

# **TITLE 35: ENVIRONMENTAL PROTECTION**

## **SUBTITLE C: WATER POLLUTION**

### **CHAPTER I: POLLUTION CONTROL BOARD**

#### **PART 306**

#### **PERFORMANCE CRITERIA**

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#### **APPENDIX A References to Previous Rules**

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

**SOURCE:** Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 7 Ill. Reg. 5682, effective April 19, 1983; amended at 8 Ill. Reg. 1607, effective January 18, 1984; amended at 8 Ill. Reg. 3691, effective March 14, 1984; amended in R82-7 at 12 Ill. Reg. 11229, effective June 15, 1988; amended in R88-25 at 14 Ill. Reg. 9449, effective June 4, 1990.

#### **SUBPART A: SYSTEMS RELIABILITY**

### **Section 306.101 Preamble**

**This part contains specific requirements and prohibitions concerning existing and potential sources of water pollution. Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.**

### **Section 306.102 Systems Reliability**

- a) Malfunctions: All treatment works and associated facilities shall be so constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, adverse weather, power failure, equipment failure, or maintenance, through such measures as multiple units, holding tanks, duplicate power sources, or such other measures as may be appropriate.**
- b) Spills: All reasonable measures, including where appropriate the provision of catchment areas, relief vessels, or entrapment dikes, shall be taken to prevent any spillage of contaminants from causing water pollution.**

### **Section 306.103 Combined Sewers and Treatment Plant Bypasses (renumbered)**

**(Source: Section 306.103 renumbered to Sections 306.302 through 306.306 at 7 Ill. Reg. 5682, effective April 19, 1983)**

### **Section 306.104 Intake Structures (renumbered)**

**(Source: Section 306.104 renumbered to Section 306.201 at 7 Ill. Reg. 5682, effective April 19, 1983)**

### **Section 306.105 New Connections (renumbered)**

**(Source: Section 306.105 renumbered to Sections 306.401 through 306.406 at 7 Ill. Reg. 5682, effective April 19, 1983)**

## **SUBPART B: INTAKE STRUCTURES**

### **Section 306.201 Intake Structures**

**New water intake structures on waters designated for general use, whose construction begins after the effective date of this Chapter, shall be so designed as to minimize harm to fish and to other aquatic organisms.**

(Source: Section 306.201 renumbered from Section 306.104 at 7 Ill. Reg. 5682, effective April 19, 1983)

## **SUBPART C: COMBINED SEWERS AND TREATMENT PLANT BYPASSES**

### **Section 306.302 Expansion of Combined Sewers**

The expansion of existing or establishment of new combined sewer service areas is prohibited, except where the Agency has determined from the permit application the following:

- a) The combined sewer service area has adequate treatment or retention capacity to ensure that the effluent limitations of 35 Ill. Adm. Code 304 and the provisions of the Act are not violated;
- b) Any anticipated increased flow will not overload connecting segments of the combined sewer system;
- c) Increased flow shall not aggravate combined sewer overflow problems; including, but not limited to, combined sewer surcharges, basement back-ups and street flow;
- d) The new combined sewer service area will be tributary to an existing combined sewer system.

(Source: Section 306.302 renumbered from Section 306.103(a) at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.303 Excess Infiltration**

Excess infiltration into sewers shall be eliminated, and the maximum practicable flow shall be conveyed to treatment facilities.

(Source: Section 306.303 renumbered from Section 306.103(a) at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.304 Overflows**

Overflows from sanitary sewers are expressly prohibited.

(Source: Section 306.304 renumbered from Section 306.103(b) at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.305 Treatment of Overflows and Bypasses**

All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution, or the violation of applicable water quality standards

unless an exception has been granted by the Board pursuant to Subpart D. Sufficient treatment shall consist of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, shall meet the applicable effluent standards; and
- b) Additional flows, as determined by the Agency but not less than ten times the average dry weather flow for the design year, shall receive a minimum of primary treatment and disinfection with adequate retention time; and
- c) Flows in excess of those described in subsection (b) shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203, and to prevent depression of oxygen levels; or
- d) Compliance with a treatment program authorized by the Board in an exception granted pursuant to Subpart D.

(Source: Section 306.305 was renumbered from Section 306.103(c) and amended at 7 Ill. Reg. 5682, effective April 19, 1983)

#### **Section 306.306 Compliance Dates**

Compliance with Section 306.305 shall be achieved on or before the following dates:

- a) All treatment plant bypasses, by the applicable date for improvement of treatment works under 35 Ill. Adm. Code 304.
- b) All combined sewer overflows within the Metropolitan Sanitary District of Greater Chicago, by December, 31, 1977;
- c) All other combined sewer overflows, by December 31, 1975.
- d) The compliance dates set by subsections (b) and (c) shall be met unless:
  - 1) The discharger's combined sewer overflow is eligible for a construction grant under Section 201(g) of the CWA; and,
  - 2) The discharger has filed an application for a construction grant on or before March 1, 1977; and,
  - 3) The discharger has timely taken all appropriate pre-grant and post-grant actions necessary to the specific grant step for which the discharger is then eligible, or
  - 4) The discharger has been granted an exception by the Board pursuant to Subpart D, an exception procedure is pending, or the Agency has not notified the discharger pursuant to Section 306.352.
- e) Nothing in subsection (d) shall limit the power of the Board to enter an abatement order pursuant to Section 46 of the Act necessary to abate pollution of waters of the State, when the Board has found, as the result of an enforcement or variance case initiated under Titles VIII or IX of the Act, that the discharger is causing a violation of the Act or regulations.
- f) The exemption provided by subsection (d) shall terminate upon completion of construction under the grant provided.

(Source: Section 306.306 was renumbered from Section 306.103(d) and amended at 7 Ill. Reg. 5682, effective April 19, 1983)

## **SUBPART D: EXCEPTION PROCEDURE**

### **Section 306.350 Preamble**

Exceptions to Section 306.305 or 306.306 shall be granted by the Board based upon water quality effects, actual and potential stream uses, and economic considerations including those of the discharger and those affected by the discharge. The following procedures shall be used for petitions for exceptions to the otherwise applicable water quality standards of this Chapter, and the sufficient treatment provisions contained in Section 305.306, 306.305(a), 306.305(b), and 306.305(c).

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.351 Notification and Submittals by Discharger**

No later than July 1, 1983, any discharger which has an interest in requesting Agency assistance in initiating an exception proceeding shall so advise the Agency. No later than October 1, 1983 the discharger shall assemble and submit to the Agency any background information in the discharger's possession relevant to its combined sewer overflows, including any analyses of treatment options. The Agency after a review of its files and the discharger's submittal, shall request such further information as listed in Section 306.361 and 306.363 as it deems necessary for its determination pursuant to Section 306.352.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.352 Notification by Agency**

- a) The Agency shall notify the discharger of any Agency proposal for exception, including any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated.
- b) The Agency shall promptly notify the discharger in writing of any discretionary determination that it will not propose an exception and shall indicate the basis for such determination. Such basis may include but not be limited to a judgment that the information submitted is insufficient, that due to the nature of the discharge and the receiving stream relief from Section 306.305 or 306.306 would be environmentally unsound, or that a specific alternative control strategy suggested by the discharger is infeasible from either an engineering or pollutant removal standpoint.
- c) All Agency determinations, shall reflect a consistency of review among dischargers or their individual discharges. To insure such consistency, the Agency shall adopt

**criteria for evaluation and review of dischargers' submittals pursuant to Section 306.351.**

**(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)**

### **Section 306.360 Joint or Single Petition for Exception**

**If the discharger accepts the Agency proposal for exception, an exception proceeding before the Board shall be commenced by the discharger by filing jointly with the Agency a petition for exception. If the Agency has declined to propose an exception or if the discharger declines to accept an Agency proposal, the discharger may commence singly an exception proceeding before the Board.**

**(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)**

### **Section 306.361 Justification of Joint Petition**

**Except as provided otherwise in subsection (d) if the discharger and the Agency jointly file a petition for exception, exception justifications shall be established in the petition for exception as follows:**

- a) An exception justification based upon minimal discharge impact shall include, as a minimum, an evaluation of receiving stream ratios, known stream uses, accessibility to stream and side land use activities (residential, commercial, agricultural, industrial, recreational), frequency and extent of overflow events, inspections of unnatural bottom deposits, odors, unnatural floating material or color, stream morphology and results of limited stream chemical analyses.**
- b) Where a minimal impact exception justification cannot be established pursuant to subsection (a), or where an exception will include a modification of otherwise applicable water quality standards, an exception justification shall include, as a minimum, evaluations pursuant to subsection (a) and evaluations of stream sediment analyses, biological surveys (including habitat assessment), and thorough stream chemical analyses that may include but are not limited to analysis of parameters regulated in 35 Ill. Adm. Code 302, analysis of toxics or metals if the collection system tributary to the overflow receives wastes which might contain them, sediment oxygen demand, volatile solids, and diurnal monitoring under both dry and wet weather conditions.**
- c) Exception justifications which include projections of the improvement from alternative control programs may include reasonably reliable mathematical models based upon information gathered pursuant to subsection (b). The reasonable reliability of a mathematical model shall be assessed by reference to factors including but not limited to the model's scientific validity and the consistency with which the model reflects conditions in the stream as determined by monitored data.**
- d) Where special circumstances may render any evaluation inapplicable, for reasons of irrelevancy or expense of data collection in relation to the relevancy of the data, the petition shall include a justification for such inapplicability.**

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.362 Justification of Single Petition**

If the discharger files singly a Petition for Exception, exception justifications shall be established by the discharger, pursuant to Section 306.361 (b), (c), and (d).

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.363 Contents of Joint Petition**

Requirements for jointly filed Petition. Ten copies of such petition shall be filed with the Clerk of the Board. The petition shall include the following information:

- a) A written statement, signed by the Petitioners or their authorized representatives outlining the scope of the evaluation, the nature of, the reasons for, and the basis for the justification for the exception; and
- b) The nature of the discharger's operations and control equipment; and
- c) Any Agency proposal for exception; and
- d) Citations to any final enforcement actions against the discharger, and any variances granted to the discharger where compliance has not been achieved.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.364 Contents of Single Petition**

In addition to the information specified in Section 306.363, the petition shall include any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.370 Notice and Hearing**

The clerk shall give notice of the petition and shall schedule a hearing in accordance with 35 Ill. Adm. Code 103. The proceedings shall be in accordance with 35 Ill. Adm. Code 103.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **Section 306.371 Opinion and Order**

- a) In considering the proposed petition for exception and the hearing record, the Board shall take into account the factors contained in Section 27(a) of the Act. The Board

shall issue and enter a written opinion stating the facts and reasons leading to its decision on a petition for exception.

- b) The Board shall issue and enter such orders concerning a petition for exception as are appropriate for the reasons stated in its written opinion. Such appropriate orders may include but are not limited to orders accepting or rejecting the petition, directing that further hearings be held to develop further information or to cure any procedural defects, or remanding the petition to the petitioners with suggested revisions. Another hearing shall be held on any revised petition for exception.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

#### **Section 306.372 Transcripts**

In any proceeding brought pursuant to Subpart D, the discharger at its own cost shall furnish the Board within 15 days following completion of the hearing seven legible copies of a complete transcript of the proceedings of the hearing. Upon petition, the Board may assume such cost. In determining whether to assume such cost, the Board shall take into consideration transcript costs, the discharger's allegations of special circumstances of economic hardship, and any constraints upon the Board's budgetary ability to assume such costs.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

#### **Section 306.373 Final Date for Petitions**

No petition for exception shall be accepted by the Board after January 1, 1986.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

#### **Section 306.374 Other Proceedings**

Nothing in Subpart D shall impair any rights authorized in the Act or Board Regulations that the discharger or any other person may have to initiate or participate in regulatory proceedings, variance petitions, enforcement actions, or permit appeals. However, Agency determinations made pursuant to Section 306.352 may not be appealed to the Board.

(Source: Added at 7 Ill. Reg. 5682, effective April 19, 1983)

### **SUBPART E: NEW CONNECTIONS**

#### **Section 306.401 Publication of Lists**

**The Agency shall publish and make available to the public at intervals of not more than three months a comprehensive and up-to-date list of sanitary districts and other wastewater treatment or transportation authorities then subject to restricted status on further sewer connections, as well as a list of those which are then under critical review by the Agency. Such lists shall include estimates of treatment plant and sewer capacity, and the amount of population equivalent added since publication of the previous list.**

**(Source: Section 306.401 was renumbered from Section 306.105(a) at 7 Ill. Reg. 5682, effective April 19, 1983)**

#### **Section 306.402 Restricted Status**

**Restricted status shall be defined as the Agency determination, pursuant to Section 39 of the Act and Section 309.241, that a sewer has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or regulations.**

**(Source: Section 306.402 was renumbered from Section 306.105(b) at 7 Ill. Reg. 5682, effective April 19, 1983)**

#### **Section 306.403 Critical Review**

**Critical review shall be defined as the Agency determination, pursuant to Section 39 of the Act and Section 309.241, that a sewer is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity, such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or regulations.**

**(Source: Section 306.403 was renumbered from Section 306.105(c) at 7 Ill. Reg. 5682, effective April 19, 1983)**

#### **Section 306.404 Notification of Individuals Requesting Connections**

**Sanitary districts, or other wastewater treatment or transportation authorities responsible for authorizing new sewer connections, which have been placed on restricted status or critical review by the Agency shall notify all individuals requesting connections of such Agency determination.**

**(Source: Section 306.404 was renumbered from Section 306.105(d) at 7 Ill. Reg. 5682, effective April 19, 1983)**

#### **Section 306.405 Notification of Restricted Status or Critical Review**

**The Agency shall notify the sanitary district or other wastewater treatment or transportation authority of its determination of restricted status or critical review, or refusal to terminate the same, and shall give a specific, detailed written statement as to the reasons for such action in conformity with the Agency's "Guidelines for Notification of Restricted Status," 35 Ill. Adm. Code 390.**

**(Source: Former Section 306.405 renumbered to Section 306.406, new Section 306.405 adopted at 8 Ill. Reg. 1607, effective January 18, 1984)**

### **Section 306.406 Appeal**

**Any sanitary district or other wastewater treatment or transportation authority responsible for authorizing new sewer connections, may petition, pursuant to Title X of the Act and 35 Ill. Adm. Code 105, for a hearing before the Board to contest the decision of the Agency to place it on restricted status.**

**(Source: Section 306.406 renumbered from Section 306.405 and amended at 8 Ill. Reg. 1607, effective January 18, 1984)**

### **Section 306.407 Effective Date**

**This Subpart shall become effective on January 1, 1976, except for Section 306.405 which shall become effective upon filing.**

**(Source: Section 306.407 renumbered from Section 306.406 and amended at 8 Ill. Reg. 1607, effective January 18, 1984)**

## **SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS**

### **Section 306.501 East St. Louis-Sauget Site-Specific Discharges**

- a) The discharge from the sewer system of the City of East St. Louis, as described below, shall not be subject to the treatment requirements and timetables of Sections 306.305(b), and 306.306. The discharge is located in Lots 305 and/or 306 of Sixth Subdivision of Cahokia Commons and also in the Northwest Quarter Section 23, Township Two North, Range Ten West, of the Third Principal Meridian, and can be defined as being at Mississippi River Mile Number 178.7 and further can be defined as being located at North 38°, 36 minutes, 40 seconds latitude and West 90°, 10 minutes, 40 seconds longitude.**
- b) The first flush of storm flows shall meet the applicable effluent standards of 35 Ill. Adm. Code Part 304, except when to attempt to treat such flows would cause the treatment plant to operate beyond design capacity.**

- c) In accordance with 35 Ill. Adm. Code 302.203, overflows in excess of plant treatment capacity shall be passed through a 1/2 inch bar screen prior to discharge.
- d) Overflows shall not cause accumulation of unnatural sludge deposits in the receiving stream.

(Source: Added at 8 Ill. Reg. 3691, effective March 14, 1984)

**Section 306.502 Alton Combined Sewer Overflow Discharges**

- a) The discharge from the Piasa-State Street Sewer, defined as being at Mississippi River mile 202.64, shall not be subject to the provisions of 35 Ill. Adm. Code 304.106, 304.120, 304.121 and 304.124 during the following conditions:
  - 1) Prior to replacement of the existing Locks and Dam 26, when the tailwater elevation exceeds 415.3 Mean Sea Level (MSL); or
  - 2) After replacement of Locks and Dam 26, where the pool level exceeds elevation 420 MSL at Mississippi River miles 203.12 and 203.22 (Piasa and State Street Outlets relocated).
- b) Discharges from the City of Alton at Mississippi River miles 201.66 (Shields Valley), 202.24 (Central Avenue), 203.12 (Piasa Outlet), 203.22 (State Street Outlet), 203.61 (Summit Street), 203.87 (Bluff Street) and 204.30 (Turner Tract), shall be subject to the following conditions:
  - 1) The overflow structures and the associated interceptor sewer shall be protected against intrusion by flood waters and be maintained operational at flood stages from Mississippi River backflow for a 25-year Mississippi River flood stage, except as follows:

Overflow Structure	River Mile	Protection Level Mean Sea Level (MSL) River Stage
Piasa Outlet	203.12	420.0 MSL
State Street Outlet	203.22	420.0 MSL
Summit Street	203.61	426.7 MSL
Bluff Street	203.87	426.7 MSL
Turner Tract	204.30	426.7 MSL

- 2) The City of Alton shall maintain the south side interceptor sewer system in such working condition so as to ensure that the system will flow at a maximum capacity.
- 3) No later than the date of completion of Lock and Dam 26 the south side interceptor pump station shall be upgraded to a design capacity of a minimum of 13.7 million gallons per day.
- c) Discharges from the combined sewer overflows designated in subsection (b) shall not be subject to the treatment requirements of Section 306.305(a) and (b) provided that:

- 1) The City of Alton shall maintain the south side interceptor sewer system in such working condition so as to ensure that the system will flow at a maximum capacity.
- 2) The South side interceptor pump station shall be upgraded to a design capacity of a minimum of 13.7 million gallons per day.

(Source: Added at 12 Ill. Reg. 11229, effective June 15, 1988)

### **Section 306.503 Havana Site-Specific Discharges**

The two discharges from the combined sewer system of the City of Havana, as described below, shall not be subject to the treatment requirements of Section 306.305(a) nor the compliance date of Section 306.306(c). The Washington Street discharge is located at the foot of Washington Street in the Northwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian and can further be defined as being located at West 90°, 4 minutes 0 seconds longitude and North 40°, 17 minutes 55 seconds latitude. The Illinois Street discharge is located at the foot of Illinois Street in the Southwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian and can further be defined as being located at North 40°, 17 minutes 35 seconds latitude and West 90°, 4 minutes 5 seconds longitude.

(Source: Added at 14 Ill. Reg. 9449, effective June 4, 1990)

### **Section 306.APPENDIX A REFERENCES TO PREVIOUS RULES**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

<b>Chapter 3: Water Pollution Part VI, Performance Criteria</b>	<b>35 Ill. Adm. Code Part 306</b>
<b>Unnumbered Preamble</b>	<b>Section 306.101</b>
<b>Rule 601</b>	<b>Section 306.102</b>
<b>Rule 602(a)</b>	<b>Section 306.302</b>
<b>Rule 602(b)</b>	<b>Section 306.303 and 306.304</b>
<b>Rule 602(c)</b>	<b>Section 306.305</b>
<b>Rule 602(d)</b>	<b>Section 306.306</b>
<b>Rule 603</b>	<b>Section 306.201</b>
<b>Rule 604(a)</b>	<b>Section 306.401</b>
<b>Rule 604(b)</b>	<b>Section 306.402</b>
<b>Rule 604(c)</b>	<b>Section 306.403</b>
<b>Rule 604(d)</b>	<b>Section 306.404</b>
<b>Rule 604(e)</b>	<b>Section 306.405</b>
<b>Rule 604(f)</b>	<b>Section 306.406</b>