 302 rules constitute an improper delegation, they do agree as to the analysis used by the court. As the Illinois Steel Group has stated, "[t]hese cases draw a distinction between a delegation of authority and a directive. These cases suggest that a directive from the Board to IEPA to perform a particular act consistent with the Illinois [Environmental Protection] Act is not unlawful whereas a delegation from the Board to IEPA of the authority to set standards is unlawful."

In two cases the court found that the Board had issued permissible directives. In Commonwealth Edison Co. v. Pollution Control Board, 62 Ill. 2d 494, 343 N.E. 2d (1976), the Illinois Supreme Court validated a rule (now 35 Ill. Adm. Code 243.104) which provided that if the existing air quality in an area was better than that set by the Board in a general air quality standard, that the better existing air quality should be maintained unless a lowering of the standard was proven to the Agency to be "necessary [to] economic and social development and will not interfere with or become injurious to human health and welfare". Such proof was designed to be made to the Agency in the course of the permit process, and the numbers derived by the Agency were to be used as air permit limitations. In affirming the rule, the Supreme Court overruled a finding by the First District Appellate Court that the rule was invalid. In U.S. Steel

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

strategies, considered by JCAR February 23, 1984.) The Board believes that were it to fail to issue the "data requirements and test procedures" to be used in deriving criteria as Board rules, that the rules would be defective pursuant to the IAPA. Moreover, the Board fails to see where the Agency has statutory authority to itself adopt such rules, which are of the type to which the Joint Committee has previously raised objection. (See Objection, p. 4)

4. If the Board were to direct the Agency to adopt "data requirements and test procedures" by way of IAPA rulemaking, the practical effect of such action would be to insulate Agency decisions from timely review.

As the Joint Committee has noted in its objection, it is the Board's position that criteria to be derived by the Agency pursuant to Part 302 are not rules of general applicability, but would instead be applied in permitting and other site-specific situations. The Board has made clear in Section 302.210(f) that the numbers calculated by the Agency enjoy no "presumption of validity" in the specific cases in which they will be applied. The Agency bears the burden of demonstrating that the criterion is validly derived and applied in an action before the Board. The Board's actions are then appealable in the appellate court pursuant to Sections 29 and 40 of the Environmental Protection Act.

In contrast, rules adopted by the Agency pursuant to the IAPA are not reviewable by the Board under the Environmental Protection Act; such rules are reviewable by the circuit courts pursuant to the Illinois Administrative Review Act. Review by the circuit court alone is likely to be a more lengthy process than review by the Board an appellate court, given the relatively more crowded calendars of the state's circuit courts. Until such time as an Agency rule were to be overturned by a circuit court, the Board would arguably be required to deem the Agency rule valid and apply it as written; the Board cannot opine with certainty in this area, as the Environmental Protection Act was designed to prevent such situations. The Board further notes that it would be equally arguable as to whether the Board could grant a dischargee relief from an Agency rule, either by way of variance, adjusted standard, or site-specific rule; the Environmental Protection Act is clear that only the Board may grant relief from its own regulations.

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Corp. v. Pollution Control Board, 52 Ill. App. 3d, 367 N.E. 2d 327 (2d Dist. 1977), the Appellate Court addressed a rule (now 35 Ill. Adm. Code 309.141(f)) which allows the Agency to establish numerical effluent limitations as conditions in NPDES permits necessary to accomplish the purposes of the CWA, even prior to promulgation of effluent standards by USEPA. The court found this to be a proper directive from the Board to the Agency, rather than an improper delegation. The court noted that it found no conflict between this rule and Section 39(b) of the Environmental Protection Act, which gives the Agency explicit statutory authority to issue permits containing "those terms and conditions...which may be required to accomplish the purposes and provisions of the Act."

On the other hand, in reviewing the very same rule as did the U.S. Steel court, the Fifth District Appellate court found the rule to be an unlawful delegation of Board rulemaking authority in Peabody Coal Co. v. Pollution Control Board, 36 Ill. App. 3d, 344 N.E. 2d 279 (5th Dist. 1976). In so holding, the Court specifically acknowledged the prior Supreme Court and appellate court holdings in the Commonwealth Edison cases, and adopted the appellate court's opinion as more "appropriate and persuasive" than that of the Supreme Court.

The rules developed by the Board in 302.Subpart F are clearly the type of rules which were found to be permissible "directives" by the Supreme Court in Commonwealth Edison and the appellate court in U.S. Steel. In each of these rules, the Agency has been directed to calculate a number to be included in a permit to be issued by the Agency pursuant to Section 39 of the Environmental Protection Act, and subject to the review of the Board pursuant to Section 40 of the Act. The difference between the 302.Subpart F rules and the older rules considered by the courts is that the 302 rules are more specific rules; the older, pre-IAPA rules do not establish as many directives and "groundrules" for exercise of Agency discretion as do these rules.

The Board notes that the Joint Committee itself has not objected to Board rules which direct the Agency to calculate numbers to be used in permit conditions, provided that the rule articulates factors to be considered by the Agency in making such calculations. (See 35 Ill. Adm. Code 202.401, directing Agency determination of the useful life of a facility for air permits containing alternative control

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

The Board's view, then, continues to be that Agency adoption of even "data requirements and test procedures" by IAPA rulemaking would result in the very situation the Joint Committee's objection seeks to avoid: unlawful delegation by the Board to the Agency of the Board's duties to "determine, define, and implement environmental control standards". The system proposed by the Board allows for site-by-site challenge of criteria as they are developed pursuant to procedures adopted by the Board. At such time as it appears that any criterion should be given statewide applicability, the Agency, the Board, or any other person can initiate a rulemaking to have a criterion elevated to the status of a standard.

Conclusion

The Board does not take a Joint Committee Objection lightly.

Section 7.06 of the IAPA sets forth the universe of possible Board responses. Neither modification nor withdrawal of the rules appears to be an appropriate response to the Objection, given the mandate of Section 28.2 of the Environmental Protection Act that requirements of the CWA be met by February 4, 1990, the Board's belief that it has proposed the only compliance option practically available to it, and its belief that the compliance option does not constitute improper delegation of the Board's rulemaking authority. Under these circumstances, the Board believes its

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Service Plan Development
- 2) Code Citation: 89 Ill. Adm. Code 700
- 3) Section Numbers: 700.200 700.300 Action: amendment amendment
- 4) Date Notice of Proposed Rules Published in the Register(if applicable):
September 15, 1989 13 Ill. Reg. 14331
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register
December 29, 1989 13 Ill. Reg. 20407
(issue date)
- 6) Summary of Action Taken by the Agency:

The Joint Committee on Administrative Rules objected to Section 700.200(a) of the Department of Rehabilitation Services (DORS) proposed amendments, 89 Ill. Adm. Code 700 (Service Plan Development) because DORS lacked the statutory authority to pay Personal Assistants at \$3.68 per hour until the authorizing statute's (Public Act 86-908) effective date of January 1, 1990.

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OFFICE OF THE COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PUBLIC INFORMATION

SUMMARY OF ORDER OF REVOCATION OF LICENSE TO
ACT AS A RESIDENTIAL MORTGAGE LICENSEE OF
FIRST UNIVERSAL MORTGAGE COMPANY, MARTIE LEE,
PRESIDENT.

Effective November 14, 1989, the Commissioner of Savings and Loan Associations issued an Order of Revocation of the License to Act As A Residential Mortgage Licensee of First Universal Mortgage Company, Martie Lee, President, pursuant to the Residential Mortgage License Act of 1987. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq.

OFFICE OF THE COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PUBLIC INFORMATION

SUMMARY OF ORDER OF REVOCATION OF LICENSE TO
ACT AS A RESIDENTIAL MORTGAGE LICENSEE OF
MIDWEST MORTGAGE FINANCIAL GROUP LTD., CHARLES
TAYLOR,

Effective November 14, 1989, the Commissioner of Savings and Loan Associations issued an Order of Revocation of the License to Act As A Residential Mortgage Licensee of Midwest Mortgage Financial Group Ltd., Charles Taylor, President, pursuant to the Residential Mortgage License Act of 1987. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 5, 1990, through February 9, 1990, and have been scheduled for review by the Committee at its March 7, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires
Agency and Rule
Start of First Notice
Scheduled for Consideration by JCAR

2/22/90 Department of Agriculture, Illinois Pseudorabies Control Act (8 Ill. Adm. Code 115) 12/15/89 13 Ill. Reg. 19329

3/23/90 Department of Labor, Health and Safety (56 Ill. Adm. Code 350) 4/28/89 13 Ill. Reg. 5839

3/23/90 Secretary of State, Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130) 10/20/89 13 Ill. Reg. 16302

3/26/90 Environmental Protection Agency, State Remedial Action Priorities List (35 Ill. Adm. Code 860) 10/20/89 13 Ill. Reg. 16252

3/26/90 Department of Rehabilitation Services, Auxiliary Aids (89 Ill. Adm. Code 540) 11/3/89 13 Ill. Reg. 16927

3/26/90 Department of Revenue, Income Tax (86 Ill. Adm. Code 100) 12/15/89 13 Ill. Reg. 19347

3/26/90 Department of Employment Security, Administrative Hearings and Appeals (56 Ill. Adm. Code 2725) 12/22/89 13 Ill. Reg. 19841

3/26/90 Department of Commerce and Community Affairs, Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550) 11/17/89 13 Ill. Reg. 17567

NOTICE OF PUBLIC INFORMATION

WITHDRAWAL OF ORDER OF SUMMARY SUSPENSION OF AND REINSTATEMENT OF THE LICENSE OF PREFERRED FINANCIAL SERVICES, INC., CAROL STONE, PRESIDENT, TO ACT AS A RESIDENTIAL MORTGAGE LICENSEE.

Effective January 25, 1990, the Commissioner of Savings and Loan Associations withdrew his Order of Emergency Suspension, effective January 12, 1990, of Preferred Financial Services, Inc., of Carol Stone President, to act as a Residential Mortgage Licensee pursuant to the Illinois Residential Mortgage License Act. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq. This license is reinstated and the licensee may now act as a Residential Mortgage Licensee pursuant to the Illinois Residential Mortgage License Act. Ill.Rev.Stat.1987, ch. 17, par. 2321-1 et seq. Hearing on the matter of the suspension will no longer be held.

PROCLAMATION

90-38

MARIAN CATHOLIC HIGH SCHOOL BAND DAY

Whereas, the Marian Catholic High School band has won the Grand National Championships four of the last five years and has been State of Illinois Grand Champion five of the last six years; and

Whereas, the band has also won more than 250 other major awards and titles in both marching and concert performances; and

Whereas, Marian Catholic High School, located in Chicago Heights, is the only Illinois school to win both the concert band and marching band state championships in the same year; and

Whereas, in its Grand National Championship win of 1988 at the Silverdome in Pontiac, Michigan, Marian recorded the highest competition score ever by a band; and

Whereas, the band will perform in the State Capitol rotunda on April 25, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 25, 1990, as MARIAN CATHOLIC HIGH SCHOOL BAND DAY in Illinois, recognizing the school's unequalled accomplishments in the field of marching and concert band performance.

Issued by the Governor February 6, 1990.

Filed with the Secretary of State February 13, 1990.

90-39

SUPER SMILE DAY

Whereas, the Auxiliary to the Illinois State Dental Society is sponsoring educational and awareness programs to encourage good dental health habits; and

Whereas, the average American consumes approximately 120 pounds of sugar a year; and

Whereas, it is generally known that sugar contributes to both tooth decay and the formation of plaque; and

Whereas, the Auxiliary is sponsoring Super Smile Day to call attention to the relationship between dental health and good nutrition;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 27, 1990, as SUPER SMILE DAY in Illinois, and urge all citizens to be aware of the effects of sugar on their dental health and overall well-being.

Issued by the Governor February 6, 1990.

Filed with the Secretary of State February 13, 1990.

90-40

CARDIAC REHABILITATION WEEK

Whereas, cardiovascular diseases continue to be the number one cause of death in our nation today; and

Whereas, medical research supports the premise that reduction of cardiovascular disease risk factors through regular exercise, blood-pressure control, cholesterol reduction, smoking cessation, and stress management can decrease cardiovascular disease morbidity and mortality; and

Whereas, cardiac rehabilitation provides an opportunity for cardiac patients to return to optimal physical, psychological, social, and occupational health through supervised exercise and cardiovascular disease risk factor education and modification; and

Whereas, there are more than 100 organized cardiac rehabilitation programs in the State of Illinois. The American Association of Cardiovascular and Pulmonary Rehabilitation and the Illinois Society for Cardiac Health and Rehabilitation are sponsoring Cardiac Rehabilitation Week February 11-17, 1990; and

Whereas, the purpose of this week is to increase awareness of cardiac rehabilitation and the opportunities that it provides for improved cardiovascular health and quality of life for the cardiac patient;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 11-17, 1990, as CARDIAC REHABILITATION WEEK in Illinois, in recognition of the role that cardiac rehabilitation programs play in the prevention and treatment of cardiovascular diseases.

Issued by the Governor February 7, 1990.

Filed with the Secretary of State February 13, 1990.

90-41

EMPLOYEE HEALTH AND FITNESS DAY

Whereas, recent studies indicate exercise is one of the most efficient and cost-effective ways that employees can maintain good physical and mental health; and

Whereas, a strong and healthy body influences an individual's outlook on life, as well as mental attitude, daily experiences on and off the job, and academic and social skills; and

Whereas, the National Association of Governors' Councils on Physical Fitness and Sports and the Association For Fitness in Business are presenting the second National Employee Health and Fitness Day (NEHFD) on Wednesday, May 16, 1990, through the corporate sponsorship of the Allstate Life Insurance Company; and

Whereas, NEHFD is the largest event in the nation's history to promote fitness at the worksite, and the ultimate goal of NEHFD is to encourage employers to look seriously at initiating long-term fitness and recreation programs;

Therefore, I, James R. Thompson, Governor of the State of

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90-46

SALUTE TO HOSPITALIZED VETERANS WEEK

Whereas, on any given day, more than 60,000 veterans are hospitalized in the 172 Veterans Administration Medical Centers nationwide; and

Whereas, these courageous men and women have sacrificed and suffered in fighting for the freedom we Americans so greatly cherish; and

Whereas, today our hospitalized veterans continue to serve as an inspiration to all of us by showing the meaning of courage in the face of challenge; and

Whereas, our nation will not forget these heroes and the tremendous sacrifices they have made for our country;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 11-17, 1990, as SALUTE TO HOSPITALIZED VETERANS WEEK in Illinois and urge Illinoisans to show their support and appreciation for our courageous veterans.

Issued by the Governor February 8, 1990.

Filed with the Secretary of State February 13, 1990.

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89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)
89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)
89 Ill. Adm. Code 302 Services Delivered by the Depl. (P-1) (P-2205)

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14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)

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83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Depl. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
92 Ill. Adm. Code 1710 Relocation Towing (P-2721)
83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)
83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)
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17 Ill. Adm. Code 3040 Ill. Bicycle Path Grant Program (P-442)
17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-455)
17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-478)
17 Ill. Adm. Code 210 Rental of Boats & Boating Facilities (P-16892/89; A-2013)
17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-491) (P-2419)
17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-15534/89; A-663)

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23 Ill. Adm. Code 1025 Engineering Grant Program (P-14516/89; A-2015)
23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-14521/89; A-2020)
23 Ill. Adm. Code 1000 Ill. Financial Assistance Act for Nonpublic Institutions of Higher Learning (P-14531/89; A-2030)

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23 Ill. Adm. Code 25 Certification (P-8756/89; A-1243)
23 Ill. Adm. Code 253 Comprehensive Health Education (P-1645)
23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-8766/89; O-18943/89; R-1534; A-1254)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-1650)

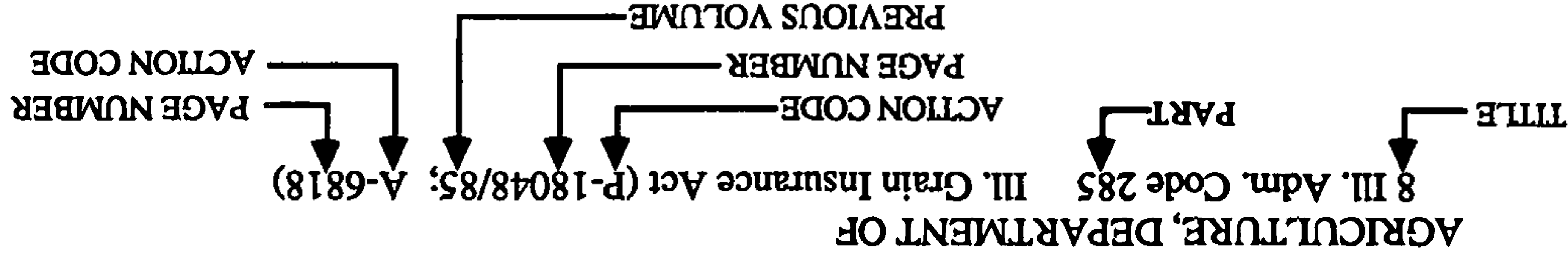
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23 Ill. Adm. Code 2400 Ill. Consortium for Educational Opportunity Program (P-1703)

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56 Ill. Adm. Code 2732 Employment (P-12748/89; O-20398/89; R-1049; A-673)
56 Ill. Adm. Code 2830 Payment of Benefits (P-2423)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-1101)

JCAR - Joint Committee on Administrative Rules
ACTION CODES

- A - Adopted Rule
- AR - Adopted Repealer
- C - Notice of Corrections
- CC - Codification Changes
- E - Emergency Rule
- ER - Emergency Repealer
- RC - Statement of Recommendation
- R - Refusal to meet JCAR objection
- PR - Proposed Repealer
- PP - Peremptory or Court ordered Rules
- PF - Prohibited Filing Ordered by JCAR
- P - Proposed Rule
- W - Withdrawal to meet JCAR objections
- M - Modification to meet JCAR objections
- O - JCAR Statement of Objections

EXAMPLE:



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

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8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)
8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-15942/89; A-1935)
8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584)
8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

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74 Ill. Adm. Code 420 Code of Regulations (P-1541)

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80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

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35 Ill. Adm. Code 691 Annual Testing Fees for Analytical Services (P-15164/89; A-2045)
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35 Ill. Adm. Code 690 Permit Fees for Installing or Extending Water Main (P-15174/89; A-2070)

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38 Ill. Adm. Code 195 Ill. Development Credit Corporation Act (P-1558)
50 Ill. Adm. Code 8100 Title Insurance Act (P-16; C-1051) (E-305)

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41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-63)

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59 Ill. Adm. Code 301 Fee Schedule for the Office of the State Guardian (P-1708)

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50 Ill. Adm. Code 930 Life Insurance Solicitation (P-2754)
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56 Ill. Adm. Code 100 Prevailing Wage Hearing Procedures (P-536) (E-1026)

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| TYPE OF RULEMAKING | | ACTION CODES | |
|------------------------------------|---------------------------|-----------------------------------|--|
| am = amendment to existing Section | A = Adopted rule | O = JCAR Objection | |
| cc = codification changes | C = Correction | P = Proposed rule | |
| n = new Section | CC = Codification Changes | PF = Prohibited Filing | |
| r = repeal of existing Section | E = Emergency rule | PP = Peremptory rule | |
| rc = recodified | F = Failure to Remedy | R = Refusal to Modify or Withdraw | |
| # = renumbered | Objections | RC = JCAR Recommendation | |
| | M = Modification | S = Suspended rule | |
| | | W = Withdrawal of Proposed rule | |