
ILLINOIS

REGISTER



PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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April 2, 2021 Volume 45, Issue 14

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2021

Issue#	Rules Due Date	Date of Issue
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021
21	May 10, 2021	May 21, 2021

22	May 17, 2021	May 28, 2021
23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
31	July 19, 2021	July 30, 2021
32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
34	August 9, 2021	August 20, 2021
35	August 16, 2021	August 27, 2021
36	August 23, 2021	September 3, 2021
37	August 30, 2021	September 10, 2021
38	September 7, 2021	September 17, 2021
39	September 13, 2021	September 24, 2021
40	September 20, 2021	October 1, 2021
41	September 27, 2021	October 8, 2021
42	October 4, 2021	October 15, 2021
43	October 12, 2021	October 22, 2021
44	October 18, 2021	October 29, 2021
45	October 25, 2021	November 5, 2021
46	November 1, 2021	November 12, 2021
47	November 8, 2021	November 19, 2021
48	November 15, 2021	November 29, 2021
49	November 22, 2021	December 3, 2021
50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Electric Reliability
- 2) Code Citation: 83 Ill. Adm. Code 411
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
411.301	Amendment
411.310	Amendment
411.315	Amendment
411.330	Amendment
- 4) Statutory Authority: Implementing Sections 8-401 and 16-125 and authorized by Sections 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: Subpart D of Part 411 contains provisions addressing the annual customer satisfaction surveys required by Section 16-125(b)(4)(iv) of the Public Utilities Act [220 ILCS 5/16-125(b)(4)(iv)]. Under the statute, electric utilities are required to conduct annual surveys of their customers to gauge customer satisfaction with reliability, customer service, and the clarity of services and prices, among other areas. The utilities are required to include the survey results in their annual reports to the Commission. These surveys are generally done by telephone. The rulemaking would amend Part 411 to permit electric utilities to conduct the surveys by online means or by electronic mail or U.S. mail as alternatives to ones conducted by telephone. The rulemaking also makes a number of clarifying amendments.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

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NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the *Illinois Register* in Docket No. 21-0097 with:
- Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
- C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 22 Utilities
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements;
viii. recordkeeping;

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- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 411
ELECTRIC RELIABILITY

SUBPART A: GENERAL

Section	
411.10	Purpose
411.20	Definitions
411.30	Applicability of Subpart B
411.40	Applicability of Subpart C
411.50	Commission Design of Customer Survey

SUBPART B: REQUIREMENTS FOR ALL JURISDICTIONAL ENTITIES

Section	
411.100	Reliability Obligations
411.110	Record-Keeping Requirements
411.120	Notice and Reporting Requirements
411.130	Interruption Cause Categories
411.140	Reliability Review
411.150	Modification or Exemption
411.160	Format and Disclosure of Reports
411.170	Exclusions
411.180	System Protection
411.190	Approval of Vegetation Management Programs

SUBPART C: UTILITIES WITH 1,000,000 OR MORE CUSTOMERS

Section	
411.200	Specific Record-Keeping Requirements
411.210	Specific Notice and Reporting Requirements
411.220	Proceedings to Determine Responsibility Under 220 ILCS 5/16-125(e) & (f)
411.230	Proceedings to Determine Damages Under 220 ILCS 5/16-125(e) & (f)

SUBPART D: ELECTRIC SERVICE CUSTOMER SATISFACTION SURVEY

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Section

411.300	Purpose of Subpart D
411.301	Definitions Used in Subpart D
411.305	Customer Survey Requirements
411.310	General Characteristics of the Customer Survey
411.315	Survey Implementation
411.320	Format for Results of the Customer Satisfaction Survey
411.323	Raw Data
411.325	Survey Parameters
411.330	Categories of Responses for Survey Questions
411.332	Descriptive Statistics
411.335	Rating Questions
411.340	Yes/No Questions
411.345	Categorical Questions
411.350	Data Comparisons
411.355	Tracking the Results of the Customer Satisfaction Survey
411.360	Executive Summary

411.TABLE A Causes of Interruptions

AUTHORITY: Implementing Sections 8-401 and 16-125 and authorized by Sections 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11177, effective June 10, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20042, effective November 7, 1998; amended at 24 Ill. Reg. 12914, effective September 1, 2000; amended at 44 Ill. Reg. 4598, effective March 4, 2020; amended at 45 Ill. Reg. _____, effective _____.

SUBPART D: ELECTRIC SERVICE CUSTOMER SATISFACTION SURVEY

Section 411.301 Definitions Used in Subpart D

Absolute value – A nonnegative number equal in numerical value to a given real number.

[Attempt – Using a phone, electronic mail or U.S. mail to contact residential or nonresidential customers.](#)

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Categorical questions – Questions with response options limited to prescribed categories.

Confidence interval – A range believed to contain the actual response of the entire population, based on a sample result.

Confidence level – The probability that a result, based on a sample, is likely to contain the actual response of the entire population.

[Contact information- A residential or nonresidential customer's name, street address, phone number and/or email address.](#)

Contingency table – A depiction of observed and expected frequencies in the sample data.

Correlation coefficient – An indicator of both the strength and the direction of a relationship between responses. The coefficient has two components: a value and a sign. Coefficient values range from 0 to 1 or 0 to -1 and indicate the strength of the relationship between two variables. As the value of the coefficient approaches 1, the relationship becomes stronger, with a value of 1 indicating a one-to-one correlation. As the value of the coefficient approaches 0, the relationship becomes weaker, with a value of 0 indicating no relationship. The coefficient can be either positive or negative.

Cross-tabulations – A widely used method for studying the relationship or association among and between variables. In cross-tabulation, the sample is divided into subgroups in order to examine how a variable of interest varies from subgroup to subgroup.

Descriptive statistics – Statistics that organize and summarize information without interpreting meaning. Descriptive statistics include, but are not limited to, the range of responses, the median response, the mean response, and the modal response.

Firmographics – The statistical data of a business.

Mean response – The sum of the numeric value of each response divided by the number of responses.

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Median response – The numeric value of the response with 50% of responses above and 50% below it.

Modal response – The response that occurs most frequently.

Non-responses – The number of individuals in the sample who are not reached or refuse to respond to the entire survey or to a specific question.

Pearson Product Moment Correlation – The maximum likelihood estimator of population correlation, under normal conditions. If underlying requirements are met, it is most likely to detect co-variation or relationship between variables in the population.

Population – The total number, in each category, of residential and non-residential customers for the jurisdictional entity.

Range of responses – The distance between the highest score and the lowest score.

Rating questions – Questions with response options expressed as a numeric value on a scale of zero to ten.

Respondents – The number of residential or nonresidential customers~~respondents~~ ~~(those~~ who are reached and complete the survey).

Response rate – This is calculated by dividing the number of respondents by the number of prospective respondents contacted.

Sample size – The total number of randomly selected customers, including those who responded and those who did not.

Sampling frame – The size of the accessible population from which a sample is drawn. For example, where jurisdictional entities draw the sample from their customer databases, the sampling frame is identical to the population. Where jurisdictional entities use random digit dial, the sampling frame shall be valid customer telephone numbers.

Standard chi-square test – A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies.

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Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there were no relationship between variables.

Statistically significant – Differences at the .05 probability level and/or relationships with a statistically significant correlation of .5 or higher.

Yes/no questions – Questions with yes or no response options.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 411.310 General Characteristics of the Customer Survey

- a) The customer survey shall start no earlier than September 1 and be completed by the end of the calendar year. ~~be conducted annually, in the fall, on the anniversary of the initial survey.~~
- b) The survey can be conducted either over the phone, by electronic mail, U.S. mail or online or any combination of the preceding.
- c) For residential and nonresidential customers selected in the sample, the method used must be consistent with the contact information provided by the customer. For example, if a customer does not provide an e-mail address, then that customer shall not be surveyed via e-mail, and therefore must be surveyed via telephone, online, or U.S. Mail.
- ~~d~~b) The survey questions shall be identical for all jurisdictional entities.
- ~~e~~e) The survey shall be conducted for residential and non-residential customers. For the residential population, the survey respondent shall be the person in the household who is most familiar with the household's electric service. For non-residential customers, the survey respondent shall be the person who is most familiar with electric service in the organization.
- ~~f~~d) For each jurisdictional entity, the sample size shall be adequate to ensure that answers are reflective of the population at a specified statistical level of confidence and confidence interval as follows:
 - 1) For residential customers, sample size shall be sufficient to achieve a 95%

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confidence level with a confidence interval of $\pm 4.0\%$. This confidence level and confidence interval equates to 600 respondents for utilities with 10,000 or more residential customers. The sample size for utilities with fewer than 10,000 residential customers would be adjusted by a finite population correction factor calculated as $(N-n)/(N-1)$, where N = population size and n = originally required sample size.

- 2) For non-residential customers, sample size shall be sufficient to achieve a 95% confidence level with a confidence interval of $\pm 4.9\%$. This level of confidence and confidence interval equates to 400 respondents for utilities with 10,000 or more non-residential customers and accordingly fewer (i.e., $(N-n)/(N-1)$) for smaller jurisdictional entities.
- ge) Before eliminating a customer and randomly selecting a replacement, the jurisdictional entities shall [for telephone surveys](#):
- 1) make a minimum of five ~~attempts~~~~telephone calls~~ to [contact](#) each randomly selected customer [to request that the customer complete the survey](#);
 - 2) [for telephone surveys](#), attempt to reach the randomly selected customer at different times of day;
 - 3) [for telephone surveys](#), call the customer back at the specified time if the customer answers the telephone but asks to respond to the survey at a different time; and
 - 4) [for telephone surveys](#), call back at a time the target respondent is expected at home or office if the telephone is answered by anyone but the target respondent.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 411.315 Survey Implementation

- a) The jurisdictional entities shall comply with the following requirements in implementing the survey:
 - 1) Each jurisdictional entity shall identify the most effective sampling frame from which to draw the sample. Whichever sampling frame option is

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chosen, a ~~jurisdictional~~~~jurisdictional~~ entity should continue with the chosen option for all subsequent tracking studies unless the independent reviewer finds cause to recommend an alternative sampling frame. Sampling frame options include:

- A) A jurisdictional entity's customer database. If the jurisdictional entity does not have the ~~contact information~~~~telephone number~~ for a randomly selected customer, it shall attempt to locate ~~the contact information~~~~that telephone number~~ in other available utility databases or purchase ~~the contact information~~~~telephone numbers~~ from an outside data provider;
 - B) Random digit dial ~~for telephone surveys~~; and
 - C) Purchased lists;
- 2) An independent reviewer, such as a market research firm, shall review the sampling methodology and response rates each year to confirm that survey results adequately represent the entire population and are expected to be standard among jurisdictional entities. If a jurisdictional entity's survey results do not adequately represent the entire population and/or are not expected to be standard among jurisdictional entities, the independent reviewer shall recommend specific remedies or an alternative sampling frame for the following year;
 - 3) Each jurisdictional entity shall provide the name of a contact person, if available from its database, to respond to the survey for any randomly selected industrial customer known ~~to be~~~~as~~ an industrial customer at the time of selection;
 - 4) A jurisdictional entity shall not volunteer the name of any specific electricity provider during the course of the survey interview;
 - 5) A jurisdictional entity shall not offer incentives to encourage survey respondents to participate;
 - 6) Jurisdictional entities shall not add questions to the survey;
 - 7) In a single year, ~~for telephone surveys~~, the same trained team of

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interviewers shall be used to ensure consistency in conducting the interviews;

- 8) For telephone surveys, interviewers~~Interviewers~~ shall be trained to conduct the interviews effectively and efficiently to minimize any potential for interviewer bias; ~~and~~
 - 9) All~~A~~ jurisdictional entities that conduct the survey by telephone~~entity~~ shall use, or cause to be used, a computer-assisted telephone interview software package that ~~displays Mimeo Form ICC2114/20R as the survey instrument on-screen and~~ allows answers to be directly entered; ~~and directly into the system.~~
 - 10) All jurisdictional entities that conduct the survey via internet shall allow answers to be directly entered by the respondent.
- b) Jurisdictional entities are encouraged to join together to hire a single research firm to execute the survey. If the jurisdictional entities elect to use a market research firm, the number of attempts promised by the firm, as well as the firm's past success at achieving a high response rate, shall be included in the selection criteria for the firm. Requests for proposals shall specify that the market research firm complies with the specifications of Sections 411.310 and 411.315 of this Part.
 - c) Jurisdictional entities shall pre-test the survey instrument with a total of 30 randomly selected residential respondents and 30 randomly selected non-residential respondents for all the jurisdictional entities combined. If any portion of the survey instrument is confusing to respondents, then the jurisdictional entities shall propose wording changes that preserve the meaning but provide clarity. These proposed wording changes shall be subject to approval by the Commission.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 411.330 Categories of Responses for Survey Questions

- a) There are three categories of responses for the questions on the customer satisfaction survey:
 - 1) Rating questions;

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- 2) Yes/no questions; and
 - 3) Categorical questions.
- b) The survey instrument shall indicate whether the question is a rating question, a yes/no question, or a categorical question.
- c) The survey respondents shall not be given "N/A" (which shall be taken to mean "No Answer") or "Don't Know" as a response option. However, survey respondent shall be allowed to decline to answer a question by choosing "decline to answer" as a response option. If a customer declines to answer a question, the jurisdictional entities shall report the number of respondents who declined to answer each question. However, the person administering the survey shall have the option of recording these types of responses if applicable. The jurisdictional entities shall report the number of respondents who declined to answer each question.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
146.540	Amendment
146.550	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These amendments remove medical daycare as a covered service and the medical daycare reimbursement rate. These changes are being done as clean-up to correlate to changes recently prepared to Section 120.530 – Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
146.550	Amendment	44 Ill. Reg. 13629, August 21, 2020
146.910	Amendment	45 Ill. Reg. 1096, January 22, 2021
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2021

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS

Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLP Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

SUBPART E: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS
WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing

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146.670	Assessment and Service Plan and Quarterly Evaluation
146.680	Monitoring
146.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

SUBPART F: BIRTH CENTERS

Section	
146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section	
146.900	General Provisions
146.910	Reimbursement

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014; amended at 38 Ill. Reg. 13893, effective June 23, 2014; amended at 38 Ill. Reg. 15152, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15713, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23768, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6945, effective May 1, 2015 through June 30, 2015; emergency amendment at 42 Ill. Reg. 13733, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16311, effective August 13, 2018, for the remainder of the 150 days; emergency expired November 28, 2018; amended at 42 Ill. Reg. 16731, effective August 28, 2018; emergency amendment at 42 Ill. Reg. 17935, effective September 24, 2018, for a maximum of 150 days; emergency expired February 20, 2019; amended at 43 Ill. Reg. 6803, effective May 28, 2019; Subpart B and Subpart E recodified at 43 Ill. Reg. 7014; amended at 44 Ill. Reg. 2331, effective January 15, 2020; emergency amendment at 44 Ill. Reg. 12825, effective July 17, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 19760, effective December 11, 2020; amended at 45 Ill. Reg. _____, effective _____.

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section 146.540 Covered Children's Community-Based Health Care Center Services

- a) The Department will reimburse a Children's Community-Based Health Care Center for services in accordance with Section 146.550 for individuals eligible under Section 146.560 for the following services:
 - 1) nursing care up to the authorized in-home nursing hours approved by the Department for a period of one to 14 days; and
 - 2) nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting and reuniting families for a maximum of up to 120 days.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- b) In addition to those services listed in subsection (a) ~~of this Section~~, the Department will reimburse a Children's Community-Based Health Care Center for respite care, up to the authorized hours approved by the Department, ~~the following services~~ provided to children eligible under the Illinois Home and Community-Based Services Waiver for Medically Fragile, Technology Dependent Children in accordance with 89 Ill. Adm. Code 120.530.
- 1) ~~respite care, up to the authorized hours approved by the Department; and~~
- 2) ~~medical daycare~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 146.550 Reimbursement for Services

- a) Effective for dates of service on and after July 1, 2014, services provided under Section 146.540(a)(1) shall be reimbursed in accordance with 89 Ill. Adm. Code 140.474(c).
- b) Services provided under Section 146.540(a)(2) shall be reimbursed on a per diem basis at the lower of the Children's Community-Based Health Care Center's usual and customary charge to the public or at the Department's rate of \$683 and payments at this rate are exempt from the 2.7% rate reduction required under 305 ILCS 5/5-5e.
- c) Services provided under Section 146.540(b)(1) shall be reimbursed in accordance with 89 Ill. Adm. Code 140.474(c).
- d) ~~Services provided under Section 146.540(b)(2) shall be reimbursed at the Department's rate of \$17 per hour.~~
- de) Effective for dates of service on or after July 1, 2012, reimbursement rates paid under this Section shall be reduced by 2.7% from the rates in effect on June 30, 2012.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) Section Number: 307.3301 Proposed Action:
Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 18, 2021, proposing amendment in docket R21-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The docket R21-15 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 307 and 310 of the Illinois water pollution control rules. This notice provides explanation of the docket R21-15 amendments as they affect both 35 Ill. Adm. Code 307 and 310. The amendments to 35 Ill. Adm. Code 310 are included in a separate notice in this issue of the *Illinois Register*.

The docket R21-15 amendments would update the Illinois wastewater pretreatment requirements to correspond with amendments to the federal wastewater pretreatment standards that the United States Environmental Protection Agency (USEPA) adopted during the second half of 2020.

The general federal wastewater pretreatment requirements are codified at 40 C.F.R. 403. Federal categorical standards are in parts of 40 C.F.R. 405 through 471. During this period, USEPA amended implementation of its wastewater pretreatment standards as follows:

October 13, 2020
(85 Fed. Reg. 64650)

USEPA adopted the Steam Electric Reconsideration Rule, reconsidering November 3, 2015 (80 Fed. Reg. 67838) revisions to wastewater discharge requirements applicable to sources in the Steam Electric Power Generating Point Source Category.

POLLUTION CONTROL BOARD

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The Board must incorporate these general reporting revisions into the Illinois rules.

November 2, 2020
(85 Fed. Reg. 69189)

USEPA extended the compliance date for Phase 2 of its October 22, 2015 (80 Fed. Reg. 64064) NPDES electronic reporting rule. The Board must incorporate these general reporting revisions into the Illinois rules.

Specifically, the amendments to Part 307 implement USEPA's Steam Electric Reconsideration Rule. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the changes in the Steam Electric Reconsideration Rule. The Board added text briefly explaining operation of USEPA's requirements. The Board also found that a limited number of stylistic and corrective revisions were necessary in the text of various rules.

Specifically, the amendments to Part 310 implement the extended compliance date for Phase 2 of USEPA's NPDES electronic reporting rule. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the NPDES electronic reporting requirements. Thus, updating the incorporations by reference includes the USEPA action. The Board also found that a limited number of stylistic and corrective revisions were necessary in the text of various rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-15 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R21-15.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) 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 R21-15 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R21-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620 or download a copy from the Board's Website at <http://www.pcb.illinois.gov>.

POLLUTION CONTROL BOARD

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- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts

POLLUTION CONTROL BOARD

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- 307.1509 Condensed Milk
- 307.1510 Dry Milk
- 307.1511 Condensed Whey
- 307.1512 Dry Whey

SUBPART G: GRAIN MILLS

Section

- 307.1601 Corn Wet Milling
- 307.1602 Corn Dry Milling
- 307.1603 Normal Wheat Flour Milling
- 307.1604 Bulgur Wheat Flour Milling
- 307.1605 Normal Rice Milling
- 307.1606 Parboiled Rice Milling
- 307.1607 Animal Feed
- 307.1608 Hot Cereal
- 307.1609 Ready-to-Eat Cereal
- 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section

- 307.1700 General Provisions
- 307.1701 Apple Juice
- 307.1702 Apple Products
- 307.1703 Citrus Products
- 307.1704 Frozen Potato Products
- 307.1705 Dehydrated Potato Products
- 307.1706 Canned and Preserved Fruits
- 307.1707 Canned and Preserved Vegetables
- 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section

- 307.1801 Farm-Raised Catfish
- 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

POLLUTION CONTROL BOARD

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Section

- 307.1901 Beet Sugar Processing
- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section

- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section

- 307.2101 Nonleaching
- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

Section

- 307.2201 General
- 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section

- 307.2300 General Provisions
- 307.2301 Electroplating of Common Metals
- 307.2302 Electroplating of Precious Metals

POLLUTION CONTROL BOARD

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307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section

307.2400	General Provisions
307.2401	Rayon Fibers
307.2402	Other Fibers
307.2403	Thermoplastic Resins
307.2404	Thermosetting Resins
307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
307.2407	Specialty Organic Chemicals
307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section

307.2500	General Provisions
307.2501	Aluminum Chloride Production
307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production

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307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting

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307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

POLLUTION CONTROL BOARD

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Section

307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

SUBPART V: NONFERROUS METALS MANUFACTURING

Section

307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury

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307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	
307.3301	Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides

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307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section	
307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

POLLUTION CONTROL BOARD

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Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section

307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving – Water Borne or Nonpressure
307.3907	Wood Preserving – Steam
307.3908	Wood Preserving – Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

SUBPART BE: PULP, PAPER, AND PAPERBOARD

POLLUTION CONTROL BOARD

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Section	
307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section	
307.4101	Builder's Paper and Roofing Felt (Repealed)

SUBPART BG: MEAT PRODUCTS

Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse

POLLUTION CONTROL BOARD

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307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

SUBPART BJ: OIL AND GAS EXTRACTION

Section	
307.4503	Onshore Facility Standards
307.4508	Coalbed Methane Subcategory

SUBPART BL: CENTRALIZED WASTE TREATMENT

Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
307.4702	Oils Treatment and Recovery
307.4703	Organics Treatment and Recovery
307.4704	Multiple Waste Streams

SUBPART BN: PHARMACEUTICAL MANUFACTURING

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SUBPART BT: LANDFILLS

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SUBPART BV: INK FORMULATING

Section
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

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307.7103 Lead
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307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

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SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg. 1129, effective January 23, 2017; amended in R18-6/R18-14 at 42 Ill. Reg. 10676, effective May 29, 2018; amended in R21-15 at 45 Ill. Reg. _____, effective _____.

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section 307.3301 Steam Electric Power Generating

- a) **Applicability.** This Section applies to discharges resulting from operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process utilizing fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This Section applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.

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- b) Specialized ~~Definitions~~definitions. The Board incorporates by reference 40 CFR 423.11 ~~(2019)(2017)~~, as amended at ~~8582~~ Fed. Reg. ~~64650 (Oct. 13, 2020)43494 (Sep. 18, 2017)~~. This incorporation includes no later amendments or editions.
- c) Existing ~~Sources~~sources.
- 1) The Board incorporates by reference 40 CFR ~~423.13(g)(3)(i) and 423.16 (2019)(2017)~~, as amended, and 40 CFR 423.13(k)(3) and (o), 423.18, and 423.19, as added, at ~~8582~~ Fed. Reg. ~~64650 (Oct. 13, 2020)43494 (Sep. 18, 2017)~~, and appendix A to 40 CFR 423 ~~(2019)(2017)~~. This incorporation includes no later amendments or editions.
- A) Flue Gas Desulfurization (FGD) Wastewater Discharges by Electric Generating Units (EGUs) Seeking Voluntary Incentives Participation (VIP). The owner or operator of an EGU opting into VIP, may seek to operate under alternative standards for FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), discharges as provided in 40 CFR 423.13(g)(3)(i) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (h).
- BOARD NOTE: This subsection (c)(1)(A) derives from 40 CFR 423.13(g)(3)(i) and 423.19(h). USEPA calls VIP "Voluntary Incentives Program," and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64660, 64675 (Oct. 13, 2020). USEPA's rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(h)(3).
- B) Flue Gas Desulfurization (FGD) Wastewater Discharges by EGUs Initiating Cessation of Coal Burning. The owner or operator of an EGU that will undergo permanent cessation of coal combustion, as defined in 40 CFR 423.11(w), incorporated by reference in subsection (b), may seek to operate under alternative standards for FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), discharges as provided in 40 CFR

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423.16(e)(1) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (f).

BOARD NOTE: This subsection (c)(1)(B) derives from 40 CFR 423.16(e)(1) and 423.19(f).

- C) Notice of Material Delay. An EGU that will undergo permanent cessation of coal combustion or one that opted into VIP under alternative standards under subsection (c)(1)(A) operating under alternative standards under subsection (c)(1)(B) must submit a notice of significant delay as required by 40 CFR 423.19(j).

BOARD NOTE: This subsection (c)(1)(C) derives from 40 CFR 423.19(j).

- D) FGD Wastewater Discharges by Low Utilization EGUs (LUEGUs). The owner or operator of an EGU that qualifies as a LUEGU, as defined in 40 CFR 423.11(z), incorporated by reference in subsection (b), may seek to operate under the alternative standards for FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), discharges provided in 40 CFR 423.16(e)(2) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (e).

BOARD NOTE: This subsection (c)(1)(D) derives from 40 CFR 423.16(e)(2) and 423.19(e).

- E) Bottom Ash (BA) Transport Water Discharges. Discharge of BA transport water, as defined in 40 CFR 423.11(p), incorporated by reference in subsection (b), is prohibited and only allowed as provided in 40 CFR 423.16(g) after complying with the best management practices requirements of 40 CFR 423.13(k)(3) and fulfilling the certification requirements in 40 CFR 423.19(a) through (d).

BOARD NOTE: This subsection (c)(1)(E) derives from 40 CFR 423.13(k)(3), 423.16(g), and 423.19(c) and (d).

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- F) EGUs Seeking to Transfer Between Applicable Discharge Limitations. Subject to the limitations in subsection (c)(1)(G), the owner or operator of an EGU may seek to transfer applicable discharge standards, as provided in 40 CFR 423.13(o), after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (i). The permissible transfers are the following:
- i) Before December 31, 2023, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B) to those applicable to a LUEGU under subsection (c)(1)(D);
 - ii) Before December 31, 2023, from VIP limitations under subsection (c)(1)(A) to those applicable to a LUEGU under subsection (c)(1)(D);
 - iii) Before December 31, 2025, from VIP limitations under subsection (c)(1)(A) to those applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(D);
 - iv) Before December 31, 2025, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B) to VIP limitations under subsection (c)(1)(A);
 - v) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to generally applicable limitations for discharges of FGD wastewater and BA transport water under 40 CFR 423.16;
 - vi) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to VIP limitations under subsection (c)(1)(A)
 - vii) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to those applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B).

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BOARD NOTE: This subsection (c)(1)(F) derives from 40 CFR 423.13(o) and 423.19(i). USEPA calls VIP "Voluntary Incentives Program," and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64708 n. 166 (Oct. 13, 2020). USEPA's rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(i)(1).

- G) Conditions for Transfer Between Applicable Discharge Limitations. Conditions apply to transfer between applicable discharge limitations:
- i) An EGU must comply with all currently applicable requirements before filing notice under 40 CFR 423.19(i) seeking transfer to other applicable discharge limitations, as provided in 40 CFR 423.13(o)(2); and
 - ii) An EGU seeking a transfer described in subsections (c)(1)(F)(iii) through (c)(1)(F)(vii) must comply with more stringent limitations that already apply, instead of the less stringent limitations sought.

BOARD NOTE: This subsection (c)(1)(G) derives from 40 CFR 423.13(o)(2) and (o)(3).

- H) An EGU that would otherwise qualify as an LUEGU or as ceasing combustion of coal before December 31, 2028 will continue to qualify if the conditions in 40 CFR 423.18 are true and after the owner or operator fulfills the certification requirements in 40 CFR 423.19(a), (b), and (g).

BOARD NOTE: This subsection (c)(1)(H) derives from 40 CFR 423.16(e)(1) and (e)(2), 423.18, and 423.19(g). The requirements of 40 CFR 423.18 directly apply to conditions in NPDES permits. The certification requirement of 40 CFR 423.19(g) allows the discharge standards for the LUEGU or EGU ceasing coal

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combustion subcategory continue to continue to apply to indirect dischargers under the same circumstances and conditions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
- d) New Sources~~sources~~.
- 1) The Board incorporates by reference 40 CFR 423.17 and appendix A to 40 CFR 423 (2019)~~(2017)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
 - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 14, 1980.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
310.106	Amendment
310.107	Amendment
310.605	Amendment
310.611	Amendment
310.612	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of March 18, 2021, proposing amendment in docket R21-15 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The docket R21-15 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 307 and 310 of the Illinois water pollution control rules. The amendments to 35 Ill. Adm. Code 307 are included in a separate notice in this issue of the *Illinois Register*. See the notice for Part 307, which provides a fuller explanation of the docket R21-15 amendments as they affect both 35 Ill. Adm. Code 307 and 310.

Specifically, the amendments to Part 310 implement the extended compliance date for Phase 2 of USEPA's NPDES electronic reporting rule. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the NPDES electronic reporting requirements. Thus, updating the incorporations by reference includes the USEPA action. The Board also found that a limited number of stylistic and corrective revisions were necessary in the text of various rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-15 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board

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made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R21-15.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) 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 R21-15 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R21-15:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500

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Chicago IL 60601

312/814-6924

michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620 or download a copy from the Board's Website at <http://www.pcb.illinois.gov>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2016)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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

PART 310
PRETREATMENT PROGRAMS

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310.101	Applicability
310.102	Objectives
310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.106	Electronic Reporting
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source
310.112	Significant Industrial User

SUBPART B: PRETREATMENT STANDARDS

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310.201	General Prohibitions
310.202	Specific Prohibitions
310.210	Local Limits Developed by POTW
310.211	Status of Local Limits
310.220	Categorical Standards
310.221	Source Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution Prohibited as a Substitute for Treatment
310.233	Combined Waste Stream Formula

SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions

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310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits
310.311	Demonstration of Consistent Removal
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310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Program
310.340	Application for Removal Credits Authorization
310.341	Agency Review
310.343	Assistance of POTW
310.350	Continuation of Authorization
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SUBPART D: PRETREATMENT PERMITS

Section	
310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section

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310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.511	Receiving Electronic Documents
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
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310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority (Repealed)
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTWs
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements
310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste

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- 310.636 Annual Certification by Non-Significant Categorical Users
310.637 Receiving Electronic Documents

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

- Section
310.701 Definition of Requester
310.702 Purpose and Scope
310.703 Criteria
310.704 Fundamentally Different Factors
310.705 Factors that are Not Fundamentally Different
310.706 More Stringent State Law
310.711 Application Deadline
310.712 Contents of FDF Request
310.713 Deficient Requests
310.714 Public Notice
310.721 Agency Review of FDF Requests
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SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

- Section
310.801 Net/Gross Calculation

SUBPART I: UPSETS

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310.901 Definition
310.902 Effect of an Upset
310.903 Conditions Necessary for an Upset
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SUBPART J: BYPASS

- Section
310.910 Definitions
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements

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- 310.912 Notice
310.913 Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

- Section
310.920 General
310.921 Substantial Modifications Defined
310.922 Approval Procedures for Substantial Modifications
310.923 Approval Procedures for Non-Substantial Modifications
310.924 Incorporation of Modifications into the Permit

SUBPART L: FEDERAL PROJECT XL AGREEMENTS

- Section
310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL (Repealed)

AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13 at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. 1155, effective

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January 23, 2017; amended in R21-8 at 44 Ill. Reg. 19486, effective December 3, 2020; amended in R21-15 at 45 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.106 Electronic Reporting

The submission of any document ~~underpursuant to~~ any provision of this Part is subject to this Section.

- a) General Federal Requirements for Electronic Reporting.
 - 1) Scope and Applicability.
 - A) USEPA has established standards for the submission of electronic documents under federally authorized programs. USEPA requires adherence to these standards for all electronic submissions to USEPA and the authorized State, ~~ifwhere~~ electronic submissions are authorized by USEPA. USEPA, the Board, the Agency, or the Control Authority may allow for the submission of electronic documents in lieu of paper documents. This subsection (a) does not require submission of electronic documents in lieu of paper documents. This subsection (a) sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:
 - i) To USEPA directly under 40 CFR 127; or
 - ii) To the Board, the Agency, or the Control Authority, ~~underpursuant to~~ any provision of this Part or 35 Ill. Adm. Code 307.
 - B) Electronic document submission under this subsection (a) can occur only as follows:
 - i) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or

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permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

- ii) For submissions of documents to the State or the Control Authority, submissions may occur only into an electronic document receiving system for which USEPA has granted approval ~~underpursuant to~~ 40 CFR 3.1000, so long as the system complies with 40 ~~CFR 3.2000, CFR 3.2000,~~ incorporated by reference in Section 310.107, and USEPA has not withdrawn its approval of the system in writing.
- C) This subsection (a) does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1)(A):
- i) Any document submitted via facsimile;
 - ii) Any document submitted via magnetic or optical media, ~~likesuch as~~ diskette, compact disc, digital video disc, or tape; or
 - iii) Any data transfer between USEPA, any state, or any local government and any of the Board, the Agency, or the Control Authority as part of administrative arrangements between the parties to the transfer to share data.
- D) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(1)(B)(ii), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the

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Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a)(1) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 (2016).

- 2) Definitions. For the purposes of this subsection (a), terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in Section 310.107.
- 3) Procedures for ~~Submission~~ submission of ~~Electronic Documents~~ electronic documents in ~~Lieu~~ lieu of ~~Paper Documents~~ paper documents to USEPA. Except as provided in subsection (a)(1)(C), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
 - A) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 310.107; and
 - B) USEPA has first published a notice in the Federal Register as described in subsection (a)(1)(B)(i).

BOARD NOTE: Subsection (a)(3) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (2016).

- 4) Procedures for ~~Submission~~ submission of ~~Electronic Documents~~ electronic documents in ~~Lieu~~ lieu of ~~Paper Documents~~ paper documents to the Board, the Agency, or the Control Authority:
 - A) The Board, the Agency, or the Control Authority may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5]. The Control Authority must establish such procedures ~~under~~ pursuant to applicable State and local laws.

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- B) The Board, the Agency, or the Control Authority may accept electronic documents under this subsection (a) only as provided in subsection (a)(1)(B)(ii).

BOARD NOTE: Subsection (a)(4) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2016).

- 5) Effects of ~~Submission~~ submission of an ~~Electronic Document~~ electronic document in ~~Lieu~~ lieu of ~~Paper Documents~~ paper documents.
- A) If a person who submits a document as an electronic document fails to comply with the requirements of this subsection (a), that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
- B) ~~If~~ Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
- C) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- D) Nothing in this subsection (a) limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (a)(5) is derived from 40 CFR 3.4 and 3.2000(c) (2016).

- 6) Public ~~Document Subject~~ document subject to State ~~Laws~~ laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability

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for public inspection and copying are subject to various State laws, including, ~~but not limited to,~~ the following:

- A) The Illinois Administrative Procedure Act [5 ILCS 100];
 - B) The Freedom of Information Act (FOIA) [5 ILCS 140];
 - C) The State Records Act [5 ILCS 160];
 - D) The Electronic Commerce Security Act [5 ILCS 175];
 - E) The Environmental Protection Act [415 ILCS 5];
 - F) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - G) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- 7) Nothing in this subsection (a) or in any provisions adopted ~~under~~ pursuant to subsection (a)(4)(A) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (a)(7) is derived from 40 CFR 3.2(c) ~~(2016)~~.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3 and 403.8(g) ~~(2016)~~.

- b) NPDES Electronic Reporting.
 - 1) Purpose and Scope:
 - A) This subsection (b), in conjunction with the NPDES reporting requirements specified elsewhere in this Part, specifies the requirements for:
 - i) Electronic reporting of information by NPDES permittees;
 - ii) Facilities or entities seeking coverage under NPDES general permits;

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- iii) Facilities or entities submitting waivers from NPDES permit requirements;
 - iv) Industrial users located in municipalities without approved local pretreatment programs;
 - v) Approved pretreatment programs; and
 - vi) (The Board omitted a provision derived from 40 CFR 127.1(a)(6), as subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the corresponding federal provisions.)
 - vii) USEPA and the Agency, to the extent the Agency has received authorization from USEPA to implement the NPDES program. This subsection (b), in conjunction with other segments of this Part, also specifies the requirements for electronic reporting of NPDES information to USEPA by the states, tribes, or territories that have received authorization from USEPA to implement the NPDES program.
- B) To the extent the Agency is authorized to implement a segment of the NPDES program, the Agency must ensure that the required minimum set of NPDES data (appendix A to 40 CFR 127, incorporated by reference in Section 310.107) is electronically transferred to USEPA in a timely, accurate, complete, and nationally-consistent manner fully compatible with USEPA's national NPDES data system.
- C) To the extent that the Secretary of Defense has exempted Department of Defense "critical infrastructure security information" from disclosure under the federal Freedom of Information Act ~~underpursuant to~~ 10 USC 130e, the exempted NPDES program data will be withheld from the public (see also section 7(1)(k) of the FOIA). In the instance that an NPDES program data element for a particular facility is designated as

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critical infrastructure security information in response to a FOIA request, a separate filtered set of data without the redacted information will be shared with the public; however, all NPDES program data will continue to be provided to USEPA and the Agency under the authorized State NPDES program.

- D) Proper collection, management, and sharing of the data and information listed in appendix A to 40 CFR 127, incorporated by reference in Section 310.107, ensures that there is a timely, complete, accurate, and nationally consistent set of data about the NPDES program.

BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 127.1 ~~(2016)~~.

- 2) Definitions. For the purposes of this subsection (b), the following terms have the following meanings.

"Initial recipient of electronic NPDES information from NPDES-regulated facilities" or "initial recipient" means the entity (USEPA or, after Illinois is authorized by USEPA to implement the NPDES program, the Agency) that is the designated entity for receiving electronic NPDES data.

BOARD NOTE: Derived from 40 CFR 127.2(b) ~~(2016)~~. USEPA is the initial recipient for a specific NPDES data group and NPDES program area until USEPA authorizes the State to act as initial recipient for that NPDES data group and NPDES program area.

"Minimum set of NPDES data" means the data and information listed in table 1 in appendix A to 40 CFR 127, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 127.2(e) ~~(2016)~~. For the purposes of this Part, the only data and information intended are those associated with NPDES data groups 1 (core NPDES data), 2 (general permit reports), 7 (pretreatment program reports), and 8 (significant industrial user reports).

"NPDES data group" means the group of related data elements identified in table 1 in appendix A to 40 CFR 127, incorporated by reference in Section 310.107. These NPDES data groups have

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similar regulatory reporting requirements and have similar data sources.

BOARD NOTE: Derived from 40 CFR 127.2(c)-~~(2016)~~.

"NPDES program", for the purposes of this subsection (b), means the federal pretreatment program adopted by the Board ~~under~~ pursuant to Section 13.3 of the Act to implement section 307(b) of the Clean Water Act (~~3342~~ USC ~~1317(b)~~~~1307(b)~~).

USEPA can implement the NPDES program or authorize the State to implement the NPDES program ("authorized NPDES program"). Identifying the relevant authority must be done for each NPDES subprogram (e.g., NPDES core program, federal facilities, general permits, and pretreatment).

BOARD NOTE: Derived from 40 CFR 127.2(d)-~~(2016)~~. This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

"NPDES-regulated entity" means any entity regulated by the NPDES program that has a role in the NPDES program, as defined in this subsection (b)(2).

BOARD NOTE: Derived from 40 CFR 127.2(h)-~~(2016)~~. This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

"Program reports" means the information reported by NPDES-regulated entities and listed in table 1 in appendix A to 40 CFR 127, incorporated by reference in Section 310.107 (except NPDES data groups 1 and 2).

BOARD NOTE: Derived from 40 CFR 127.2(f)-~~(2016)~~. For the purposes of this subsection (b), the only information intended is that associated with NPDES data groups 7 (pretreatment program reports) and 8 (significant industrial user reports).

BOARD NOTE: Subsection (b)(2) is derived from 40 CFR 127.2-~~(2016)~~.

- 3) Data to ~~Be~~ Reported Electronically-

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- A) An NPDES-regulated entity must electronically submit the minimum set of NPDES data for these NPDES reports, as applicable. The following NPDES reports are the source of the minimum set of NPDES data from NPDES-regulated entities:
- i) Discharge monitoring reports (as required by USEPA ~~underpursuant to~~ 40 CFR 122.41(l)(4)).
 - ii) This subsection (b)(3)(A)(ii) corresponds with 40 CFR 127.11(a)(2), which pertains to sewage sludge/biosolids annual reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
 - iii) Concentrated animal feeding operation annual program reports (as required by USEPA ~~underpursuant to~~ 40 CFR 122.42(e)(4)).
 - iv) This subsection (b)(3)(A)(iv) corresponds with 40 CFR 127.11(a)(4), which pertains to municipal separate storm sewer system program reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
 - v) Pretreatment program annual reports (see Section 310.612).
 - vi) Sewer overflow and bypass incident event reports (as required by USEPA ~~underpursuant to~~ 40 CFR 122.41(l)(6) and (l)(7)).
 - vii) This subsection (b)(3)(A)(vii) corresponds with 40 CFR 127.11(a)(7), which pertains to cooling water intake structure reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
- B) A facility or entity seeking coverage under or termination from an NPDES general permit must electronically submit the minimum

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set of NPDES data for the following notices, certifications, and waivers (if those reporting requirements are applicable):

- i) Notice of intent (NOI) to discharge by facilities seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in 40 CFR 122.28(b)(2); and
 - ii) Notice of termination (NOT), as described in 40 CFR 122.64.
- C) An industrial user located in a municipality without an approved local pretreatment program must electronically submit the minimum set of NPDES data for the following self-monitoring reports (if those reporting requirements are applicable):
- i) Periodic reports on continued compliance, as described in Section 310.605; and
 - ii) Reporting requirements for industrial users not subject to categorical pretreatment standards, as described in Section 310.611.
- D) The minimum set of NPDES data for NPDES-regulated facilities is identified in appendix A to 40 CFR 127, incorporated by reference in Section 310.107.

BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 127.11 ~~(2016)~~.

- 4) Signature and Certification Standards for Electronic Reporting. The signatory and certification requirements identified in subsection (a) and Section 310.631 also apply to electronic submissions of NPDES information (see subsection (b)(2)) by NPDES permittees, facilities, and entities subject to this subsection (b).

BOARD NOTE: Subsection (b)(4) is derived from 40 CFR 127.12 ~~(2016)~~.

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- 5) Requirements Regarding Quality Assurance and Quality Control:
- A) Responsibility for the quality of the information provided electronically in compliance with this subsection (b) by the NPDES permittees, facilities, and entities subject to this subsection (b) rests with the owners and operators of those facilities or entities. NPDES permittees, facilities, and entities subject to this subsection (b) must use quality assurance and quality control procedures to ensure the quality of the NPDES information submitted in compliance with this subsection (b).
 - B) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit their NPDES information in compliance with the data quality requirements specified in subsection (b)(6). NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit their NPDES information unless a waiver is granted in compliance with this subsection (b) (see subsections (b)(7) and (b)(7)(G)).

BOARD NOTE: Subsection (b)(5) is derived from 40 CFR 127.13 ~~(2016)~~.

- 6) Requirements Regarding Timeliness, Accuracy, Completeness, and National Consistency. NPDES permittees, facilities, and entities subject to this subsection (b) must comply with all requirements in this subsection (b) and electronically submit the minimum set of NPDES data in the following nationally-consistent manner:
- A) Timely. Electronic submissions of the minimum set of NPDES data to the appropriate initial recipient, as defined in subsection (b)(2), must be timely.
 - i) Measurement Data (including information from discharge monitoring reports, self-monitoring data from industrial users located outside of approved local pretreatment programs, and similar self-monitoring data). The electronic submission of these data is due when that monitoring information is required to be reported in compliance with

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statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.

- ii) Program Report Data. The electronic submission of this data is due when that program report data is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.
- B) Accurate. Electronic submissions of the minimum set of NPDES data must be identical to the actual measurements taken by the owner or operator, or their duly authorized representative;
- C) Complete. Electronic submission of the minimum set of NPDES data must include all required data (see appendix A to 40 CFR 127, incorporated by reference in Section 310.107) and these electronic submissions must be sent to the NPDES data system of the initial recipient, as defined in subsection (b)(2); and
- D) Consistent. Electronic submissions of the minimum set of NPDES data must be compliant with USEPA data standards as set forth in this subsection (b) and in a form (including measurement units) fully compatible with USEPA's national NPDES data system.

BOARD NOTE: Subsection (b)(6) is derived from 40 CFR 127.14 ~~(2016)~~.

- 7) Waivers from Electronic Reporting-
 - A) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit the minimum set of NPDES data in compliance with this Section and Section 310.631 unless a waiver is granted in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).
 - B) USEPA or the Board, by an adjusted standard or variance issued ~~under~~ pursuant to Section 28.1 or Sections 35 through 37 of the Act and Subpart D or B of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES

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program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a temporary waiver from electronic reporting in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).

- i) Each temporary waiver must not extend beyond five years. However, NPDES-regulated entities may re-apply for a temporary waiver. It is the duty of the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) to re-apply for a new temporary waiver. The Board cannot grant a temporary waiver to an NPDES-regulated entity without first receiving a temporary waiver request from the NPDES-regulated entity.
- ii) To apply for a temporary waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for temporary waiver.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

- iii) The Board will determine whether to grant a temporary waiver to the extent Illinois is authorized to administer the pertinent NPDES program area. The Board will provide notice to the owner, operator, or duly authorized facility representative submitting a temporary waiver request, in compliance with the requirements of subsection (b)(7)(G).
- iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a temporary waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format

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to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsection (b)(7)(G).

- v) An approved temporary waiver is not transferrable.
- C) USEPA or the Board, by an adjusted standard ~~underpursuant to~~ section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a permanent waiver from electronic reporting in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).
- i) A permanent waiver is only available to a facility or entity that is owned or operated by members of a religious community that chooses not to use certain modern technologies (e.g., computers, electricity). The Board cannot grant a permanent waiver to an NPDES-regulated entity without first receiving a permanent waiver request from the NPDES-regulated entity.
 - ii) To apply for a permanent waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for permanent waiver.
 - iii) An approved permanent waiver is not transferrable.
 - iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a permanent waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsection (b)(7)(G).

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D) The Agency, by a provisional variance ~~underpursuant to~~ Sections 35 through 37 of the Act and Subpart C of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) an episodic waiver from electronic reporting in compliance with, subsections (b)(7)(G) and (b)(9). The following conditions apply to an episodic waiver:

- i) No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting.
- ii) An episodic waiver is not transferrable.
- iii) An episodic waiver cannot last more than 60 days.

BOARD NOTE: Section 36(c) of the Act provides a maximum duration of 45 days for a provisional variance, allowing a single extension possible up to 45 days. No combination of a provisional variance and an extension can exceed 60 days in total duration under this subsection (b)(7)(D)(iii).

- iv) The Agency will decide if the episodic waiver provision allows facilities and entities to delay their electronic submissions or to send hardcopy (paper) submissions. An episodic waiver is only available to a facility or entity in the circumstances listed in subsection (b)(7)(F).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii) to comport with codification requirements.

E) The following information items must be included in any petition for a temporary or permanent waiver issued ~~underpursuant to~~ subsection (b)(7)(B) or (b)(7)(C):

- i) The facility name;

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- ii) The NPDES permit number (if applicable);
- iii) The facility address;
- iv) The name, address and contact information for the owner, operator, or duly authorized facility representative;
- v) A brief written statement regarding the basis for claiming such a temporary waiver; and
- vi) Any other information required by the Act or Board regulations (35 Ill. Adm. Code: Subtitle C, Chapter I).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

- F) A temporary waiver is limited to the following circumstances:
- i) A large-scale emergency involving catastrophic circumstances beyond the control of the facility, ~~like such as~~ a force of nature (e.g., a hurricane, flood, fire, or earthquake) or other national disaster. The Agency must make the determination of whether an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.
 - ii) A prolonged electronic reporting system outage (i.e., an outage longer than 96 hours). The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(F)(ii) to comport with codification requirements.

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G) Procedural Requirements for Waivers.

- i) USEPA requires that the Board grant or deny a request for temporary or permanent waiver from electronic reporting in writing within 120 days after receiving the request.

BOARD NOTE: Subsection (b)(7)(G)(i) is derived from 40 CFR 127.24(a) and (b)-~~(2016)~~.

- ii) The Agency must provide notice of an episodic waiver individually or through means of mass communication when an episodic waiver is available. The notice must state the facilities and entities that may use the episodic waiver, the likely duration of the episodic waiver, and any other directions regarding how facilities and entities should provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) to the initial recipient, as defined in subsection (b)(2). No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting. The Agency, when granting the episodic waiver, must determine whether to allow facilities and entities to delay their electronic submissions for a short time (i.e., no more than 40 days) or to have the facilities and entities send hardcopy (paper) submissions.

BOARD NOTE: Subsection (b)(7)(G)(ii) is derived from 40 CFR 127.24(d)-~~(2016)~~.

- iii) The Agency must electronically transfer to USEPA the minimum set of NPDES data (as defined in Section 310.106(b)(2)) that it receives from a permittee, facility, or entity that has received a waiver ~~underpursuant to~~ this subsection (b)(7).

BOARD NOTE: Subsection (b)(7)(G)(iii) is derived from 40 CFR 127.24(c)-~~(2016)~~.

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BOARD NOTE: Subsections (b)(7)(A) through (b)(7)(F) are derived from 40 CFR 127.15-(2016).

8) Implementation of Electronic Reporting Requirements for NPDES Permittees, Facilities, and Entities Subject to This~~this~~ Subsection (b):

A) Scope and Schedule. An NPDES permittee, facility, or entity subject to this subsection (b), with the exception of those covered by waivers under subsection (b)(7), must electronically submit the following NPDES information (reports, notices, waivers, and certifications) after the compliance deadlines~~start dates~~ listed in the following table.

NPDES Information	<u>Compliance</u> <u>Deadlines</u> Start Dates for Electronic Submissions
General Permit Reports Notices of Intent to Discharge, Notices of Termination, and Other Waivers	December 21, <u>2025</u> 2020
Discharge Monitoring Reports	December 21, 2016
POTW Pretreatment Program Annual Reports (see Section 310.612.)	December 21, <u>2025</u> 2020
Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs (see Sections 310.605 and 310.611)	December 21, <u>2025</u> 2020

BOARD NOTE: EPA may approve an alternative compliance deadline for general permit reports and program reports in accordance with 40 CFR 127.24(e) and (f).

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- B) Electronic Reporting Standards. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) in compliance with this Section and Section 310.631.
- C) Initial Recipient. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) to USEPA Region 5, the Control Authority, the Approval Authority, or the initial recipient (as identified ~~under pursuant to~~ 40 CFR 127.27 and defined in subsection (b)(2)). USEPA was to identify and publish the initial recipient on a USEPA website and in the Federal Register, by state and by NPDES data group (see subsection (b)(7)).

BOARD NOTE: The procedure by which USEPA determines the initial recipient is 40 CFR 127.27. That procedure provides that USEPA is the initial recipient ~~if where~~ the State is not approved by USEPA to act as initial recipient.

- D) Standards for NPDES-Regulated Entities with Electronic Reporting Waivers. An NPDES permittee, facility, or entity subject to this subsection (b) that has received a waiver from electronic reporting must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) to the Agency or initial recipient (see subsection (b)(7)).

BOARD NOTE: Subsection (b)(8) is derived from 40 CFR 127.16 ~~(2016)~~.

- 9) Inclusion of Electronic Reporting Requirements in NPDES Permits. All permits issued by the Agency must contain permit conditions requiring compliance with the electronic reporting requirements in this Section. An NPDES-regulated facility already having an electronic reporting requirement in its permit that meets the requirements in this Section must continue its electronic reporting to the initial recipient.

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BOARD NOTE: Subsection (b)(9) is derived from 40 CFR 127.26(f) ~~(2016)~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA document number EPA-830-B-94-001), available from National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>, referenced in Section 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994).

Standard Industrial Classification Manual (1987) (document no. PB87-100012) (referred to as "1987 SIC Manual"), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

BOARD NOTE: The 1987 SIC Manual is available for online search through the U.S. Department of Labor, at http://www.osha.gov/pls/imis/sic_manual.html. In 1997, the federal Office of Management and Budget (OMB) announced that the North American Industry Classification System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9, 1997)) for statistical purposes. OMB announced adoption of a 2012 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997 NAICS Manual is available for online search or purchase (as electronic or hard copy) at <http://www.naics.com>. Until USEPA amends its regulations to change references to SIC codes to references to NAICS codes, the Board will continue to use the 1987 SIC codes.

- b) The following provisions of the Code of Federal Regulations are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

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40 CFR 2.302 (2019) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2 (2019) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3 (2019) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

40 CFR 3.10 (2019) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 310.106.

40 CFR 3.2000 (2019) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25 (2019) (Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act), referenced in Section 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D to 40 CFR 122 (2019) (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 122.23(b) and (c) (2019) (Concentrated Animal Feeding Operations), referenced in 35 Ill. Adm. Code 307.2201.

Appendix A to 40 CFR 127 (2019), as amended at 85 Fed. Reg. [69189 \(Nov. 2, 2020\)](#)~~20873 (Apr. 14, 2020)~~ (Minimum Set of NPDES Data), referenced in Sections 310.106 and 310.612.

BOARD NOTE: Only those segments relevant to electronic reporting under the wastewater pretreatment program (NPDES data groups 1, 2, 3, 7, and 8) are intended.

40 CFR 136 (2019) (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and

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307.6500 and Sections 310.605, 310.610, and 310.611.

40 CFR 401.15 (2019) (Toxic Pollutants), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 403 (2019) (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in Section 310.432.

40 CFR 403.12(b) (2019) (Reporting Requirements for POTWs and Industrial Users), referenced in Section 310.602.

40 CFR 403.15 (2019) (Net/Gross Calculation), referenced in Section 310.801.

Appendix D to 40 CFR 403 (2019) (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403 (2019) (Pollutants Eligible for a Removal Credit), referenced in Section 310.303.

40 CFR 503 (2019) (Standards for the Use or Disposal of Sewage Sludge), referenced in Section 310.303.

c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2018)), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2018)), referenced in Sections 310.110 and 310.705.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) (2018)), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) (2018)), referenced in Section 310.110.

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Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC 1317(b), (c), and (d) (2018)), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 (2018)), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) (2018)), referenced in Section 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) (2018)), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 (2018)), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939g and 6941-6949a) (2018)), referenced in Section 310.510.

- d) This Part incorporates no future editions or amendments.

BOARD NOTE: The Board has located the incorporations by reference for the purposes of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307 in this Section to aid future review and updates. The Board has located the incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual categorical standard. This aids future review and updates of the categorical standards.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART F: REPORTING REQUIREMENTS

Section 310.605 Periodic Reports on Compliance

- a) After the compliance date of a pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, any industrial user subject to a categorical pretreatment standard (except a non-significant categorical user, as defined in Section 310.110) must submit to the Control Authority a report indicating the nature and concentration of pollutants in the effluent that are

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limited by the categorical pretreatment standards. The industrial user must submit the report during the months of June and December, unless the Control Authority or the pretreatment standard requires more frequent reporting. In addition, this report must include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 310.602(d), except that the Control Authority may require more detailed reporting of flows. If the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the industrial user ~~must~~~~shall~~ submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the industrial user. In consideration of ~~those~~~~such~~ factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may alter the months during which the reports required by this subsection (a) are to be submitted. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e) or (f))~~2020~~, all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

- b) The Control Authority must authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if it determines that the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or that the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
- 1) The Control Authority may authorize a waiver only ~~if~~~~where~~ it determines that a pollutant is present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard, and the sanitary wastewater otherwise includes no process wastewater;
 - 2) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five years. The industrial user must submit a new request

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for the waiver before the waiver can be granted for each subsequent control mechanism;

- 3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with Section 310.631 and include the certification statement in Section 310.221(b)(2). Non-detectable sample results may only be used as a demonstration that a pollutant is not present only if the USEPA-approved method from 40 CFR 136, incorporated by reference in Section 310.107, with the lowest minimum detection level for that pollutant was used in the analysis;
- 4) Any grant of a monitoring waiver by the Control Authority must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the Control Authority for three years after expiration of the waiver;
- 5) Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the Control Authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for Subpart [Subpart number of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutants] in the wastewaters due to the activities at the facility since filing of the last periodic report under 35 Ill. Adm. Code 310.605(a);

- 6) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the industrial user must immediately comply with the monitoring requirements of subsection (a) or other more frequent monitoring

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requirements imposed by the Control Authority, and the industrial user must notify the Control Authority; and

- 7) This subsection (b) does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- c) ~~If~~Where the Control Authority has imposed mass limitations on industrial users as provided by Section 310.232, the report required by subsection (a) of this Section must indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- d) For industrial users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in Section 310.230, the report required by subsection (a) must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) must include the user's actual average production rate for the reporting period.

BOARD NOTE: Derived from 40 CFR 403.12(e)~~(2016)~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 310.611 Requirements for Non-Categorical Users

The Control Authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. ~~If~~In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the Control Authority to determine the compliance status of the industrial user. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with the techniques described in 40 CFR 136, incorporated by reference at Section 310.107. For the purposes of this Section, "significant non-categorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards. For an industrial user for which USEPA or the Agency is

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the Control Authority, as of December 21, [2025 or a USEPA-approved alternative date \(see 40 CFR 127.24\(e\) or \(f\)\)](#)~~2020~~, all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(h)~~(2016)~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 310.612 Annual POTW Reports

POTWs with approved pretreatment programs must provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the applicable required data in appendix A to 40 CFR 127, incorporated by reference in Section 310.107. The report required by this Subpart F must also include a summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority and any other relevant information requested by the Approval Authority. As of December 21, [2025 or a USEPA-approved alternative date \(see 40 CFR 127.24\(e\) or \(f\)\)](#)~~2020~~, all annual reports submitted in compliance with this Subpart F must be submitted electronically by the POTW pretreatment program to the Approval Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(i)~~(2016)~~.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Appraisal Management Company Registration Act
- 2) Code Citation: 68 Ill. Adm. Code 1452
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1452.10	Amendment
1452.50	Amendment
1452.120	Amendment
1452.200	Amendment
1452.210	Amendment
1452.220	New Section
- 4) Statutory Authority: Implementing and authorized by the Appraisal Management Company Registration Act [225 ILCS 459].
- 5) Effective Date of Rules: March 18, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes (see question #15) below.
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 19441; December 18, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: There were no substantive changes made to the proposed version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The adopted rules added a new Section 220 that provides guidance and direction to appraisal management companies with respect to inclusion on the national registry and the associated reporting requirements and payment of fees. It also set forth a methodology for calculating national registry fees and established a late fee for failure to comply with the national registry fee requirements. The adopted rulemaking also imposed requirements contained in federal law and rule with respect to the independent of an appraiser in any given transaction. Additional definitions were added for clarification and guidance.

The adopted revisions are for the purpose of imposing requirements on appraisal management companies that are required by the federal AMC Rule (12 CFR Part 34, Subpart H (§§ 210- 216); 12 CFR Part 225 (§§ 190 196); 12 CFR Part (§§ 323.8-14); 12 CFR Part 1220 (§§20-26); and Appraisal Subcommittee Policy Statement 8 and for the purpose of imposing requirements on appraisal management companies that are required by federal law and rule at 12 CFR Part 34, Subpart H, as authorized by 12 U.S.C. 1 et. seq., 25b, 29, 93a, 371, 1462a, 1463, 1464, 1465, 1701j-3, 1828(o), 3331 et. seq. 1501 et. seq. and 5412(b)(2)(B) and 15 U.S.C. 1639h.

The Department had proposed this rule at the direction of the Appraisal Subcommittee ("ASC"), which is responsible for monitoring the individual states in the licensing and certification of real property appraisers. In addition, the ASC acts as an oversight mechanism for activities of the Appraisal Foundation ("Foundation") relating to real property appraisal. The adopted rulemaking ensures the Department's continuing compliance with federal law and regulation and does not impose any regulatory burden(s) on appraisal management companies that are not already imposed by federal law.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1452

APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT

Section

1452.10	Definitions
1452.20	Application for Original Registration
1452.30	Registration Title and Display
1452.40	Renewal of a Registration; Reinstatement; Restoration; Expiration Date
1452.50	Address Change
1452.60	Designated Controlling Person
1452.70	Change of Ownership
1452.80	Bonding Requirements
1452.90	Record Retention
1452.100	Payment Policies
1452.110	Prior Written Notice
1452.120	Assignment Guidelines and Policies; Engagement
1452.130	Appraisal Review; Quality Control Review
1452.140	Uniform Standards of Professional Appraisal Practice (USPAP)
1452.150	Reporting Requirements
1452.160	Administrative Warning Letter
1452.170	Cooperation Required with the Division
1452.180	Felony Convictions; Discipline of Other Professional Registration; Notification
1452.190	Unprofessional Conduct
1452.200	Fees
1452.210	Granting Variances
1452.220	AMC National Registry Fees

AUTHORITY: Implementing and authorized by the Appraisal Management Company Registration Act [225 ILCS 459].

SOURCE: Adopted at 37 Ill. Reg. 2649, effective March 4, 2013; amended at 45 Ill. Reg. 4273, effective March 18, 2021.

Section 1452.10 Definitions

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Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"AMC National Registry" means the registry of State-registered AMCs and federally-regulated AMCs maintained by the Appraisal Subcommittee.

"Act" means the Appraisal Management Company Registration Act [225 ILCS 459].

"Applicant" means a person applying for registration under the Act and this Part as an appraisal management company. Any applicant or any person who holds himself or herself out as an applicant is considered a registrant for purposes of enforcement, investigation, hearings and the Illinois Administrative Procedure Act [5 ILCS 100].

"Appraisal management company" or "AMC" means any corporation, limited liability company, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly:

provides appraisal management services to creditors or secondary mortgage market participants;

provides appraisal management services in connection with valuing the consumer's principal dwelling as security for a consumer credit transaction (including consumer credit transactions incorporated into securitizations);

within a given year, oversees an appraiser panel of any size of State-certified appraisers in Illinois; and

any appraisal management company that, within a given year, oversees an appraiser panel of 16 or more State-certified appraisers in Illinois or 25 or more State-certified or State-licensed appraisers in 2 or more jurisdictions.

"Appraisal management company" includes a hybrid entity. [225 ILCS 459/10]

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An "AMC" shall be subject to the appraisal management company national registry fee in addition to the appraiser panel fee.

"Appraisal management company national registry fee" means the fee, implemented pursuant to Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, for an appraisal management company's national registry. [225 ILCS 459/10]

"Appraisal practice service" means valuation services performed by an individual acting as an appraiser, including, but not limited to, appraisal, appraisal review, or appraisal consulting. [225 ILCS 459/10]

"Appraisal Subcommittee" or "ASC" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

"Appraiser panel" means a network, list, or roster of licensed or certified appraisers approved by the appraisal management company or by the end-user client to perform appraisals for the appraisal management company. "Appraiser panel" includes both appraisers accepted by an appraisal management company for consideration for future appraisal assignments and appraisers engaged by an appraisal management company to perform one or more appraisals. [225 ILCS 459/10]

"Appraiser panel fee" means the amount collected from a registrant that, where applicable, includes an appraisal management company's national registry fee. [225 ILCS 459/10]

"Client" means the party or parties who engage an appraiser, by employment or contract, in a specific assignment. [225 ILCS 459/10] If an appraisal management company is the party engaging the appraiser, the appraisal management company is considered the client.

"Comparable property" means any property that has physical, functional and locational similarity to the property under appraisal.

"Covered transaction" means any consumer credit transaction secured by the consumer's principal dwelling.

"Department" means the Department of Financial and Professional Regulation.

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

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

"Dodd-Frank Wall Street Reform and Consumer Protection Act" means the federal Act (PL 111-203, HR 4173) signed into law on July 22, 2010.

"EDI" is the acronym for Electronic Data Interchange.

"Factual error" means an omission of a detail or a communication of an erroneous detail that is objective as opposed to subjective in nature.

"Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 USC 1813, or an insured credit union, as defined in 12 USC 1752, and regulated by the Office of the Comptroller of the Currency, the Federal Reserve Board, the National Credit Union Association, or the Federal Deposit Insurance Corporation. [225 ILCS 459/10]

"Non-compete clause" or "covenant not to compete" means an agreement between an appraiser and an appraisal management company that the appraiser will not provide appraisal services on behalf of himself or herself or for a competitor appraisal management company for a specified period of time or in a specific geographic location.

"Original registration" means a first-time application to the Division for a registration.

"Portal" means a point of access for data delivery through the internet.

"Prior written notice" means a period of not less than 30 days in which an appraisal management company must notify an appraiser that he or she has been removed from an appraisal management company's list of approved vendors.

"Registrant" means a person who has been issued a registration under the Act and this Part. Anyone who holds himself or herself out as a registrant or who is

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accused of unregistered practice is considered a registrant for purposes of enforcement, investigation, hearings and the Illinois Administrative Procedure Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Service request" means any appraisal practice service.

"System in place" means a documented procedure that details how a specific task is carried out.

"Turn time" means an established period of time between the appraiser's acceptance of an assignment and the final delivery of a completed assignment to the appraisal management company.

"USPAP" is the acronym for the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant to Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.).

"Webform" means a web page that allows a user to enter data that is sent to a server for processing.

(Source: Amended at 45 Ill. Reg. 4273, effective March 18, 2021)

Section 1452.50 Address Change

All registrants shall notify the Division in writing of a change of mailing address, e-mail address and/or website address or addresses within ~~14~~¹⁵ calendar days after the change.

(Source: Amended at 45 Ill. Reg. 4273, effective March 18, 2021)

Section 1452.120 Assignment Guidelines and Policies; Engagement

- a) The registrant shall provide written assignment guidelines and conditions for each assignment. Those guidelines and conditions shall not deviate from USPAP and cannot be considered a jurisdictional exception without citation of the specific law or regulation.

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- b) The registrant shall provide the appraiser with an engagement document that contains, but is not limited to, the following:
- 1) The registrant's Illinois registration number and expiration date;
 - 2) The location of the property or properties that are the subject of the assignment;
 - 3) Property type (e.g., single-family residence, industrial condominium, etc.);
 - 4) The total completed assignment compensation;
 - 5) The registrant's turn time requirements;
 - 6) The name and contact information for the registrant's representative;
 - 7) The name and contact information for any person whose assistance is required to gain access to the subject property (if applicable);
 - 8) A legible copy of a fully executed and complete sales contract, along with all pertinent addenda (if the transaction involves a sale);
 - 9) Registrant and/or end-user client guidelines or changes in guidelines;
 - 10) Information as to whether the owner of the property under appraisal has been advised that interior images may be required under the assignment criteria;
 - 11) Identification of the end-user client in any assignment or service request.
- c) A registrant that is not owned and controlled by an insured depository institution and not regulated by a federal financial institution's regulatory agency shall establish and comply with processes and controls reasonably designed to ensure that the AMC, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type.

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(Source: Amended at 45 Ill. Reg. 4273, effective March 18, 2021)

Section 1452.200 Fees

- a) The application fee for an initial registration as an appraisal management company shall be \$2,500.
- b) Renewal Application Fee for Appraiser Registration
 - 1) The application fee to renew a registration as an appraisal management company shall be \$2,000 per year.
 - 2) The fee to reinstate a registration that has expired shall be \$500 plus the sum of all lapsed renewal fees.
 - 3) The fee to restore a registration that has been expired for more than 5 years shall be \$2,000 plus the sum of all lapsed renewal fees.
- c) The fee for issuance of a Temporary Certificate of Authority due to the loss of the designated controlling person shall be \$100. The fee for a subsequent 90-day extension of the Temporary Certificate shall be \$50.
- d) General
 - 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate registration certificate, for the issuance of a replacement registration certificate that has been lost or destroyed, or for the issuance of a registration certificate with a name or address change, other than during the renewal period, shall be \$25.
 - 3) The fee for a certification of a registrant's record for any purpose shall be \$25.
 - 4) The fee for a decorative wall certificate of registration shall be the cost of producing the certificate.
 - 5) The fee for a roster of persons registered under the Act shall be the cost of producing the roster.

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- 6) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
 - 7) The fee for certifying any record (e.g., a copy of a disciplinary order or application) shall be \$1 per page.
 - 8) The Division may charge an administrative fee not to exceed \$5,000, as part of a compliance agreement issued with an administrative warning letter under Section 1452.160.
- e) The AMC National Registry fee shall be payable on an annual basis at a time and in an amount set forth in Section 1452.220.
- f) The late fee for failure to comply with the requirements of Section 1452.220 shall be \$250.

(Source: Amended at 45 Ill. Reg. 4273, effective March 18, 2021)

Section 1452.210 Granting Variances

The Director may grant variances from this Part in individual cases when the Director~~he or she~~ finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by granting the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Amended at 45 Ill. Reg. 4273, effective March 18, 2021)

Section 1452.220 AMC National Registry Fees

- a) The Department will send notice, including a request for information, to each AMC regarding payment of AMC National Registry fees on or before April 1 of each calendar year. The notice will outline the reporting period and include instructions for the collection of those fees. The Department may also post the

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NOTICE OF ADOPTED AMENDMENTS

forms necessary to provide the required information on its website. Failure to receive notice from the Department regarding annual payment of AMC National Registry fees does not relieve an AMC from submitting the required information and paying the applicable AMC National Registry fee in a timely manner, as required by subsection (c).

- b) Fees shall be calculated based upon each 12-month calendar period beginning May 1 and ending April 30. Fees shall be remitted and received by the Department no later than July 1 to ensure that the Department is able to include the AMC on the national registry submission sent to the Appraisal Subcommittee.
- c) Annually, no later than July 1, AMCs operating in Illinois, including registered AMCs and federally-regulated AMCs operating in Illinois, shall:
 - 1) Provide information to the Department necessary to support its calculation of the size of its appraiser panel and the determination of its applicable AMC National Registry fee.
 - 2) Submit fees in the following amounts to the Department:
 - A) In the case of an AMC that has been in existence for more than a year, and oversees an appraiser panel of 16 or more State-certified appraisers in Illinois or 25 or more State-certified or State-licensed appraisers in 2 or more jurisdictions, \$25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in Illinois during the previous fee calculation period; or
 - B) In the case of an AMC that has not been in existence for more than a year, and oversees an appraiser panel of 16 or more State-certified appraisers in Illinois or 25 or more State-certified or State-licensed appraisers in 2 or more jurisdictions, \$25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in Illinois since the AMC commenced doing business.
- d) Fees shall not be prorated and are nonrefundable. No partial year registrations on the AMC National Registry shall be granted.

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- e) Failure to submit the required information and pay the applicable AMC National Registry fee in a timely manner, as required in this Section, is a violation of this Section that may result in:
- 1) Either:
 - A) Assessment of a late fee; or
 - B) Disciplinary action, including revocation or suspension of a registration as provided for at 225 ILCS 459/65; and
 - 2) Exclusion from the AMC Registry.
- f) The Department shall remit to the ASC the annual AMC National Registry fee received from the AMCs in accordance with this Section.

(Source: Added at 45 Ill. Reg. 4273, effective March 18, 2021)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
300.340	Amendment
300.696	Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rules: March 22, 2021
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: March 22, 2021
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subjects and Issues Involved: The rules amend requirements for long term care facilities' infection control policies and procedures, including updated COVID-19 testing requirements and updated incorporated materials from the CDC that address COVID-19 infection control. The rules also require certified facilities to comply with recently updated federal requirements for COVID-19 testing under 42 CFR 483.80(h).
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a

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NOTICE OF EMERGENCY AMENDMENTS

State Mandate.

- 13) Information and questions regarding these emergency rules shall be directed to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-1159
dph.rules@illinois.gov

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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300.2	COVID-19 Emergency Provisions for Licenses and Inspections
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300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public by the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction

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NOTICE OF EMERGENCY AMENDMENTS

300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)
300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

EMERGENCY

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Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
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NOTICE OF EMERGENCY AMENDMENTS

300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Medications
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300.695	Contacting Local Law Enforcement
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300.810	General
300.820	Categories of Personnel
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SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

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300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Care and Treatment of Sexual Assault Survivors
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SUBPART F: NURSING AND PERSONAL CARE

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300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Direct Care Staffing
300.1231	Calculation of Direct Care Staffing During Inspections, Surveys and Evaluations
300.1232	Waiver of Registered Professional Nurse Staffing Requirements

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- 300.1233 Quarterly Administrative Staffing Compliance Review
- 300.1234 Penalties and Notice of Violation
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
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SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services

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- 300.2030 Hygiene of Dietary Staff
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- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

- 300.2810 Applicability of these Standards
- 300.2820 Codes and Standards
- 300.2830 Preparation of Drawings and Specifications

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NOTICE OF EMERGENCY AMENDMENTS

300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit
300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
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FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
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SUBPART P: RESIDENT'S RIGHTS

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300.3210	General
300.3220	Medical Care
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation

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300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility
300.3290	Private Right of Action
300.3300	Transfer or Discharge
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SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section	
300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
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300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
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300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

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300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.4000 Applicability of Subpart S
- 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
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- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
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- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES' DEMONSTRATION PROGRAM FOR PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.6000 Applicability of Subpart T (Repealed)
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)

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300.6047	Medical Care Policies for Facilities Subject to Subpart T (Repealed)
300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
300.6050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)
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300.6070	Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6080	Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6090	Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
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SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

300.7000	Applicability
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300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variations to Enhance Residents' Quality of Life
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300.APPENDIX B	Crosswalk of Nursing Home Care Act Job Descriptions and Payroll Based Journal Job Titles
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled

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300.TABLE D Nursing Facilities/Intermediate Care Facilities
Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996;

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amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg.

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18462, effective October 23, 2020, for a maximum of 150 days; emergency amendment expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December 18, 2020, for the remainder of the 150 days; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials**EMERGENCY**

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.
 - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
 - C) American Society for Testing and Materials (ASTM) International Standard No. E90-02 (1996): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials (2006), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.
 - D) International Building Code (IBC) (2000), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor

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Road, Country Club Hills, Illinois 60478-5795.

- E) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) No. 10 (1978): Standards for Portable Extinguishers
 - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
 - iii) No. 54 (1999): National Fuel Gas Code
 - iv) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
 - v) No. 70 (1981): National Electric Code
 - vi) No. 90A (1999): Standard for the Installation of Air Conditioning and Ventilating Systems
 - vii) No. 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
 - viii) No. 220 (1979): Standard Types of Building Construction
 - ix) No. 253 (1978): Flooring Radiant Heat Energy Test
 - x) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
 - xi) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies
- F) For new facilities (see Subpart N), the following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1

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Batterymarch Park, Quincy, Massachusetts 02169:

- i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
- ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
- iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
- iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
- v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
- vi) NFPA 54, National Fuel Gas Code – 1999 Edition
- vii) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
- viii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
- ix) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
- x) NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems – 1999 Edition
- xi) NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – 1998 Edition
- xii) NFPA 101, Life Safety Code – 2000 Edition
- xiii) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition

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- G) For new and existing facilities (see Section 300.1610), NFPA 99: Standard for Health Care Facilities – 2003 Edition.
- H) The following standards, which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
- i) Fire Resistance Directory (2003 Edition)
 - ii) Building Material Directory (2003 Edition)
- I) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1000 Wilson Blvd., Suite 1825, Arlington, Virginia, 22209-3901.
- J) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 300.3220.)
- 2) Federal guidelines:
The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (2009~~October 1981~~) which can be found at <https://www.cdc.gov/infectioncontrol/guidelines/cauti/index.html>
 - B) Guideline for Hand Hygiene in Health-Care Settings (October 2002) which can be found at <https://www.cdc.gov/mmwr/pdf/rr/rr5116.pdf>

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- C) Guidelines for Prevention of Intravascular Catheter-Related Infections (2011~~2002~~) which can be found at <https://www.cdc.gov/hai/pdfs/bsi-guidelines-2011.pdf>
- D) Guideline for Prevention of Surgical Site Infection (2017~~1999~~) which can be found at <https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725>
- E) ~~Guidelines for Preventing Healthcare-Associated Pneumonia (2003)Guideline for Prevention of Nosocomial Pneumonia (February 1994)~~ which can be found at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm>
- F) 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings (July 2019) ~~in Hospitals (February 18, 1997)~~ available at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf>
- G) Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services (October 25, 2019)~~Guidelines for Infection Control in Health Care Personnel (1998)~~ available in two parts at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/infection-control-HCP-H.pdf> and <https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html>
- H) Preparing for COVID-19 in Nursing Homes (November 20, 2020) available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html>
- I) Responding to Coronavirus (COVID-19) in Nursing Homes (April 30, 2020) available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-homes-responding.html>
- 3) Federal regulations:
- A) 21 CFR 1306, Prescriptions (April 1, 2002)

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- B) 42 CFR 483.151-156, Requirements for States and Long-Term Care Facilities (October 1, 2002)
 - C) [42 CFR 483.80; Infection Control \(September 2, 2020\)](#)
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
 - A) Civil Rights Act of 1964 (42 USC 2000e et seq.)
 - B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
 - C) Controlled Substances Act (21 USC 802)
 - 2) State of Illinois statutes:
 - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
 - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
 - C) Child Care Act of 1969 [225 ILCS 10]
 - D) Court of Claims Act [705 ILCS 505]
 - E) Illinois Dental Practice Act [225 ILCS 25]
 - F) Election Code [10 ILCS 5]
 - G) Freedom of Information Act [5 ILCS 140]
 - H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]

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- I) Hospital Licensing Act [210 ILCS 85]
- J) Illinois Controlled Substances Act [720 ILCS 570]
- K) Illinois Health Facilities Planning Act [20 ILCS 3960]
- L) Illinois Municipal Code [65 ILCS 5]
- M) Nurse Practice Act [225 ILCS 65]
- N) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- O) Illinois Physical Therapy Act [225 ILCS 90]
- P) Life Care Facilities Act [210 ILCS 40]
- Q) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- R) Medical Practice Act of 1987 [225 ILCS 60]
- S) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- U) Nursing Home Care Act [210 ILCS 45]
- V) Pharmacy Practice Act [225 ILCS 85]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [775 ILCS 5]
- Y) Illinois Public Aid Code [305 ILCS 5]
- Z) Safety Glazing Materials Act [430 ILCS 60]

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- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- FF) Living Will Act [755 ILCS 35]
- GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- HH) Health Care Surrogate Act [755 ILCS 45]
- II) Right of Conscience Act [745 ILCS 70]
- JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- KK) Supportive Residences Licensing Act [210 ILCS 65]
- LL) Community Residential Alternatives Licensing Act [210 ILCS 40]
- MM) Community Living Facilities Licensing Act [210 ILCS 35]
- NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- OO) Counties Code [55 ILCS 5]
- PP) Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
- QQ) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
- RR) Illinois Optometric Practice Act of 1987 [225 ILCS 80]

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- SS) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - TT) Alzheimer's Special Care Disclosure Act [210 ILCS 4]
 - UU) Illinois Act on the Aging [20 ILCS 105]
 - VV) Alternative Health Care Delivery Act [210 ILCS 3]
 - WW) Assisted Living and Shared Housing Act [210 ILCS 9]
 - XX) Language Assistance Services Act [210 ILCS 87]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - C) Department of Public Health:
 - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
 - iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - vii) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

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- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
 - ix) Access to Public Records of the Department of Public Health (2 Ill. Adm. Code 1127)
 - x) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
 - xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 - xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
 - xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
 - xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
 - xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- D) Department of Financial and Professional Regulation:
- i) Controlled Substances Act (68 Ill. Adm. Code 3100)
 - ii) Pharmacy Practice Act (68 Ill. Adm. Code 1330)
- E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

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- G) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days)

SUBPART C: POLICIES

Section 300.696 Infection Control**EMERGENCY**

- a) Policies and procedures for investigating, controlling, ~~and~~ preventing, and testing for infections in the facility shall be established and followed. The policies and procedures shall be consistent with and include the requirements of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693). All staff shall be trained on the policies and procedures, and training records maintained for three years. Activities shall be monitored to ensure that these policies and procedures are followed. Infection control policies and procedures shall be maintained in the facility and made available upon request to facility staff, the resident and the resident's family or resident's representative, the Department, and the certified local health department.
- b) A group, i.e., an infection control committee, quality assurance committee, or other facility entity, shall periodically, but no less than annually, review the results of investigations and activities to control infections. Upon request, the facility shall provide the Department with the group's recommendations to control infections within the facility.
- c) Each facility shall adhere to the following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services (see Section 300.340):
- 1) Guideline for Prevention of Catheter-Associated Urinary Tract Infections
 - 2) Guideline for Hand Hygiene in Health-Care Settings
 - 3) Guidelines for Prevention of Intravascular Catheter-Related Infections

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- 4) Guideline for Prevention of Surgical Site Infection
 - 5) Guidelines for Preventing Healthcare-Associated Pneumonia~~Guideline for Prevention of Nosocomial Pneumonia~~
 - 6) Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings~~in Hospitals~~
 - 7) Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services~~Guidelines for Infection Control in Health Care Personnel~~
 - 8) Preparing for COVID-19 in Nursing Homes
 - 9) Responding to Coronavirus (COVID-19) in Nursing Homes
- d) Each facility shall conduct testing of residents and staff, including individuals providing services under arrangement and volunteers, for the control or detection of communicable diseases when:
- 1) The facility is experiencing an outbreak; or
 - 2) Directed by the Department or the certified local health department where the chance of transmission is high, including, but not limited to, regional outbreaks, epidemics, or pandemics.
- e) COVID-19 Testing
The facility shall test residents and facility staff, including individuals providing services under arrangement and volunteers as provided in Section 300.1440, for COVID-19. At a minimum, the facility shall:
- 1) Conduct facility-wide initial testing for all residents and facility staff, including individuals providing services under arrangements and volunteers;
 - 2) Prioritize and conduct immediate testing of residents or staff with symptoms of COVID-19;

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- 3) If a resident, employee or volunteer in the facility tests positive for SARS-CoV-2 CO, all residents and staff who have not tested positive in the past 90 days shall be retested every three to seven days until no new cases are identified;
- 4) Conduct testing of facility staff, including individuals providing services under arrangements and volunteers, when the facility is not experiencing an outbreak. The frequency of testing shall be based on the spread of the virus in the community in which the facility is located. Facilities shall use their county positivity rate from the prior week, as listed on the CMS website, <https://data.cms.gov/stories/s/COVID-19-Nursing-Home-Data/bkwz-xpvg>, as the trigger for staff testing frequency as follows:
 - A) If county positivity rate is below 5%, staff, including individuals providing services under arrangement and volunteers, shall be tested once per month, at a minimum;
 - B) If county positivity rate is between 5% and 10%, staff, including individuals providing services under arrangement and volunteers, shall be tested once a week, at a minimum;
 - C) If county positivity rate is greater than 10%, staff, including individuals providing services under arrangement and volunteers, shall be tested at least twice per week; and
- 5) Conduct testing of residents who are asymptomatic and who leave the facility for medical treatment and then return (e.g. residents who receive regular hemodialysis, including those who are dialyzed at an onsite facility that treats nursing home and community patients) according to the frequency specified in subsections (e)(4)(A) through (e)(4)(C);
- 6) Documentation
 - A) For residents, document in each resident's record any time a test was completed, including the result of the test, or whether testing was refused or contraindicated;
 - B) For staff members, document in each staff member's confidential medical file (as distinct from the staff member's personnel file) any

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time a test was completed, including the result of the test, or whether testing was refused or contraindicated;

- C) For volunteers and individuals providing services under an arrangement, document in each individual's confidential medical file any time a test was completed, including the result of the test or whether testing was contraindicated (in the event that no confidential medical file is maintained, the agreement for the services that are being provided under arrangement as well as the program for volunteers shall include a process for documenting these results);
- 7) Upon confirmation that a resident or staff member tests positive with COVID-19, or if a resident or staff member displays symptoms consistent with COVID-19, take immediate steps to prevent the transmission of COVID-19, including but not limited to cohorting, isolation and quarantine, environmental cleaning and disinfecting, hand hygiene, and use of appropriate personal protective equipment;
- 8) Have written procedures for addressing residents and staff, including individuals providing services under arrangement and volunteers, who refuse testing or are unable to be tested, including a requirement that all volunteers shall agree to testing;
- f) Each facility shall make arrangements with a testing laboratory to process any specimens collected under subsections (d) and (e) and ensure that complete information is submitted with each specimen, including name, address, date of birth, sex, race, and ethnicity.
- g) For testing done under subsections (d) and (e), each facility shall report weekly to the Department, on a form and manner as prescribed by the Department, the number of residents and staff tested, and the number of positive, negative and indeterminate cases.
- h) Certified facilities shall comply with 42 CFR 483.80(h).

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of March 3, 2021 through March 22, 2021. These rulemakings are scheduled for the April 13, 2021 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/24/21	<u>Illinois State Police</u> , Firearm Dealer License Certification Act (20 Ill. Adm. Code 1232)	1/8/21 45 Ill. Reg. 591	4/13/21
4/28/21	<u>Department of Financial and Professional Regulation</u> , Illinois Credit Union Act (38 Ill. Adm. Code 190)	1/22/21 45 Ill. Reg. 1093	4/13/21
4/28/21	<u>Department of Financial and Professional Regulation</u> , Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)	1/4/21 45 Ill. Reg. 204	4/13/21
4/28/21	<u>Department of Public Health</u> , Compassionate Use of Medical Cannabis Pilot Program (77 Ill. Adm. Code 946)	10/30/20 44 Ill. Reg. 17323	4/13/21
5/2/21	<u>Department of Healthcare and Family Services</u> , Specialized Healthcare Delivery Systems (89 Ill. Adm. Code 146)	8/21/20 44 Ill. Reg. 13629	4/13/21
5/2/21	<u>State Universities Retirement System</u> , Universities Retirement (80 Ill. Adm. Code 1600)	1/4/21 45 Ill. Reg. 213	4/13/21

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Issue Index - With Effective Dates

Rules acted upon in Volume 45, Issue 14 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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