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REGISTER

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OF GOVERNMENTAL
AGENCIES



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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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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Issue 37	September 02, 2002	September 13, 2002			

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280 Proposed Action:
Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, a Senior Public Service Administrator position (40070-37-00-000-05-01) is being added to this Section with an annual salary of \$120,900 in the Department of Central Management Services.
- 6) Will this proposed rule making replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Table AA	Amend	26 Ill. Reg. 1774, 02/15/02
310.110	Amend	26 Ill. Reg. 10094, 07/12/02
310.130	Amend	26 Ill. Reg. 10094, 07/12/02
310.230	Amend	26 Ill. Reg. 10094, 07/12/02
310.290	Amend	26 Ill. Reg. 10094, 07/12/02
310.490	Amend	26 Ill. Reg. 10094, 07/12/02
310.510	Amend	26 Ill. Reg. 10094, 07/12/02
310.530	Amend	26 Ill. Reg. 10094, 07/12/02
310.540	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix B	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix C	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix D	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix G	Amend	26 Ill. Reg. 10094, 07/12/02
Table AA	Amend	26 Ill. Reg. 13128, 09/06/02
Table AB	Amend	26 Ill. Reg. 13128, 09/06/02
310.280	Amend	26 Ill. Reg. 13735, 09/20/02

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

310.280 Amend Ill. Reg. 14302, 10/4/02

- 10) Statement of Statewide Objective: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2002
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2002
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

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TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois – SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
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TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
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TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
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APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2002
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2002

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143,

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effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

<u>Department of Central Management Services</u>	
<u>Senior Public Service Administrator</u> (Pos. No. 40070-37-00-000-05-01)	<u>Annual Salary</u> <u>120,900</u>
<u>Department of Children & Family Services</u>	
Public Service Administrator (Pos. No. 37015-16-23-120-00-01)	<u>Annual Salary</u> 85,104
<u>Department of Commerce & Community Affairs</u>	
Administrative Assistant II (Pos. No. 00502-42-00-040-11-01)	<u>Annual Salary</u> 59,376
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	<u>Annual Salary</u> 69,792
Public Service Administrator (Pos. No. 37015-42-35-110-10-03)	<u>Annual Salary</u> 78,612
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<u>Annual Salary</u> 96,360

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<u>Department of Human Services</u>	
Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 76,572
Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<u>Annual Salary</u> 105,475
Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480
<u>Illinois Labor Relations Board</u>	
Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 51,900
<u>Department of Natural Resources</u>	
Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<u>Annual Salary</u> 50,520
<u>Department of Revenue</u>	
Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
Public Service Administrator (Pos. No. 37015-25-61-140-90-01)	<u>Annual Salary</u> 74,904
<u>Department of State Police</u>	
Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 113,580

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Senior Public Service Administrator	<u>Annual Salary</u>
(Pos. No. 40070-21-40-000-00-01)	113,580

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Fees and Charges
- 2) Code Citation: 50 Ill. Adm. Code 2505
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2505.10	Amendment
2505.20	Amendment
2505.60	Amendment
- 4) Statutory Authority: Implementing Section 408 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 408 and 409(5)].
- 5) A Complete Description of the Subjects and Issues Involved: These changes are being made to raise the per diem fee insurance companies are charged for market conduct examiners to \$300. This will allow the Department to recover a greater percentage of examination related expenses of salaries, retirement, Social Security, and group insurance. The current per diem fee of \$175 has been in effect since 1989. In FY02, only 74% of the related costs were recovered from the revenue generated by market conduct examinations; the Department estimates that only 64% of FY03 costs will be recovered if the per diem fee is not raised.
- 6) Will these proposed amendments replace an emergency rulemaking currently in effect?
No
- 7) Do these amendments contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis
Staff Attorney

Susan Anders
Paralegal

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Department of Insurance
320 West Washington or
Springfield, Illinois 62767-0001
(217) 524-1634

Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8220

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the need to make these changes within the last 12 months.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ee: FEES, CHARGES AND TAXESPART 2505
FEES AND CHARGES

Section

2505.10	Purpose
2505.20	Applicability
2505.30	Severability
2505.40	Definitions
2505.50	Fees and Charges
2505.60	Performance (Market Conduct) Examination Expenses and Fees
2505.70	Financial Regulation Fee for Domestic Companies
2505.80	Financial Regulation Fee for Foreign and Alien Companies
2505.90	Financial Examination Expenses and Fees
2505.100	Payment Due Date of Fees and Charges
2505.110	Civil Penalties and Interest
2505.120	Hearings

ILLUSTRATION A Calculation of Financial Regulation Fee for Affiliated Domestic Companies

ILLUSTRATION B Calculation of Financial Regulation Fee for Affiliated Foreign or Alien Companies

AUTHORITY: Implementing Section 408 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 408 and 409(5)].

SOURCE: Adopted at 23 Ill. Reg. 279, effective December 21, 1998; amended at 26 Ill. Reg. _____, effective _____.

Section 2505.10 Purpose

This Part sets forth certain procedural requirements and the fees and charges collected from domestic, foreign and alien insurance companies pursuant to Section 408 of the Illinois Insurance Code [215 ILCS 5/408] (~~see P.A. 90-583, effective May 29, 1998~~).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 2505.20 Applicability

This Part applies to any person or company conducting or transacting any of the actions addressed by Section 408 of the Illinois Insurance Code in which a fee or charge can be assessed by the Director of the Department of Insurance [215 ILCS 5/408] ~~(see P.A. 90-583, effective May 29, 1998).~~

Section 2505.60 Performance (Market Conduct) Examination Expenses and Fees

The Director may charge the expenses incurred in any performance examination authorized by law to be paid by the company or person being examined pursuant to Section 408(3) of the Code [215 ILCS 5/408(3)]. The Director may charge, but is not limited to:

- a) A per diem charge of ~~\$300~~ ~~\$175~~ per examiner for examinations pursuant to Section 408(3) of the Code [215 ILCS 5/408(3)] plus lodging and travel expenses, as assessed pursuant to subsection (b) of this Section.
- b) The travel and lodging expenses shall be calculated in accordance *with the applicable travel regulations as published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses related to examinations authorized under Section 132 of the Code [215 ILCS 5/132] shall be in accordance with travel rates prescribed under paragraph 301-7.2 of the Federal Travel Regulations, 41 CFR 301-7.2, for reimbursement of subsistence expenses incurred during official travel* [215 ILCS 5/408(3)].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography
- 2) Code Citation: 32 Ill. Adm. Code 405
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
405.110	Amendment
405.140	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing these amendments to: (1) increase the application fee paid by an applicant seeking industrial radiographer certification; (2) specify that the Department may refuse to issue or renew a certification in addition to suspending or revoking it; and (3) allow the Department to suspend, revoke, refuse to issue or renew accreditation of an individual for making a false material statement during Department business.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Rob Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This amendment will increase the application fee for individuals seeking industrial radiographer certification.
 - B) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

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

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 405

CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

405.10	Purpose and Scope
405.20	Definitions
405.30	Application for Certification
405.40	Categories of Certification
405.50	Examination Requirements
405.60	Examinations
405.70	Approved Training Program
405.80	Experience Requirements for Certification
405.90	Requirements for Issuance of Certification
405.100	Duration of Certification
405.110	Fees
405.120	Reciprocity
405.130	Requirements for Renewal of Certification
405.140	Suspension and Revocation <u>and Denial</u> of Certification
405.150	Civil Penalties

APPENDIX A Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12602, effective September 6, 1996; emergency amendment at 25 Ill. Reg. 14975, effective October 30, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 3483, effective February 25, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 405.110 Fees

- a) The application fees for examination or certification are non-refundable and are as follows:
 - 1) Each application for examination by the Department

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

-\$75-00
- 2) Each application for certification:
- A) Certified Industrial Radiographer
.....\$10050-00
- B) Certified Industrial Radiographer Trainee
.....\$10050-00
- b) The appropriate fees shall accompany the application when filing with the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.140 Suspension, ~~and~~ Revocation and Denial of Certification

- a) The Department may act to suspend or revoke an individual's certification or refuse to issue or renew certification, for any one or a combination of the following causes:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
- 2) Knowingly making a false material statement to a Department employee during the course of official Department business;
- 3)2) Knowingly falsifying records of employees when such falsification would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
- 43) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such statute or regulations pertaining to certification;
- 54) Performing procedures under, or representing as valid to any person, a certification issued by the Department containing on its face unauthorized alterations or changes that are inconsistent with Department records regarding the issuance of that certification;
- 65) Performing procedures under, or representing as valid to any person, a credential not issued by the Department to prove certification in Illinois;
- 76) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
- 87) Exhibiting significant or repeated incompetence in the performance of

DEPARTMENT OF NUCLEAR SAFETY

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industrial radiography duties;

- 98) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;
- 109) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;
- 1110) Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of duties;
- 1244) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth in this subsection (a);
- 1312) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued;
- 14)~~13~~) Failure to repay educational loans guaranteed by the Illinois Student Assistance Commission, as provided in 20 ILCS 2005/2005-85;
- 1544) Failure to meet child support orders, as provided in 5 ILCS 100/10-65; and
- 1645) Failure to pay a fee or civil penalty properly assessed by the Department.

- b) If, based upon any of the grounds in subsection (a) of this Section, the Department determines that action to suspend or revoke certification, or refusal to issue or renew certification, is warranted, the Department shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's certification unless the *Department finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety* [420 ILCS 40/38], in which case the Department shall suspend an individual's certification pending a hearing. The Department shall revoke or suspend, or shall refuse to issue or renew certification under subsection (a)(1544) of this Section *based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Department shall not be required. The licensing agency may issue or renew a license if the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid or the court. The licensing agency may impose conditions, restrictions, or disciplinary action upon that license.* [5 ILCS 100/10-65(c)]
- c) If the Department finds that removal or refusal to issue or renew ~~of~~ certification is warranted, the usual action shall be a suspension or denial of certification for up to one year. The term of suspension may be reduced by the Director, based upon

DEPARTMENT OF NUCLEAR SAFETY

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evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Department shall revoke the individual's certification or deny the application.

- d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the Department until the termination of the suspension period or until reissuance of the certification.
- e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the Department a petition for reinstatement. The petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Primary Drinking Water Standards
- 2) Code citation: 35 Ill. Adm. Code 611
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
611.101	Amend
611.160	Amend
611.220	Amend
611.250	Amend
611.740	Amend
611.883	Amend
611.902	Amend
611.903	Amend
611.950	Add
611.951	Add
611.952	Add
611.953	Add
611.954	Add
611.955	Add
611.956	Add
611.957	Add
611.Appendix G	Amend
611.Appendix H	Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, 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 September 5, 2002, proposing amendments in docket R03-4 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 amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the federal Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f *et seq.* (1994), rules to correspond with amendments adopted by the United States Environmental Protection Agency

POLLUTION CONTROL BOARD

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(USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R03-4	Federal SDWA amendments that occurred during the period January 1, 2002 through June 30, 2002.
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The R03-4 docket amends rules in Part 611. The following table briefly summarizes the federal actions in the update period:

January 14, 2002 (67 Fed. Reg. 1812)	Long Term 1 Enhanced Surface Water Treatment Rule
March 12, 2002 (67 Fed. Reg. 11046)	Deadline for reporting unregulated contaminants monitoring results obtained before May 13, 2002

The Board does not need to take action based on the March 12, 2002 set of federal SDWA amendments. At the request of USEPA and the Illinois Environmental Protection Agency, the Board has not established regulations relating to monitoring unregulated contaminants.

Thus, the Board is acting in this R03-4 docket only on the USEPA amendments of January 14, 2002 relating to the Long Term 1 Enhanced Surface Water Treatment Rule (LT1IESWR).

Tables appear in the Board's opinion and order of September 5, 2002 in docket R03-4 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the September 5, 2002 opinion and order in docket R03-4.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] 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) Will these proposed amendments replace any emergency amendments currently in effect?
No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date?: No
- 8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 611 contains numerous incorporations by reference, the current amendments neither affect those incorporations nor introduce new incorporations.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R03-4 and be addressed to:

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

Please direct inquiries to the following person and reference Docket R03-4:

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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.ipcb.state.il.us>.

POLLUTION CONTROL BOARD

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- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply. Specifically, the present amendments will add requirements to those that already apply to public water supplies. The new requirements will extend enhanced filtration and disinfection requirements to smaller public water supplies that serve fewer than 10,000 persons.
 - 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 reports, water analyses, and maintenance of operating records. The present amendments will add to the reporting, bookkeeping, or other procedures imposed by the existing requirements that already apply to public water supplies. The new requirements will extend reporting, bookkeeping, or other procedures relating to enhanced filtration and disinfection requirements to smaller public water supplies that serve fewer than 10,000 persons.
 - 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. The present amendments will add to the professional skills necessary for compliance with the existing requirements that already apply to public water supplies. The new requirements will extend requirements relating to enhanced filtration and disinfection requirements to smaller public water supplies that serve fewer than 10,000 persons.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

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SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 611
PRIMARY DRINKING WATER STANDARDS

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AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended at R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

BOARD NOTE: The Department of Public Health regulates non-community water supplies ("non-CWSs," including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" will mean the Department of Public Health.

"Ai" means "inactivation ratio."

"Approved source of bottled water," for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local

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government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) ~~(2001)~~ ~~(2000)~~. The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

"Board" means the Illinois Pollution Control Board.

"CAS No." means "Chemical Abstracts Services Number."

"CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio." In determining the total inactivation ratio, the supplier must determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application points. (See "CT_{99.9}".)

"CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT_{99.9} for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611. Appendix B. (See "Inactivation Ratio.")
BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (2000).

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"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Community water system" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

"Comprehensive performance evaluation" or "CPE" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: The final sentence of the definition of "comprehensive performance evaluation" in 40 CFR 141.2 is codified as Section 611.160(a)(2), since it contains substantive elements that are more appropriate in a substantive provision.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

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"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured, and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is

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being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Disinfection byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

"Disinfection profile" is a summary of daily *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.

"Enhanced softening" means the improved removal of disinfection byproduct

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(DBP) precursors by precipitative softening.

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

"GAC10" means granular activated carbon (GAC) filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

"GC" means "gas chromatography" or "gas-liquid phase chromatography."

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens, such as *Giardia lamblia* or ~~(for Subpart B systems serving at least 10,000 persons only)~~ *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics, such as turbidity,

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temperature, conductivity, or pH, that closely correlate to climatological or surface water conditions. "Groundwater under the direct influence of surface water" is as determined in Section 611.212.

"GWS" means "groundwater system," a public water supply (PWS) that uses only groundwater sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (2001) ~~(2000)~~.

"Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter (mg/L) of five haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

"HPC" means "heterotrophic plate count," measured as specified in Section 611.531(c).

"Inactivation ratio" (A_i) means:

$$A_i = CT_{\text{calc}}/CT_{99,9}$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = S(A_i)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (2001) ~~(2000)~~.

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium as

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they apply to suppliers whose supplies have fewer than 150 service connections, for which it means the three-year compliance period that begins on January 1, 1996.

"Inorganic contaminants" or "IOCs" refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) ~~(2001)-(2000)~~.

"L" means "liter."

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

"Maximum contaminant level goal" or "MCLG" means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

BOARD NOTE: The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act.

"Maximum residual disinfectant level" or "MRDL" means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)

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"Maximum residual disinfectant level goal" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Maximum total trihalomethane potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

"MFL" means millions of fibers per liter larger than 10 micrometers.
BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (2000).

"mg" means milligrams (1/1000 of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2001)~~ (2000).

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

"nm" means nanometer (1/1,000,000,000 of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water system (TWS)" or a "non-transient non-community water system (NTNCWS)."

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that

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regularly serves at least 25 of the same persons over 6 months per year.

"NPDWR" means "national primary drinking water regulation."

"NTU" means "nephelometric turbidity units."

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional State requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test."

"Paired sample" means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

"Performance evaluation sample" or "PE sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

"Person" means an individual, corporation, company, association, partnership, state, unit of local government, or federal agency.

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

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"Phase V" refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

"Point-of-entry treatment device" or "POE" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

"Point-of-use treatment device" or "POU" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

"Public Health" means the Illinois Department of Public Health.

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs," including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" must mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Where used in Subpart F, "public water supply" means the

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same as "public water system."

"Radioactive contaminants" refers to that group of contaminants designated "radioactive contaminants" in USEPA regulatory discussions and guidance documents. "Radioactive contaminants" include tritium, strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B ~~(2001)-(2000)~~. These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U when they are detected above the levels indicated in Section 611.720(c)(3).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency must base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) ~~(2001)-(2000)~~.

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

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"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing an SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing an SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs," or "synthetic organic chemicals" or "synthetic organic contaminants," in USEPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo[a]pyrene, carbofuran, chlordane, dalapon,

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dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing an SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing an SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2001)(2000)~~ and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996).

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"Subpart B system" means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and which is subject to the requirements of Subpart B and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, 611.Appendix B, and 611.Appendix C of this Part.

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian."

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"Surface water" means all water that is open to the atmosphere and subject to surface runoff.

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254} in m^{-1}) by its concentration of dissolved organic carbon (in mg/L).

"SWS" means "surface water system," a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water."

BOARD NOTE: ~~Derived Drawn~~ from 40 CFR 141.23(b)(2) and 141.24(f)(2) note ~~(2001)~~(2000).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Total organic carbon" or "TOC" means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE: See the definition of "trihalomethanes" for a listing of the four compounds that USEPA considers TTHMs to comprise.

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: (2000). The federal regulations apply to all "public water systems," which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate "public water supplies," which it defines as having at least 15 service connections or regularly serving 25 persons

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daily at least 60 days per year. (See Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient, non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a point of use treatment device or a point of entry treatment device as defined in this Section. Treatment includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are the following compounds:

Trichloromethane (chloroform),
Dibromochloromethane,
Bromodichloromethane, and
Tribromomethane (bromoform)

" μg " means micrograms (1/1,000,000 of a gram).

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

"Uncovered finished water storage facility" is a tank, reservoir, or other facility that is open to the atmosphere and which is used to store water that will undergo no further treatment except residual disinfection.

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs," "volatile organic chemicals," or "volatile organic contaminants," in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-

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1,2-dichloroethylene, xylene, and 1,2-dichloropropane.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

"Wellhead protection program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) ~~(2001)(2000)~~. -The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act, and 35 Ill. Adm. Code 615 et seq.

BOARD NOTE: Derived from 40 CFR 141.2 ~~(2001)~~, as amended at ~~67 Fed. Reg. 1812 (January 14, 2002)~~-(2000), as amended at ~~66 Fed. Reg. 6976 (January 22, 2001)~~.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 611.160 Composite Correction Program

a) The Agency may require in writing that a PWS conduct a Composite Correction Program (CCP). The CCP shall consist of two elements: a Comprehensive Performance Evaluation (CPE) and a Comprehensive Technical Assistance (CTA).

1) A CPE is a thorough review and analysis of a plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It must identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasize approaches that can be implemented without significant capital improvements.

2) For purposes of compliance with ~~Subparts Subpart R and X~~ of this Part, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of the CPE report.

BOARD NOTE: Subsection (a)(2) of this Section is derived from the third sentence of the definition of "comprehensive performance evaluation" in 40 CFR 141.2 (2001), as amended in 67 Fed. Reg. 1812 (Jan. 14, 2002).

3) A CTA is the performance improvement phase that is implemented if the

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CPE results indicate improved performance potential. During the CTA phase, the PWS shall identify and systematically address plant-specific factors. The CTA is a combination of utilizing CPE results as a basis for followup, implementing process control priority-setting techniques and maintaining long-term involvement to systematically train staff and administrators.

- b) A PWS shall implement any followup recommendations made in writing by the Agency that result as part of the CCP.
- c) A PWS may appeal to the Board, pursuant to Section 40 of the Act, any Agency requirement that it conduct a CCP or any followup recommendations made in writing by the Agency that result as part of the CCP, except when a CPE is required under Section 611.745(b)(4).

BOARD NOTE: Derived from 40 CFR 142.16 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002)(1998).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.220 General Requirements

- a) The requirements of this Subpart constitute NPDWRs. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: *Giardia lamblia*, viruses, HPC bacteria, *Legionella*, and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:
 - 1) At least 99.9 percent (3-log) removal or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
 - 2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

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- b) A supplier using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:
 - 1) It meets the requirements for avoiding filtration in Section 611.230 through 611.232 and the disinfection requirements in Section 611.241; or
 - 2) It meets the filtration requirements in Section 611.250 and the disinfection requirements in Section 611.242.
- c) Each supplier using a surface water source or a groundwater source under the direct influence of surface water shall have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and the Public Water Supply Operations Act [415 ILCS 45].
- d) Additional requirements for PWSs serving 10,000 or more persons. In addition to complying with requirements in this Subpart, PWSs serving 10,000 or more persons must also comply with the requirements of Subpart R of this Part.
- e) Additional requirements for systems serving fewer than 10,000 people. In addition to complying with requirements in this Subpart B, systems serving fewer than 10,000 people must also comply with the requirements in Subpart X of this Part.

BOARD NOTE: Derived from 40 CFR 141.70 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002)(1998). The Public Water Supply Operations Act applies only to CWSs, which are regulated by the Agency. It does not apply to non-CWSs, which are regulated by Public Health. Public Health has its own requirements for personnel operating water supplies that it regulates, e.g., 77 Ill. Adm. Code 900.40(e).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 611.250 Filtration

A supplier that uses a surface water source or a groundwater source under the direct influence of surface water, and does not meet all of the criteria in Sections 611.231 and 611.232 for avoiding filtration, must provide treatment consisting of both disinfection, as specified in Section 611.242, and filtration treatment that complies with the requirements of subsection (a), (b), (c), (d), or (e) by June 29, 1993, or within 18 months after the failure to meet any one of the criteria for avoiding filtration in Sections 611.231 and 611.232, whichever is later. Failure to meet any requirement after the date specified in this introductory paragraph is a treatment technique violation.

- a) Conventional filtration treatment or direct filtration.
 - 1) For a system using conventional filtration or direct filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken

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each month, except that if the Agency determines, by special exception permit, that the system is capable of achieving at least 99.9 percent removal or inactivation of *Giardia lamblia* cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency must substitute this higher turbidity limit for that system. However, in no case may the Agency approve a turbidity limit that allows more than 1 NTU in more than 5 percent of the samples taken each month.

- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.
- 3) Beginning January 1, 2001, a supplier serving at least 10,000 or more persons must meet the turbidity requirements of Section 611.743(a).
- 4) Beginning January 14, 2005, a supplier that serves fewer than 10,000 people must meet the turbidity requirements in Sections 141.1550 through 141.1553.

b) Slow sand filtration.

- 1) For a system using slow sand filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by special exception permit, that there is no significant interference with disinfection at a higher level, the Agency must substitute the higher turbidity limit for that system.
- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

c) Diatomaceous earth filtration.

- 1) For a system using diatomaceous earth filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month.
- 2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

d) Other filtration technologies. A supplier may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by special exception permit application, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.242, consistently achieves 99.9 percent removal or inactivation of *Giardia lamblia* cysts and 99.99 percent removal or inactivation of viruses. For a supplier that makes this demonstration, the requirements of subsection (b) apply. Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the requirements for other filtration

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technologies in Section 611.743(b). Beginning January 14, 2005, a supplier that serves fewer than 10,000 people must meet the requirements for other filtration technologies in Sections 141.1550 through 141.1553.

- e) ~~Turbidity is measured as specified in Sections 611.531(d) and 611.533(a). Beginning January 1, 2002, a supplier serving 10,000 or more persons must meet the turbidity requirements in Section 611.743(a).~~

BOARD NOTE: Derived from 40 CFR 141.73 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002) ~~(2000), as amended at 66 Fed. Reg. 3770 (January 16, 2001).~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART R: ENHANCED FILTRATION AND DISINFECTION – SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

Section 611.740 General Requirements

- a) The requirements of this Subpart R are National Primary Drinking Water Regulations. These regulations establish requirements for filtration and disinfection that are in addition to standards under which filtration and disinfection are required under Subpart B of this Part. The requirements of this Subpart are applicable to a Subpart B system supplier serving 10,000 or more persons, beginning January 1, 2002, unless otherwise specified in this Subpart. The regulations in this Subpart establish or extend treatment technique requirements in lieu of maximum contaminant levels (MCLs) for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium*, and turbidity. Each Subpart B system supplier serving 10,000 or more persons must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in Section 611.220. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve:
- 1) At least 99 percent (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or *Cryptosporidium* control under the watershed control plan for unfiltered systems; and
 - 2) Compliance with the profiling and benchmark requirements under the provisions of Section 611.742.
- b) A PWS supplier subject to the requirements of this Subpart is considered to be in compliance with the requirements of subsection (a) of this Section if:

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- 1) It meets the requirements for avoiding filtration in Sections 611.232 and 611.741, and the disinfection requirements in Sections 611.240 and 611.742; or
 - 2) It meets the applicable filtration requirements in either Section 611.250 or Section 611.743, and the disinfection requirements in Sections 611.240 and 611.742.
- c) A supplier must not begin construction of uncovered finished water storage facilities after February 16, 1999.
- d) A Subpart B system supplier that did not conduct optional monitoring under Section 611.742 because it served fewer than 10,000 persons when such monitoring was required, but which serves more than 10,000 persons prior to January 14, 2005 must comply with Sections 611.740, 611.741, 611.743, 611.744, and 611.745. Such a supplier must also obtain the approval of the Agency to establish a disinfection benchmark. A supplier that decides to make a significant change to its disinfection practice, as described in Section 611.742 (c)(1)(A) through (c)(1)(D) must obtain the approval of the Agency prior to making such a change.

BOARD NOTE: Derived from 40 CFR 141.170 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002)(2000), as amended at 66 Fed. Reg. 3770 (January 16, 2001).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section 611.883 Content of the Reports

- a) Each CWS must provide to its customers an annual report that contains the information specified in this Section and Section 611.884.
- b) Information on the source of the water delivered.
 - 1) Each report must identify the sources of the water delivered by the CWS by providing information on the following:
 - A) The type of the water (e.g., surface water, groundwater); and
 - B) The commonly used name (if any) and location of the body (or bodies) of water.
 - 2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water

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assessment from the Agency, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the Agency or written by the PWS.

- c) Definitions.
- 1) Each report must include the following definitions:
 - A) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety. BOARD NOTE: Although an MCLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MCLG" is defined.
 - B) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
 - 2) A report for a CWS operating under relief from an NPDWR issued under Sections 611.111, 611.112, 611.130, or 611.131 must include the following definition: "Variances, Adjusted Standards, and Site-specific Rules: State permission not to meet an MCL or a treatment technique under certain conditions."
 - 3) A report that contains data on contaminants that USEPA regulates using any of the following terms must include the applicable definitions:
 - A) Treatment technique: A required process intended to reduce the level of a contaminant in drinking water.
 - B) Action level: The concentration of a contaminant that, if exceeded, triggers treatment or other requirements which a water system must follow.
 - C) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants. BOARD NOTE: Although an MRDLG is not an NPDWR that the Board must include in the Illinois SDWA regulations, the use of this definition is mandatory where the term "MRDLG" is defined.
 - D) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- d) Information on detected contaminants.
- 1) This subsection (d) specifies the requirements for information to be

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included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to the following:

- A) Contaminants subject to an MCL, action level, MRDL, or treatment technique (regulated contaminants);
 - B) Contaminants for which monitoring is required by Section 611.510 (unregulated contaminants); and
 - C) Disinfection byproducts or microbial contaminants for which monitoring is required by Section 611.382 and Subpart L, except as provided under subsection (e)(1) of this Section, and which are detected in the finished water.
- 2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.
 - 3) The data must be derived from data collected to comply with monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except that the following requirements also apply:
 - A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the tables must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report is from the most recent testing done in accordance with the regulations. No data older than five years need be included.
 - B) Results of monitoring in compliance with Section 611.382 and Subpart L need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.
 - 4) For detected regulated contaminants (listed in Appendix A of this Part), the tables must contain the following:
 - A) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A);
 - B) The Maximum Contaminant Level Goal (MCLG) for that contaminant expressed in the same units as the MCL
 - C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique or action level, as appropriate, specified in subsection (c)(3) of this Section;
 - D) For contaminants subject to an MCL, except turbidity and total

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coliforms, the highest contaminant level used to determine compliance with an NPDWR, and the range of detected levels, as follows:

- i) When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
- ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.
- iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL;

BOARD NOTE to subsection (d)(4)(D): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A; derived from 40 CFR 153 ~~(2001)~~(1999).

- E) For turbidity the following:
 - i) When it is reported pursuant to Section 611.560: the highest average monthly value.
 - ii) When it is reported pursuant to the requirements of Section 611.211(b): the highest monthly value. The report must include an explanation of the reasons for measuring turbidity.
 - iii) When it is reported pursuant to Section 611.250, ~~or~~ 611.743, or 611.955(b): the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Section 611.250, ~~or~~ 611.743, or 611.955(b) for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity;
- F) For lead and copper the following: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;
- G) For total coliform the following:
 - i) The highest monthly number of positive samples for

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- systems collecting fewer than 40 samples per month; or
 - ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;
 - H) For fecal coliform the following: the total number of positive samples; and
 - I) The likely sources of detected contaminants to the best of the supplier's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the supplier. If the supplier lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Appendix G of this Part which are most applicable to the CWS.
- 5) If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table must contain a separate column for each service area and the report must identify each separate distribution system. Alternatively, a CWS may produce separate reports tailored to include data for each service area.
- 6) The tables must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including the following: the length of the violation, the potential adverse health effects, and actions taken by the CWS to address the violation. To describe the potential health effects, the CWS must use the relevant language of Appendix A of this Part.
- 7) For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the tables must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.
- e) Information on *Cryptosporidium*, radon, and other contaminants:
 - 1) If the CWS has performed any monitoring for *Cryptosporidium*, including monitoring performed to satisfy the requirements of Subpart L of this Part, that indicates that *Cryptosporidium* may be present in the source water or the finished water, the report must include the following:
 - A) A summary of the results of the monitoring; and
 - B) An explanation of the significance of the results.
 - 2) If the CWS has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include the following:

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- A) The results of the monitoring; and
- B) An explanation of the significance of the results.
- 3) If the CWS has performed additional monitoring that indicates the presence of other contaminants in the finished water, the report must include the following:
 - A) The results of the monitoring; and
 - B) An explanation of the significance of the results noting the existence of any health advisory or proposed regulation.
- f) Compliance with an NPDWR. In addition to the requirements of subsection (d)(6) of this Section, the report must note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the CWS has taken to correct the violation.
 - 1) Monitoring and reporting of compliance data;
 - 2) Filtration and disinfection prescribed by Subpart B of this Part. For CWSs that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
 - 3) Lead and copper control requirements prescribed by Subpart G of this Part. For systems that fail to take one or more actions prescribed by Section 611.350(d), 611.351, 611.352, 611.353, or 611.354, the report must include the applicable language of Appendix A of this Part for lead, copper, or both.
 - 4) Treatment techniques for acrylamide and epichlorohydrin prescribed by Section 611.296. For systems that violate the requirements of Section 611.296, the report must include the relevant language from Appendix A of this Part.
 - 5) Recordkeeping of compliance data.
 - 6) Special monitoring requirements prescribed by Sections 611.510 and 611.630; and
 - 7) Violation of the terms of a variance, adjusted standard, site-specific rule, or administrative or judicial order.
- g) Variances, adjusted standards, and site-specific rules. If a system is operating under the terms of a variance, adjusted standard, or site-specific rule issued under Sections 611.111, 611.112, or 611.131, the report must contain the following:
 - 1) An explanation of the reasons for the variance, adjusted standard, or site-

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- specific rule;
- 2) The date on which the variance, adjusted standard, or site-specific rule was issued;
 - 3) A brief status report on the steps the CWS is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance, adjusted standard, or site-specific rule; and
 - 4) A notice of any opportunity for public input in the review, or renewal, of the variance, adjusted standard, or site-specific rule.
- h) Additional information.
- 1) The report must contain a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language of subsections (h)(1)(A) through (h)(1)(C) of this Section or CWSs may use their own comparable language. The report also must include the language of subsection (h)(1)(D) of this Section.
 - A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
 - B) Contaminants that may be present in source water include the following:
 - i) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;
 - ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;
 - iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;
 - iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems; and
 - v) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and

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- mining activities.
- C) In order to ensure that tap water is safe to drink, USEPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. United States Food and Drug Administration (USFDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.
 - D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA Safe Drinking Water Hotline (800-426-4791).
- 2) The report must include the telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.
 - 3) In communities with a large proportion of non-English speaking residents, as determined by the Agency, the report must contain information in the appropriate languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.
 - 4) The report must include information about opportunities for public participation in decisions that may affect the quality of the water.
 - 5) The CWS may include such additional information as it deems necessary for public education consistent with, and not detracting from, the purpose of the report.

BOARD NOTE: Derived from 40 CFR 141.153 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002) (1999), as amended at 65 Fed. Reg. 26022 (May 4, 2000).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

Section 611.902 Tier 1 Public Notice – Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 1 public notice. This subsection (a) lists the violation categories and other situations requiring a Tier 1 public notice. Appendix G of this Part identifies the tier assignment for each specific violation

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or situation.

- 1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in Section 611.325(b)), or when the water supplier fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in Section 611.525);
- 2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Section 611.301, or when the water supplier fails to take a confirmation sample within 24 hours after the supplier's receipt of the results from the first sample showing an exceedence of the nitrate or nitrite MCL, as specified in Section 611.606(b);
- 3) Exceedence of the nitrate MCL by a non-CWS supplier, where permitted to exceed the MCL by the Agency under Section 611.300(d), as required under Section 611.909;
- 4) Violation of the MRDL for chlorine dioxide, as defined in Section 611.313(a), when one or more samples taken in the distribution system the day following an exceedence of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in Section 611.383(c)(2)(A);
- 5) Violation of the turbidity MCL under Section 141.13(b), where the Agency determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;
- 6) Violation of the Surface Water Treatment Rule (SWTR), ~~or~~ Interim Enhanced Surface Water Treatment Rule (IESWTR), or Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) treatment technique requirement resulting from a single exceedence of the maximum allowable turbidity limit (as identified in Appendix G), where the Agency ~~primacy agency~~ determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the supplier learns of the violation;
- 7) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- 8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as

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- determined by the Agency by a SEP issued pursuant to Section 611.110.
- b) When the Tier 1 public notice is to be provided. Additional steps required. A PWS supplier must:
- 1) Provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;
 - 2) Initiate consultation with the Agency as soon as practical, but no later than 24 hours after the PWS supplier learns of the violation or situation, to determine additional public notice requirements; and
 - 3) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Agency. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.
- c) The form and manner of the public notice. A PWS supplier must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the PWS supplier are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, a water supplier is to use, at a minimum, one or more of the following forms of delivery:
- 1) Appropriate broadcast media (such as radio and television);
 - 2) Posting of the notice in conspicuous locations throughout the area served by the water supplier;
 - 3) Hand delivery of the notice to persons served by the water supplier; or
 - 4) Another delivery method approved in writing by the Agency by a SEP issued pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.202 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002)(2000).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 611.903 Tier 2 Public Notice – Form, Manner, and Frequency of Notice

- a) Violations or situations that require a Tier 2 public notice. This subsection lists the violation categories and other situations requiring a Tier 2 public notice. Appendix G to this Part identifies the tier assignment for each specific violation or situation.
- 1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under Section 611.902(a) or

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- where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 1 notice is required;
- 2) Violations of the monitoring and testing procedure requirements, where the Agency determines by a SEP issued pursuant to Section 611.110 that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and
 - 3) Failure to comply with the terms and conditions of any relief equivalent to a SDWA Section 1415 variance or a SDWA Section 1416 exemption in place.
- b) When Tier 2 public notice is to be provided.
- 1) A PWS supplier must provide the public notice as soon as practical, but no later than 30 days after the supplier learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Agency may, in appropriate circumstances, by a SEP issued pursuant to Section 611.110, allow additional time for the initial notice of up to three months from the date the supplier learns of the violation. It is not appropriate for the Agency to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Agency must be in writing.
 - 2) The PWS supplier must repeat the notice every three months as long as the violation or situation persists, unless the Agency determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Agency to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Agency to allow across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. An Agency determination allowing repeat notices to be given less frequently than once every three months must be in writing.
 - 3) For the turbidity violations specified in this subsection (b)(3), a PWS supplier must consult with the Agency as soon as practical but no later than 24 hours after the supplier learns of the violation, to determine whether a Tier 1 public notice under Section 611.902(a) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the

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violation within the next 24 hours (i.e., no later than 48 hours after the supplier learns of the violation), following the requirements under Section 611.902(b) and (c). Consultation with the Agency is required for the following:

- A) Violation of the turbidity MCL under Section 141.320(b); or
 - B) Violation of the SWTR, ~~or~~ IESWTR, or treatment technique requirement resulting from a single exceedence of the maximum allowable turbidity limit.
- c) The form and manner of Tier 2 public notice. A PWS supplier must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:
- 1) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a CWS supplier must provide notice by:
 - A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the PWS supplier; and
 - B) Any other method reasonably calculated to reach other persons regularly served by the supplier, if they would not normally be reached by the notice required in subsection (c)(1)(A) of this Section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the supplier or on the Internet; or delivery to community organizations.
 - 2) Unless directed otherwise by the Agency in writing, by a SEP issued pursuant to Section 611.110, a non-CWS supplier must provide notice by the following:
 - A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the supplier, or by mail or direct delivery to each customer and service connection (where known); and
 - B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in subsection (c)(2)(A) of this Section. Such

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persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include the following: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations (e.g., community centers).

BOARD NOTE: Derived from 40 CFR 141.203 (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002)~~(2000)~~.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART X – ENHANCED FILTRATION AND DISINFECTION – SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

Section 611.950 General Requirements

- a) The requirements of this Subpart X constitute national primary drinking water regulations. These regulations establish requirements for filtration and disinfection that are in addition to criteria under which filtration and disinfection are required under Subpart B of this Part. The regulations in this Subpart X establish or extend treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity. The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve the following:
- 1) At least 99 percent (2 log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the watershed control plan for unfiltered systems; and
 - 2) Compliance with the profiling and benchmark requirements in Sections 611.953 and 611.954.
- b) Applicability of the Subpart X requirements. A supplier is subject to these requirements if the following is true of its system:
- 1) Is a public water system;
 - 2) Uses surface water or groundwater under the direct influence of surface water as a source; and
 - 3) Serves fewer than 10,000 persons.

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- c) Compliance deadline. A supplier must comply with these requirements in this Subpart X beginning January 14, 2005, except where otherwise noted.
- d) Subpart X requirements. There are seven requirements of this Subpart X, and a supplier must comply with all requirements that are applicable to its system. These requirements are the following:
- 1) The supplier must cover any finished water reservoir that the supplier began to construct on or after March 15, 2002, as described in Section 611.951;
 - 2) If the supplier's system is an unfiltered system, the supplier must comply with the updated watershed control requirements described in Section 611.952;
 - 3) If the supplier's system is a community or non-transient non-community water systems the supplier must develop a disinfection profile, as described in Section 611.953;
 - 4) If the supplier's system is considering making a significant change to its disinfection practices, the supplier must develop a disinfection benchmark and consult with the Agency for approval of the change, as described in Section 611.954;
 - 5) If the supplier's system is a filtered system, the supplier must comply with the combined filter effluent requirements, as described in Section 611.955;
 - 6) If the supplier's system is a filtered system that uses conventional or direct filtration, the supplier must comply with the individual filter turbidity requirements, as described in Section 611.956; and
 - 7) The supplier must comply with the applicable reporting and recordkeeping requirements, as described in Section 611.957.

BOARD NOTE: This Section is derived from 40 CFR 141.500 through 141.503, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.951 Finished Water Reservoirs

- a) Applicability. A Subpart B system supplier that serves fewer than 10,000 is subject to this requirement.
- b) Requirements. If a supplier begins construction of a finished water reservoir on or after March 15, 2002, the reservoir must be covered. A finished water reservoir for which a supplier began construction prior to March 15, 2002 is not subject to this requirement.

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BOARD NOTE: This Section is derived from 40 CFR 141.510 and 141.511, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.952 Additional Watershed Control Requirements for Unfiltered Systems

- a) Applicability. A Subpart B system supplier that serves fewer than 10,000 persons which does not provide filtration must continue to comply with all of the filtration avoidance criteria in Sections 611.211 and 611.230 through 611.233, as well as the additional watershed control requirements in subsection (b) of this Section.
- b) Requirements to avoid filtration. A supplier must take any additional steps necessary to minimize the potential for contamination by Cryptosporidium oocysts in the source water. A watershed control program must fulfill the following for Cryptosporidium:
 - 1) The program must identify watershed characteristics and activities that may have an adverse effect on source water quality, and
 - 2) The Program must monitor the occurrence of activities that may have an adverse effect on source water quality.
- c) Determination of adequacy of control requirements. During an onsite inspection conducted under the provisions of Section 611.232(c), the Agency must determine whether a watershed control program is adequate to limit potential contamination by Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of the program to monitor and control detrimental activities occurring in the watershed; and the extent to which the supplier has maximized land ownership or controlled land use within the watershed.

BOARD NOTE: This Section is derived from 40 CFR 141.520 through 141.522, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.953 Disinfection Profile

- a) Applicability. A disinfection profile is a graphical representation of a system's level of Giardia lamblia or virus inactivation measured during the course of a year. A Subpart B community or non-transient non-community water system that serves fewer than 10,000 persons must develop a disinfection profile unless the Agency, by a SEP issued pursuant to Section 611.110, determines that a profile is

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- unnecessary. The Agency may approve the use of a more representative data set for disinfection profiling than the data set required under subsections (c) through (g) of this Section.
- b) Determination that a disinfection profile is not necessary. The Agency may only determine that a disinfection profile is not necessary if the system's TTHM and HAA5 levels are below 0.064 mg/L and 0.048 mg/L, respectively. To determine these levels, TTHM and HAA5 samples must have been collected after January 1, 1998, during the month with the warmest water temperature, and at the point of maximum residence time in the distribution system.
- c) Development of a disinfection profile. A disinfection profile consists of the following three steps:
- 1) First, the supplier must collect data for several parameters from the plant, as discussed in subsection (d) of this Section, over the course of 12 months. If the supplier serves between 500 and 9,999 persons it must begin to collect data no later than July 1, 2003. If the supplier serves fewer than 500 persons, it must begin to collect data no later than January 1, 2004.
 - 2) Second, the supplier must use this data to calculate weekly log inactivation as discussed in subsections (e) and (f) of this Section; and
 - 3) Third, the supplier must use these weekly log inactivations to develop a disinfection profile as specified in subsection (g) of this Section.
- d) Data required for a disinfection profile. A supplier must monitor the following parameters to determine the total log inactivation using the analytical methods in Section 611.231, once per week on the same calendar day, over 12 consecutive months:
- 1) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
 - 2) If a supplier uses chlorine, the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;
 - 3) The disinfectant contact times ("T") during peak hourly flow; and
 - 4) The residual disinfectant concentrations ("C") of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.
- e) Calculations based on the data collected. The supplier must calculate the total inactivation ratio as follows, and multiply the value by 3.0 to determine log inactivation of Giardia lamblia:
- 1) If the supplier uses only one point of disinfectant application, it must determine either of the following:
 - A) One inactivation ratio ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow, or

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- B) Successive $CT_{calc}/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, your system must calculate the total inactivation ratio by determining $(CT_{calc}/CT_{99.9})$ for each sequence and then adding the $(CT_{calc}/CT_{99.9})$ values together to determine $(3CT_{calc}/CT_{99.9})$.
- 2) If the supplier uses more than one point of disinfectant application before the first customer, it must determine the $(CT_{calc}/CT_{99.9})$ value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow using the procedure specified in subsection (d)(1)(B) of this Section.
- f) Use of chloramines, ozone, or chlorine dioxide as a primary disinfectant. If a supplier uses chloramines, ozone, or chlorine dioxide for primary disinfection, you must also calculate the logs of inactivation for viruses and develop an additional disinfection profile for viruses using methods approved by the Agency.
- g) Development and maintenance of the disinfection profile in graphic form. Each log inactivation serves as a data point in your disinfection profile. A supplier will have obtained 52 measurements (one for every week of the year). This will allow the supplier and the Agency the opportunity to evaluate how microbial inactivation varied over the course of the year by looking at all 52 measurements (your disinfection profile). Your system must retain the disinfection profile data in graphic form, such as a spreadsheet, which must be available for review by the Agency as part of a sanitary survey. Your system must use this data to calculate a benchmark if you are considering changes to disinfection practices.

BOARD NOTE: This Section is derived from 40 CFR 141.530 through 141.536, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.954 Disinfection Benchmark

- a) Applicability. A Subpart B system supplier that is required to develop a disinfection profile under Section 611.953 must develop a disinfection benchmark if it decides to make a significant change to its disinfection practice. The supplier must consult with the Agency for approval before it can implement a significant disinfection practice change.

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- b) Significant changes to disinfection practice. Significant changes to disinfection practice include:
- 1) Changes to the point of disinfection;
 - 2) Changes to the disinfectants used in the treatment plant;
 - 3) Changes to the disinfection process; or
 - 4) Any other modification identified by the Agency.
- c) Considering a significant change. A supplier that is considering a significant change to its disinfection practice must calculate a disinfection benchmarks as described in subsections (d) and (e) of this Section and provide the benchmarks to the Agency. Your system may only make a significant disinfection practice change after consulting with the Agency for approval. Your system must submit the following information to the Agency as part of the consultation and approval process:
- 1) A description of the proposed change;
 - 2) The disinfection profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark;
 - 3) An analysis of how the proposed change will affect the current levels of disinfection; and
 - 4) Any additional information requested by the Agency.
- d) Calculation of a disinfection benchmark. A supplier that is making a significant change to its disinfection practice must calculate a disinfection benchmark using the following procedure:
- 1) Step 1: Using the data that the supplier collected to develop the disinfection profile, determine the average Giardia lamblia inactivation for each calendar month by dividing the sum of all Giardia lamblia inactivations for that month by the number of values calculated for that month; and
 - 2) Step 2: Determine the lowest monthly average value out of the twelve values. This value becomes the disinfection benchmark.
- e) If your system uses chloramines, ozone or chlorine dioxide for primary disinfection your system must calculate the disinfection benchmark from the data your system collected for viruses to develop the disinfection profile in subsection (d) of this Section. This viral benchmark must be calculated in the same manner used to calculate the Giardia lamblia disinfection benchmark in subsection (d) of this Section.

BOARD NOTE: This Section is derived from 40 CFR 141.540 through 141.544, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

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Section 611.955 Combined Filter Effluent Turbidity Limits

- a) Applicability. A Subpart B system supplier that serves populations fewer than 10,000, is required to filter, and utilize filtration other than slow sand filtration or diatomaceous earth filtration must meet the combined filter effluent turbidity requirements of subsections (b) through (d) of this Section . If your system uses slow sand or diatomaceous earth filtration you are not required to meet the combined filter effluent turbidity limits of this Subpart X, but you must continue to meet the combined filter effluent turbidity limits in Section 611.250.
- b) Combined filter effluent turbidity limits. Your system must meet two strengthened combined filter effluent turbidity limits.
- 1) The first combined filter effluent turbidity limit is a "95th percentile" turbidity limit that your system must meet in at least 95 percent of the turbidity measurements taken each month. Measurements must continue to be taken as described in Sections 611.231 and 233. Monthly reporting must be completed according to Section 611.957(a). The following are the required limits for specific filtration technologies:
- A) For a system with conventional filtration or direct filtration, the 95th percentile turbidity value is 0.3 NTU.
- B) For a system with any other alternative filter technology, the 95th percentile turbidity value is a value (not to exceed 1 NTU) to be determined by the Agency, by a SEP issued pursuant to Section 611.110, based on the demonstration described in subsection (c) of this Section.
- 2) The second combined filter effluent turbidity limit is a "maximum" turbidity limit which your system may at no time exceed during the month. Measurements must continue to be taken as described in Sections 611.231 and 233. Monthly reporting must be completed according to Section 611.957(a). The following are the required limits for specific filtration technologies:
- A) For a system with conventional filtration or direct filtration, the maximum turbidity value is 1 NTU.
- B) For a system with any other alternative filter technology, the maximum turbidity value is a value (not to exceed 5 NTU) to be determined by the Agency, by a SEP issued pursuant to Section 611.110, based on the demonstration described in subsection (c) of this Section.
- c) Requirements for alternative filtration systems.

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- 1) If your system consists of alternative filtration (filtration other than slow sand filtration, diatomaceous earth filtration, conventional filtration, or direct filtration) you are required to conduct a demonstration (see tables in subsection (b) of this Section). Your system must demonstrate to the Agency, using pilot plant studies or other means, that your system's filtration, in combination with disinfection treatment, consistently achieves:
 - A) 99 percent removal of Cryptosporidium oocysts;
 - B) 99.9 percent removal and/or inactivation of Giardia lamblia cysts;
and
 - C) 99.99 percent removal and/or inactivation of viruses.
- 2) This subsection (c)(2) corresponds with 40 CFR 141.552(b), which USEPA has designated as "reserved." This statement maintains structural correspondence with the corresponding federal regulation.
- d) Requirements for lime-softening systems. If your system practices lime softening, you may acidify representative combined filter effluent turbidity samples prior to analysis using a protocol approved by the Agency.

BOARD NOTE: This Section is derived from 40 CFR 141.550 through 141.553, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.956 Individual Filter Turbidity Requirements

- a) Applicability. A Subpart B system supplier that serves fewer than 10,000 people and utilizing conventional filtration or direct filtration must conduct continuous monitoring of turbidity for each individual filter at your system. The following requirements apply to continuous turbidity monitoring:
 - 1) Monitoring must be conducted using an approved method in Section 611.231;
 - 2) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;
 - 3) Results of turbidity monitoring must be recorded at least every 15 minutes;
 - 4) Monthly reporting must be completed according to Section 611.957(a);
and
 - 5) Records must be maintained according to Section 611.957(b).

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- b) Failure of turbidity monitoring equipment. If there is a failure in the continuous turbidity monitoring equipment, your system must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. Your system has 14 days to resume continuous monitoring before a violation is incurred.
- c) Special requirements for systems with two or fewer filters. Yes, if your system only consists of two or fewer filters, you may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in subsections (a)(1) through (a)(4) and (b) of this Section.
- d) Follow-up action. Follow-up action is required according to the following requirements:
- 1) If the turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for a system with 2 filters that monitor CFE in lieu of individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart, the supplier must report to the Agency by the 10th of the following month and include the filter numbers, corresponding dates, turbidity values which exceeded 1.0 NTU, and the cause (if known) for the exceedances.
 - 2) If a supplier was required to report to the Agency for three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with 2 filters that monitor CFE in lieu of individual filters), the supplier must conduct a self-assessment of the filters within 14 days of the day on which the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month unless a CPE as specified in subsection (c) of this Section was required. A supplier that has a system with 2 filters which monitor CFE in lieu of individual filters must conduct a self assessment on both filters. The self-assessment must consist of at least the following components: assessment of filter performance, development of a filter profile, identification and prioritization of factors limiting filter performance, assessment of the applicability of corrections, and preparation of a filter self-assessment report. If a self-assessment is required, the date that it was triggered and the date that it was completed.
 - 3) If a supplier was required to report to the Agency for two months in a row and turbidity exceeded 2.0 BTU in 2 consecutive recordings 15 minutes apart at the same filter (or CFE for systems with 2 filters that monitor CFE in lieu of individual filters), the supplier must arrange to have a comprehensive performance evaluation (CPE) conducted by the Agency or a third party approved by the Agency not later than 60 days following

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- the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Agency or a third party approved by the Agency within the 12 prior months or the system and Agency are jointly participating in an ongoing comprehensive technical assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Agency no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.
- e) Special individual filter monitoring for a lime-softening system. If your system utilizes lime softening, you may apply to the Agency for alternative turbidity exceedance levels for the levels specified in the table in subsection (d) of this Section. You must be able to demonstrate to the Agency that higher turbidity levels are due to lime carryover only, and not due to degraded filter performance.

BOARD NOTE: This Section is derived from 40 CFR 141.560 through 141.564, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.957 Reporting and Recordkeeping Requirements

- a) Reporting. This Subpart X requires a supplier to report several items to the Agency. Subsections (a)(1) through (a)(4) of this Section describe the items that must be reported and the frequency of reporting. (The supplier is required to report the information described in subsections (a)(1) through (a)(4) of this Section, if it is subject to the specific requirement indicated.)
- 1) If a supplier is subject to the combined filter effluent requirements (Section 611.955), it must report as follows:
- A) The total number of filtered water turbidity measurements taken during the month, by the 10th of the following month.
- B) The number and percentage of filtered water turbidity measurements taken during the month that are less than or equal to the supplier's required 95th percentile limit, by the 10th of the following month.
- C) The date and value of any turbidity measurements taken during the month that exceed the maximum turbidity value for your filtration system, by the 10th of the following month.
- 2) If the supplier is subject to the individual turbidity requirements (Section 611.956), it must report as follows:

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- A) The fact that the supplier's system conducted individual filter turbidity monitoring during the month, by the 10th of the following month.
 - B) The filter numbers, corresponding dates, and the turbidity values that exceeded 1.0 NTU during the month, by the 10th of the following month, but only if 2 consecutive measurements exceeded 1.0 NTU.
 - C) If a self-assessment is required, the date that it was triggered and the date that it was completed, by the 10th of the following month (or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month).
 - D) If a CPE is required, the fact that the CPE is required and the date that it was triggered, by the 10th of the following month.
 - E) A copy of completed CPE report, within 120 days after the CPE was triggered.
- 3) If the supplier is subject to the disinfection profiling (Section 611.953), it must report results of optional monitoring that show TTHM levels 0.064 mg/L and HAA5 levels 0.048 mg/L (only if the supplier wishes to forgo profiling) or that the supplier has begun disinfection profiling, as follows:
- A) For a supplier that serves 500 – 9,999 persons, by July 1, 2003; or
 - B) For a supplier that serves fewer than 500 persons, by January 1, 2004.
- 4) If the supplier is subject to the disinfection benchmarking (Section 611.954), it must report a description of the proposed change in disinfection, its system's disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of disinfection, anytime the supplier is considering a significant change to its disinfection practice.
- b) Recordkeeping. A supplier must keep several types of records based on the requirements of this Subpart X, in addition to recordkeeping requirements under Sections 611.261 and 611.262. Subsections (b)(1) through (b)(3) describe the necessary records, the length of time these records must be kept, and for which requirement the records pertain. (The supplier is required to maintain records described in subsections (b)(1) through (b)(3) of this Section, if it is subject to the specific requirement indicated.)
- 1) If the supplier is subject to the individual filter turbidity requirements (Section 611.956), it must retain as necessary records the results of individual filter monitoring for at least 3 years.

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- 2) If the supplier is subject to disinfection profiling (Section 611.953), it must retain as necessary records the results of its disinfection profile (including raw data and analysis) indefinitely.
- 3) If the supplier is subject to disinfection benchmarking (Section 611.954), it must retain as necessary records its disinfection benchmark (including raw data and analysis) indefinitely.

BOARD NOTE: This Section is derived from 40 CFR 141.570 and 141.571, as added at 67 Fed. Reg. 1812 (January 14, 2002).

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 611.APPENDIX G NPDWR Violations and Situations Requiring Public Notice

See note 1 at the end of this Appendix for an explanation of the Agency's authority to alter the magnitude of a violation from that set forth in the following table.

Contaminant	MCL/MRDL/TT violations ²		Monitoring & testing procedure violations	
	Tier of public notice required	Citation	Tier of public notice required	Citation

I. Violations of National Primary Drinking Water Regulations (NPDWR).³**A. Microbiological Contaminants**

1. Total coliform	2	611.325(a)	3	611.521-611.525
2. Fecal coliform/E. coli	1	611.325(b)	⁴ 1, 3	611.525
3. Turbidity MCL	2	611.320(a)	3	611.560
4. Turbidity MCL (average of two days' samples >5 NTU)	⁵ 2, 1	611.320(b)	3	611.560

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5. Turbidity (for TT violations resulting from a single exceedence of maximum allowable turbidity level)	⁶ 2, 1	611.231(b), 611.233(b)(1), 611.250(a)(2), 611.250(b)(2), 611.250(c)(2), 611.250(d), 611.743(a)(2), 611.743(b) ₂ , <u>611.955(b)(2)</u>	3	611.531(a), 611.532(b), 611.533(a), 611.744 ₂ , <u>611.956(a)(1)- (a)(3)</u> , <u>611.956(b)</u>
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. allowable turbidity level (TT)	2	611.211, 611.213, 611.220, 611.230- 611.233, 611.240- 611.242, 611.250	3	611.531- 611.533
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence of max. turbidity level (TT)	2	⁷ 611.740- 611.743 ₂ , <u>611.950-</u> <u>611.955</u>	3	611.742, 611.744 ₂ , <u>611.953</u> , <u>611.954</u> , <u>611.956</u>
8. Filter Backwash Recycling Rule violations	2	611.276	3	611.276
<u>9. Long Term 1 Enhanced Surface Water Treatment Rule violations</u>	<u>2</u>	<u>611.950-</u> <u>611.955</u>	<u>3</u>	<u>611.953</u> , <u>611.954</u> , <u>611.956</u>

B. Inorganic Chemicals (IOCs)

1. Antimony	2	611.301(b)	3	611.600, 611.601, 611.603
2. Arsenic	2	¹⁰ 611.301(b)	3	⁹ 611.601, 611.612(a), 611.612(b)
3. Asbestos (fibers >10 m)	2	611.301(b)	3	611.600, 611.601, 611.602

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4. Barium	2	611.301(b)	3	611.600, 611.601, 611.603
5. Beryllium	2	611.301(b)	3	611.600, 611.601, 611.603
6. Cadmium	2	611.301(b)	3	611.600, 611.601, 611.603
7. Chromium (total)	2	611.301(b)	3	611.600, 611.601, 611.603
8. Cyanide	2	611.301(b)	3	611.600, 611.601, 611.603
9. Fluoride	2	611.301(b)	3	611.600, 611.601, 611.603
10. Mercury (inorganic)	2	611.301(b)	3	611.600, 611.601, 611.603
11. Nitrate	1	611.301(b)	¹⁰ 1, 3	611.600, 611.601, 611.604, 611.606
12. Nitrite	1	611.301(b)	¹⁰ 1, 3	611.600, 611.601, 611.605, 611.606
13. Total Nitrate and Nitrite	1	611.301(b)	3	611.600, 611.601
14. Selenium	2	611.301(b)	3	611.600, 611.601, 611.603
15. Thallium	2	611.301(b)	3	611.600, 611.601, 611.603

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C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)

1. Lead and Copper Rule (TT)	2	611.350- 611.355	3	611.356- 611.359
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D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	611.310(c)	3	611.648
2. 2,4,5-TP (silvex)	2	611.310(c)	3	611.648
3. Alachlor	2	611.310(c)	3	611.648
4. Atrazine	2	611.310(c)	3	611.648
5. Benzo(a)pyrene (PAHs)	2	611.310(c)	3	611.648
6. Carbofuran	2	611.310(c)	3	611.648
7. Chlordane	2	611.310(c)	3	611.648
8. Dalapon	2	611.310(c)	3	611.648
9. Di(2-ethylhexyl)adipate	2	611.310(c)	3	611.648
10. Di(2-ethylhexyl)phthalate	2	611.310(c)	3	611.648
11. Dibromochloropropane (DBCP)	2	611.310(c)	3	611.648
12. Dinoseb	2	611.310(c)	3	611.648
13. Dioxin (2,3,7,8-TCDD)	2	611.310(c)	3	611.648
14. Diquat	2	611.310(c)	3	611.648
15. Endothall	2	611.310(c)	3	611.648
16. Endrin	2	611.310(c)	3	611.648
17. Ethylene dibromide	2	611.310(c)	3	611.648
18. Glyphosate	2	611.310(c)	3	611.648
19. Heptachlor	2	611.310(c)	3	611.648
20. Heptachlor epoxide	2	611.310(c)	3	611.648
21. Hexachlorobenzene	2	611.310(c)	3	611.648
22. Hexachlorocyclopentadiene	2	611.310(c)	3	611.648
23. Lindane	2	611.310(c)	3	611.648
24. Methoxychlor	2	611.310(c)	3	611.648
25. Oxamyl (Vydate)	2	611.310(c)	3	611.648
26. Pentachlorophenol	2	611.310(c)	3	611.648
27. Picloram	2	611.310(c)	3	611.648
28. Polychlorinated biphenyls (PCBs)	2	611.310(c)	3	611.648
29. Simazine	2	611.310(c)	3	611.648
30. Toxaphene	2	611.310(c)	3	611.648

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E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	611.310(a)	3	611.646
2. Carbon tetrachloride	2	611.310(a)	3	611.646
3. Chlorobenzene (monochlorobenzene)	2	611.310(a)	3	611.646
4. o-Dichlorobenzene	2	611.310(a)	3	611.646
5. p-Dichlorobenzene	2	611.310(a)	3	611.646
6. 1,2-Dichloroethane	2	611.310(a)	3	611.646
7. 1,1-Dichloroethylene	2	611.310(a)	3	611.646
8. cis-1,2-Dichloroethylene	2	611.310(a)	3	611.646
9. trans-1,2-Dichloroethylene	2	611.310(a)	3	611.646
10. Dichloromethane	2	611.310(a)	3	611.646
11. 1,2-Dichloropropane	2	611.310(a)	3	611.646
12. Ethylbenzene	2	611.310(a)	3	611.646
13. Styrene	2	611.310(a)	3	611.646
14. Tetrachloroethylene	2	611.310(a)	3	611.646
15. Toluene	2	611.310(a)	3	611.646
16. 1,2,4-Trichlorobenzene	2	611.310(a)	3	611.646
17. 1,1,1-Trichloroethane	2	611.310(a)	3	611.646
18. 1,1,2-Trichloroethane	2	611.310(a)	3	611.646
19. Trichloroethylene	2	611.310(a)	3	611.646
20. Vinyl chloride	2	611.310(a)	3	611.646
21. Xylenes (total)	2	611.310(a)	3	611.646

F. Radioactive Contaminants

1. Beta/photon emitters	2	611.330(d)	3	611.720(a), 611.732
2. Alpha emitters	2	611.330(c)	3	611.720(a), 611.731
3. Combined radium (226 & 228)	2	611.330(b)	3	611.720(a), 611.731
4. Uranium	¹¹ 2	611.330(e)	¹² 3	611.720(a), 611.731

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G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹³

1. Total trihalomethanes (TTHMs)	2	¹⁴ 611.310, 611.312(a)	3	611.680-611.688, 611.382(a)-(b)
2. Haloacetic Acids (HAA5)	2	611.312(a)	3	611.382(a)-(b)
3. Bromate	2	611.312(a)	3	611.382(a)-(b)
4. Chlorite	2	611.312(a)	3	611.382(a)-(b)
5. Chlorine (MRDL)	2	611.313(a)	3	611.382(a), (c)
6. Chloramine (MRDL)	2	611.313(a)	3	611.382(a), (c)
7. Chlorine dioxide (MRDL), where any two consecutive daily samples at entrance to distribution system only are above MRDL	2	611.313(a), 611.383(c)(3)	2 ¹⁵ , 3	611.382(a), (c), 611.383(c)(2)
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	¹⁶ 1	611.313(a), 611.383(c)(3)	1	611.382(a), (c), 611.383(c)(2)
9. Control of DBP precursors--TOC (TT)	2	611.385(a)-(b)	3	611.382(a), (d)
10. Benchmarking and disinfection profiling	N/A	N/A	3	611.742, <u>611.953</u> , <u>611.954</u>
11. Development of monitoring plan	N/A	N/A	3	611.382(f)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	611.296	N/A	N/A
2. Epichlorohydrin (TT)	2	611.296	N/A	N/A

II. Unregulated Contaminant Monitoring:¹⁷

A. Unregulated contaminants	N/A	N/A	3	611.510
B. Nickel	N/A	N/A	3	611.603, 611.611

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III. Public Notification for Relief Equivalent to a SDWA Section 1415 Variance or a Section 1416 Exemption:

A. Operation under relief equivalent to a SDWA section 1415 variance or a section 1416 exemption	3	¹⁸ 1415, 1416	N/A	N/A
B. Violation of conditions of relief equivalent to a SDWA section 1415 variance or a section 1416 exemption	2	1415, 1416, ¹⁹ 611.111, 611.112	N/A	N/A

IV. Other Situations Requiring Public Notification:

A. Fluoride secondary maximum contaminant level (SMCL) exceedence	3	611.858	N/A	N/A
B. Exceedence of nitrate MCL for a non-CWS supplier, as allowed by the Agency	1	611.300(d)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	611.510	N/A	N/A
D. Waterborne disease outbreak	1	611.101, 611.233(b)(2)	N/A	N/A
E. Other waterborne emergency ²⁰	1	N/A	N/A	N/A
F. Other situations as determined by the Agency by an SEP issued pursuant to Section 611.110	1, 2, 3	N/A	N/A	N/A

Appendix G – Endnotes

1. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Agency by an SEP issued pursuant to Section 611.110. The Agency may, by an SEP issued pursuant to Section 611.110, further require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under Sections 611.902(a) and 611.903(a).

2. Definition of the abbreviations used: "MCL" means maximum contaminant level, "MRDL" means maximum residual disinfectant level, and "TT" means treatment technique.

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3. The term "violations of National Primary Drinking Water Regulations (NPDWR)" is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
4. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3 violations.
5. A supplier that violates the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue an SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
6. A supplier with a treatment technique violation involving a single exceedence of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR), ~~or~~ the Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule are required to consult with the Agency within 24 hours after learning of the violation. Based on this consultation, the Agency may subsequently decide to issue an SEP pursuant to Section 611.110 that elevates the violation to a Tier 1 violation. If a supplier is unable to make contact with the Agency in the 24-hour period, the violation is automatically elevated to a Tier 1 violation.
7. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule (63 Fed. Reg. 69477 (December 16, 1998)) (Sections 611.740-611.741, 611.743-611.744) become effective January 1, 2002 for a Subpart B supplier (surface water systems and groundwater systems under the direct influence of surface water) that serves at least 10,000 persons. However, Section 611.742 is currently effective. The Surface Water Treatment Rule (SWTR) remains in effect for a supplier serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.
8. The arsenic MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.330(b) and 611.612(c).
9. The arsenic Tier 3 violation MCL citations are effective January 23, 2006. Until then, the citations are Sections 611.100, 611.101, and 611.612.

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10. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
11. The uranium MCL Tier 2 violation citations are effective December 8, 2003 for a CWS supplier.
12. The uranium Tier 3 violation citations are effective December 8, 2000 for a CWS supplier.
13. A Subpart B community or non-transient non-community system supplier that serves 10,000 persons or more must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. A Subpart B transient non-community system supplier serving 10,000 or more persons that uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. A Subpart B transient non-community system supplier that serves fewer than 10,000 persons, that uses only groundwater not under the direct influence of surface water, and which uses chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
14. Section 611.310 will no longer apply after January 1, 2004.
15. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.
16. If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. A failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.
17. Some water suppliers must monitor for certain unregulated contaminants listed in Section 611.510.
18. This citation refers to sections 1415 and 1416 of the federal Safe Drinking Water Act. sections 1415 and 1416 require that "a schedule prescribed...for a public water system granted relief equivalent to a SDWA section 1415 variance or a section 1416 exemption must require compliance by the system...."
19. In addition to sections 1415 and 1416 of the federal Safe Drinking Water Act, 40 CFR

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142.307 specifies the items and schedule milestones that must be included in relief equivalent to a SDWA section 1415 small system variance. In granting any form of relief from an NPDWR, the Board will consider all applicable federal requirements for and limitations on the State's ability to grant relief consistent with federal law.

20. Other waterborne emergencies require a Tier 1 public notice under Section 611.902(a) for situations that do not meet the definition of a waterborne disease outbreak given in Section 611.101, but which still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

BOARD NOTE: Derived from Appendix A to Subpart Q to 40 CFR 141 (2001), as amended at 37 Fed. Reg. 1812 (January 14, 2002)(2000).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 611.APPENDIX H Standard Health Effects Language for Public Notification

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
National Primary Drinking Water Regulations (NPDWR):			
A. Microbiological Contaminants			
1a. Total coliform	Zero	See footnote 3	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

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1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) ⁴	None	1 NTU ⁵ /5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
2b. Turbidity (SWTR TT)	None	TT ⁷	Turbidity has no health effects. However, ⁶ turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

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2c. Turbidity (IESWTR TT and <u>LT1ESWTR TT</u>)	None	TT	Turbidity has no health effects. However, ⁸ turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR)- <u>violations</u> , <u>Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)</u> , and Filter Backwash Recycling Rule (FBRR) <u>violations</u> :			
3. Giardia lamblia (SWTR/IESWTR/ <u>LT1ESWTR</u>)	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
4. Viruses (SWTR/IESWTR/ <u>LT1ESWTR</u>)			<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>
5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/ <u>LT1ESWTR</u>)			<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>
6. Legionella (SWTR/IESWTR/ <u>LT1ESWTR</u>)			<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>

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7. Cryptosporidium (IESWTR/FBRR/ <u>LT1ESWTR</u>)			<u>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</u>
C. Inorganic Chemicals (IOCs)			
8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic ¹¹	0	0.01	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 µm)	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

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14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

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19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
D. Lead and Copper Rule			
23. Lead	Zero	TT ¹³	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

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24. Copper	1.3	TT ¹⁴	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
E. Synthetic Organic Chemicals (SOCs)			
25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
26. 2,4,5-TP (silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

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29. Benzo(a)pyrene (PAHs).	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
33. Di(2-ethylhexyl)adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl)adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di(2-ethylhexyl)-phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl)-phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

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35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD)	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

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42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

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48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs)	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

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54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs)			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

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60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

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67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

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74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants			
76. Beta/photon emitters	Zero	4 mrem/yr ¹⁵	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L ¹⁶	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium ¹⁷	Zero	30 µg/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

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H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). USEPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAA5) ¹⁸			
80. Total trihalomethanes (TTHMs)	N/A	0.10/0.080 ¹⁹ ₂₀	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA5)	N/A	0.060 ²¹	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) ₂₂	4.0 (MRDL) ₂₃	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

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85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
85a. Chlorine dioxide, where any two consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
			Add for public notification only: The chlorine dioxide violations reported today are the result of exceedences at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.
86a. Chlorine dioxide, where one or more distribution system samples are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

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			<p>Add for public notification only: The chlorine dioxide violations reported today include exceedences of the USEPA standard within the distribution system that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</p>
87. Control of DBP precursors (TOC)	None	TT	<p>Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.</p>
I. Other Treatment Techniques:			
88. Acrylamide	Zero	TT	<p>Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.</p>

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89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
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Appendix H – Endnotes

1. “MCLG” means maximum contaminant level goal.
2. “MCL” means maximum contaminant level.
3. For a water supplier analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For a supplier analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.
4. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule, ~~and~~ the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for a supplier that is required to filter but has not yet installed filtration (Section 611.320).
5. “NTU” means nephelometric turbidity unit.
6. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), ~~and~~ the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. A supplier subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Agency.
7. “TT” means treatment technique.
8. There are various regulations that set turbidity standards for different types of systems, including Section 611.320, the 1989 Surface Water Treatment Rule (SWTR), ~~and~~ the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1

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Enhanced Surface Water Treatment Rule. For a supplier subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency. For a supplier subject to the LT1ESWTR (a supplier that serves fewer than 10,000 people, using surface water or ground water under the direct influence of surface water) that uses conventional filtration or direct filtration, after January 14, 2005, the turbidity level of the supplier's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of the supplier's combined filter effluent must not exceed 1 NTU at any time. A supplier subject to the LT1 ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Agency.

9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

10. SWTR, ~~and~~ IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedences may use the health effects language for turbidity instead.

11. These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

12. Millions of fibers per liter.

13. Action Level = 0.015 mg/L.

14. Action Level = 1.3 mg/L.

15. Millirems per year.

16. Picocuries per liter.

17. The uranium MCL is effective December 8, 2003 for all community water systems.

18. A surface water system supplier or a groundwater system supplier under the direct influence of surface water is regulated under Subpart B of this Part. A Subpart B community water system

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supplier or a non-transient non-community system supplier that serves 10,000 or more persons must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community system suppliers must meet the MCLs and MRDLs beginning January 1, 2004. Subpart B transient non-community system suppliers serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Subpart B transient non-community system suppliers serving fewer than 10,000 persons and systems using only groundwater not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

19. The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for a Subpart B community water system supplier serving 10,000 or more persons. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only groundwater not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, a supplier serving fewer than 10,000 will have to comply with the new MCL as well.

20. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

21. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

22. "MRDLG" means maximum residual disinfectant level goal.

23. "MRDL" means maximum residual disinfectant level.

~~BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 (2000), as amended at 65 Fed. Reg. 76751 (December 7, 2000), effective December 8, 2003, and at 66 Fed. Reg. 6976 (January 22, 2001).~~

~~BOARD NOTE: Derived from Appendix B to Subpart Q to 40 CFR 141 (2000), as amended at 66 Fed. Reg. 6976 (January 22, 2001) (2001), as amended at 67 Fed. Reg. 1812 (January 14, 2002).~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers: 104.102 Proposed Action: 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 proposed changes pertain to the Department rules concerning administrative hearings. The changes are intended to manage the operation of child support hearings in a more efficient and realistic manner. The proposed changes:

- establish a reasonable standard for issuing the decision. The current standard, 60 days, is not realistic. There is no federal or State statute or federal regulation setting forth a time standard for issuance of the decision in a child support hearing. However, the Department's experience has demonstrated that these hearings need to be scheduled at least 30 days in advance and that 30 days should be allowed after the close of the record to prepare the decision. Therefore, the proposed rulemaking provides a standard that requires mailing the decision to relevant parties and their representatives within 90 days after the Department's receipt of the request for hearing;
- allow for delays in the hearing process that are caused by parties outside of the Department (for example, the custodial parent, the non-custodial parent and/or their representatives); and
- establish a standard for implementing the hearing decision once it is issued (currently, there is no such standard in Section 104.102).

These proposed changes will not result in any budgetary impact for the Department.

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

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<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
104.101	Amendment	July 12, 2002 (26 Ill. Reg. 10239)
104.104	Amendment	July 12, 2002 (26 Ill. Reg. 10239)

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

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

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

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

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

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: this proposed amendment was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONSPART 104
PRACTICE IN ADMINISTRATIVE HEARINGSSUBPART A: ASSISTANCE ~~APPEAL~~APPEALS

Section	
104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	
104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

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104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section

- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of ~~an~~ Application
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery
- 104.240 Conduct of Hearings
- 104.241 Amendments
- 104.242 Motions
- 104.243 Subpoenas
- 104.244 Burden of Proof
- 104.245 Witness at Hearings
- 104.246 Evidence at Hearings
- 104.247 Cross-Examination
- 104.248 Disqualification of Hearing Officers

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104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

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Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at

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26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.102 Conduct of Administrative Support Hearings

- a) Hearing De Novo
 - 1) The hearing shall be de novo and the Department's determination of liability or non-liability pursuant thereto shall be independent of the prior determination of liability.
 - 2) In Title IV-D cases, the hearing shall only consider such matters as are relevant for a determination of the duty and financial ability to support under 89 Ill. Adm. Code 160.60 and 160.65.
- b) Rules Governing Hearing
 - 1) Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by Sections 104.10 through 104.70, except that "appellant" as used within this Part shall refer to the responsible relative or Title IV-D client who petitions and except as set out in subsection (b)(2) of this Section below.
 - 2) In Title IV-D cases, the following additional rules shall govern:
 - A) A request for appeal must be filed with the regional or central office of the Division Bureau of Child Support Enforcement at the address furnished in the administrative support order.
 - B) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered interested parties.
 - C) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D clients and responsible relatives.
 - D) In the event of cross appeals, if the client is an Illinois resident, the hearing shall be held in the client's county of residence. Otherwise, if the appellant is an Illinois resident, the hearing shall be conducted in the appellant's county of residence. If the appellant is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the appellant nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Enforcement. In any event, the hearing may be conducted in a county acceptable to the

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appellant, the client, and the Division of Child Support Enforcement. If a party is outside the State, he or she may, in a manner consistent with Section 11-8.2 of the Public Aid Code [305 ILCS 5/11-8.2], present his or her case through depositions and witnesses. In addition, a party may request to participate in the hearing by telephone, at his or her own expense.

- E) Documents certified by a clerk of court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)
- F) In addition to the appellant, the Division of Child Support Enforcement or Title IV-D client may request and receive a continuance for good cause shown (for example, illness or other circumstance which ~~prevents~~prevent a party from continuing in the normal course of the hearing).
- G) Following the hearing, the Director of the Department shall make a Final Administrative Decision. A copy of the decision shall be mailed to each interested party and the parties' representatives, if any, within 90 days after the Department's receipt of the request for hearing, extended by any delay caused by any party other than the Department. The Department shall take appropriate action implementing the results of the decision within 30 days after its release. A decision on appeal shall be given to the IV-D client and responsible relative within 60 days after the Department's receipt of the appeal unless additional time is required for a proper decision due to the complexity or unavailability of relevant evidence, and the IV-D client and responsible relative will be notified of the length of the extension.

- c) A hearing to vacate registration or to modify the administrative income withholding notice of the Department shall consider only matters which would be available to the responsible relative as defenses in a civil action in Illinois to enforce a foreign money judgment (such as, payment, partial payment, or identification of the party against whom the judgment was entered). If the responsible relative shows the Department that an appeal from the registered support order is pending or will be taken in the court or administrative body of the jurisdiction which originally entered the order, or that a stay of execution has been granted, the Department shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the stay order is vacated.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Number: Proposed Action:
300.50 Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking increases by one live thoroughbred race, the number of races permitted on Fridays, Saturdays and Sundays.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

ILLINOIS RACING BOARD

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 300
PARI-MUTUELS

Section	
300.10	General
300.20	Records
300.30	Pari-Mutuel Tickets
300.40	Pari-Mutuel Wagers
300.50	Pari-Mutuel Races
300.60	Advanced Wagering
300.70	Scratches or Non-Starter
300.80	Pools Dependent Upon Betting Interests
300.90	Minimum Payoff
300.100	Pari-Mutuel Complaints

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 955, effective January 7, 1997; amended at 22 Ill. Reg. 7044, effective May 1, 1998; emergency amendment at 23 Ill. Reg. 7772, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13935, effective November 2, 1999; amended at 25 Ill. Reg. 15257, effective November 1, 2001; amended at 26 Ill. Reg. _____, effective _____.

Section 300.50 Pari-Mutuel Races

- a) Wagering shall be prohibited on more than 11 live harness races during the course of a single racing program except on Fridays, Saturdays and Sundays when wagering shall be prohibited on more than 12 live harness races, unless permission to wager on additional races has been granted by the Board.
- b) Wagering shall be prohibited on more than 10 live thoroughbred races during the course of a single racing program except on Fridays, Saturdays and Sundays when wagering shall be prohibited on more than 11 live thoroughbred races, unless permission to wager on additional races has been granted by the Board.

ILLINOIS RACING BOARD

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
530.105	Amendment
530.205	Amendment
530.305	Amendment
530.330	Amendment
- 4) Statutory Authority: 320 ILCS 25/1 through 13
- 5) A Complete Description of the Subjects and Issues Involved: Deletes reference to form names for IDOR Form No. IL-1363, Application for Circuit Breaker and Pharmaceutical Assistance, and IDOR Form No. 1363-X, Amended Application for Circuit Breaker and Pharmaceutical Assistance. Form names are being revised because these applications will also now be used to request prescription coverage under SeniorCare.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
530.125	Amendment	07/12/02, 26 Ill. Reg. 10384
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Karen Alice Kloppe
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

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101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the problem was discovered after its completion during the review process for printing 2002 forms.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 530

SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND
PHARMACEUTICAL ASSISTANCE ACT

SUBPART A: PHARMACEUTICAL ASSISTANCE PROGRAM

Section

530.101	Purpose of the Pharmaceutical Assistance Program
530.105	Definitions
530.110	Covered Prescription Drugs
530.115	Eligibility Qualifications
530.116	Fees and Co-payments
530.117	Claim Filing Procedures
530.120	Cards
530.125	Determination of Cost of Covered Prescription Drugs
530.130	Authorized Pharmacy Qualifications
530.135	Assignment and Coordination of Benefits
530.140	Payments to Authorized Pharmacies
530.145	Execution of Contracts
530.150	Limitation on Prescription Size
530.155	Inspection and Disclosure of Records
530.160	Establishment of Liens
530.165	Penalties

SUBPART B: PROPERTY TAX RELIEF PROGRAM ("CIRCUIT BREAKER")

Section

530.201	Purpose of the Property Tax Relief Program
530.205	Definitions
530.210	Claimant Eligibility Qualifications
530.215	Claim Filing Procedures
530.220	Property Tax Grant Determinations
530.225	Penalties

SUBPART C: ELECTRONIC FILING

Section

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NOTICE OF PROPOSED AMENDMENTS

530.301	Electronic Filing Program Via Internet
530.305	Eligible Electronic Documents
530.310	Internet Filer Eligibility Qualifications
530.315	Electronic Applications
530.320	Electronic Signature Code
530.325	Transmission of Electronic Applications
530.330	Transmission Confirmation

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25] and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19929, effective October 28, 1998; amended at 24 Ill. Reg. 17562, effective November 16, 2000; emergency amendment at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 25 Ill. Reg. 12913; emergency expired November 27, 2001; amended at 25 Ill. Reg. 16508, effective December 18, 2001; amended at 26 Ill. Reg. 8437, effective May 24, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: PHARMACEUTICAL ASSISTANCE PROGRAM

Section 530.105 Definitions

The following definitions apply to the terms used in this Subpart A:

"Act" means the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

"Additional resident" means any person who is not filing a separate claim for the same claim year under this Act and who is living in the same residence with a claimant and for whom the household has provided more than half of that person's total financial support for a claim year.

"Applicant" means a claimant, any person in a household who has requested pharmaceutical assistance benefits on a claim filed by a claimant and, beginning January 1, 2001, any additional resident who would become a beneficiary if the claim is approved by the Department.

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"Beneficiary" means a person whose claim for pharmaceutical assistance benefits under the Act has been approved by the Department.

"Card" means an identification card issued to a beneficiary by the Department prior to January 1, 2001, and a Pharmaceutical Assistance Card issued to a beneficiary by the Department on and after January 1, 2001.

"Claim" means an original paper application (IDOR Form No. IL-1363, ~~Application for Circuit Breaker and Pharmaceutical Assistance~~, possibly using Schedule A, Schedule B, and/or Schedule P), an amended paper application (IDOR Form No. IL-1363-X, ~~Amended Application for Circuit Breaker and Pharmaceutical Assistance~~), or an electronic application filed by a verified Internet Filer for pharmaceutical assistance benefits under the Act.

"Claimant" means a person who has filed a claim for pharmaceutical assistance benefits under the Act. [320 ILCS 25/3.01]

"Claim year" means the calendar year prior to the year in which an applicant files a claim for pharmaceutical assistance benefits.

"Coverage year" means the period of time during which a beneficiary receives pharmaceutical assistance benefits for a claim year.

"Covered prescription drug" means any drug included in the categories listed in Section 530.110 for which the Department approves a claim for pharmaceutical assistance benefits.

"Current income" means household income for a claim year unless an applicant requests and is allowed by the Department to use projected income for a coverage year.

"Department" means the Illinois Department of Revenue. [320 ILCS 25/3.02]

"Director" means the Director of the Illinois Department of Revenue. [320 ILCS 25/3.03]

"Disabled person" means a person who is unable to engage in any substantial gainful activity by reason of medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. [320 ILCS 25/3.14]

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"Disease" means a chronic and possibly recurrent illness of long duration, as distinguished from an acute illness that is of short duration with recovery due to limited medical treatment (such as in the case of colds, flu, pneumonia, bronchitis, or other similar illnesses).

"Electronic application" means the electronic document set forth in subsection (a) of Section 530.305.

"Household" means a claimant or a claimant and his or her spouse living together in the same residence. [320 ILCS 25/3.05]

"Household income" means the combined income of the members of a household for a claim year. [320 ILCS 25/3.06]

"Program" means the Pharmaceutical Assistance Program provided for under the Act.

"Projected income" means household income expected to be received for a coverage year.

"Verified Internet Filer" means a person who meets the eligibility qualifications under subsection (b) of Section 530.310 and receives a confirmation number from the Department acknowledging transmission of a timely filed electronic application.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART B: PROPERTY TAX RELIEF PROGRAM ("CIRCUIT BREAKER")

Section 530.205 Definitions

The following definitions apply to the terms used in this Subpart B:

"Act" means the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

"Additional resident" means any person who is not filing a separate claim for the same claim year under the Act and who is living in the same residence with a claimant and for whom the household has provided more than half of that person's

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total financial support for a claim year.

"Beneficiary" means a person whose claim for a property tax grant under the Act has been approved by the Department.

"Claim" means an original paper application (IDOR Form No. IL-1363, ~~Application for Circuit Breaker and Pharmaceutical Assistance~~, possibly using Schedule A, Schedule B, and/or Schedule P), an amended paper application (IDOR Form No. IL-1363-X, ~~Amended Application for Circuit Breaker and Pharmaceutical Assistance~~), or an electronic application filed by a verified Internet Filer for a property tax grant, pharmaceutical assistance, and/or a vehicle registration discount under the Act.

"Claimant" means a person who has filed a claim for a property tax grant under the Act. [320 ILCS 25/3.01]

"Claim year" means the calendar year prior to the year in which a claimant files a claim for a property tax grant.

"Department" means the Illinois Department of Revenue. [320 ILCS 25/3.02]

"Director" means the Director of the Illinois Department of Revenue. [320 ILCS 25/3.03]

"Disabled person" means a person who is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. [320 ILCS 25/3.14]

"Domiciled" means having a fixed habitation at a permanent residence in Illinois during a claim year.

"Electronic application" means the electronic document set forth in subsection (a) of Section 530.305.

"Gross rent" means:

the amount paid for a claim year for only the right to occupy a residence;
or

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the amount paid for a claim year for only the cost of housing in assisted living, nursing, retirement, or shelter care homes, excluding the cost of meals, care, and personal services for the claimant; or

the fair rental value for the residence for a claim year as determined by the Department under Section 530.220(e). [320 ILCS 25/3.04 and 6(b)]

"Household" means a claimant or a claimant and his or her spouse living together in the same residence. [320 ILCS 25/3.05]

"Household income" means the combined income of the members of a household for a claim year. [320 ILCS 25/3.06]

"Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the United States Internal Revenue Code of 1986 or any successor laws, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income:

An amount equal to all amounts paid or accrued as interest or dividends during the claim year;

An amount equal to the amount of tax imposed by the Illinois Income Tax Act paid for the claim year;

An amount equal to all amounts received during the claim year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement;

An amount equal to the amount of benefits paid under the federal Social Security Act during the claim year;

An amount equal to the amount of benefits paid under the Railroad Retirement Act during the claim year;

An amount equal to the total amount of cash public assistance payments received from any governmental agency during the claim year other than benefits received pursuant to the Act;

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An amount equal to any net operating loss carryover deduction or capital loss carryover deduction during the claim year; and

For the 2001 claim year and later claim years, *an amount equal to any benefits received under the Workers' Compensation Act or the Workers' Occupational Diseases Act during the claim year.*

"Income" does not include any distributions or items of income described under Section 203(a)(2)(X) of the Illinois Income Tax Act (i.e., distributions made to a claimant or his or her spouse because of status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and items attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime). [320 ILCS 25/3.07]

"Privilege tax" means taxes paid for the claim year pursuant to the Mobile Home Local Services Tax Act [35 ILCS 515]. (See 320 ILCS 25/3.09.)

"Program" means the Property Tax Relief Program ("Circuit Breaker") provided for under the Act.

"Property taxes accrued" means:

the ad valorem property taxes extended against a residence payable or paid by a claimant for the claim year, excluding special assessments, interest, or service charges such as association or maintenance fees; and

the amount of privilege tax paid for the claim year. [320 ILCS 25/3.09]

"Rent constituting property taxes accrued" means 25% of the amount of gross rent paid by a claimant for a claim year for a residence that was subject to ad valorem property taxes. [320 ILCS 25/3.11]

"Residence" means the principal dwelling place occupied by a household in Illinois during the claim year and so much of the surrounding land as is reasonably necessary for use of that dwelling as a home, including:

rental property, mobile homes, single-family dwellings, and units in multifamily, multidwelling, or multipurpose buildings; or

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a specific legal description for a portion of property established by an assessor as constituting a residence; or

the portion of assisted living, nursing, retirement, or shelter care homes occupied as a dwelling by a claimant. [320 ILCS 25/3.12]

"Taxable year" means the claim year. [320 ILCS 25/3.13]

"Verified Internet Filer" means a person who meets the eligibility qualifications under Section 530.310(b) and receives a confirmation number from the Department acknowledging transmission of a timely filed electronic application.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART C: ELECTRONIC FILING

Section 530.305 Eligible Electronic Documents

- a) The only electronic document that is currently eligible to be transmitted to the Department via the Internet under this Subpart C is IDOR Form No. IL-1363, ~~Application for Circuit Breaker and Pharmaceutical Assistance~~, which must be filed by a verified Internet Filer as an original electronic application without using Schedule A, Schedule B, or Schedule P for the claim year.
- b) The following types of electronic documents are not currently eligible to be transmitted to the Department via the Internet under this Subpart C:
 - 1) Electronic documents listed in subsection (a) that require additional electronic or paper forms or the reporting of any other information for which the Department is unable to currently accept electronic transmission via the Internet; and
 - 2) Electronic documents that are not listed in subsection (a).
- c) The Department reserves the right to limit the number or type of electronic documents that can be filed via the Internet under this Subpart C depending upon authentication and verification requirements and technological capabilities.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 530.330 Transmission Confirmations

- a) The Department will issue a confirmation number to a verified Internet Filer to

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acknowledge receipt of its transmission and to confirm the timely filing of a completed electronic application under the program. The confirmation date constitutes the actual filing date for an electronic application. An electronic application will not be considered to be filed with the Department in a timely manner if no confirmation number was issued after its transmission.

- b) A verified Internet Filer cannot recall or intercept an electronic application after its transmission has been confirmed by the Department under the program.
- c) If a verified Internet Filer wishes to change any of the data entered on an electronic application after its transmission has been confirmed by the Department under the program, he or she must submit a paper amended application to the Department for that claim year using IDOR Form No. IL-1363-X, ~~Amended Application for Circuit Breaker and Pharmaceutical Assistance.~~
- d) A verified Internet Filer should contact the Department for assistance if transmission of an electronic application has not been confirmed after several attempts.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
302.90	Amend
302.150	Amend
302.300	Amend
302.820	Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) Effective Date of Amendments: October 15, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 12, 2002; 26 Ill. Reg. 10084
- 10) Has JCAR issued a Statement of Objection to the amendments? Yes
 - A) Statement of Objection: September 27, 2002, 26 Ill. Reg. 14290
 - B) Agency Response: October 25, 2002, 26 Ill. Reg. 15328
 - C) Date Agency Response Submitted for Approval to JCAR: September 30, 2002
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect? No

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NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These changes are intended to allow State government to operate more efficiently by removing certain restrictions for filling *Rutan* exempt term appointments and by enhancing the State's flexibility to transfer certain qualified individuals with two years State experience into Personnel Code positions. Rulemaking is needed in order to implement these changes.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302

MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section

302.10	Examinations
302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regarding Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section

302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

Section

302.170	Programs
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 302.175 Appointments
- 302.180 Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

- Section
- 302.190 Definitions
- 302.200 Interruptions In Continuous Service
- 302.210 Deductions From Continuous Service
- 302.215 Leave of Absence for Educational Purposes
- 302.220 Veterans Continuous Service
- 302.230 Peace or Job Corps Enrollees Continuous Service
- 302.240 Accrual and Retention of Continuous Service During Certain Leaves
- 302.250 Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

- Section
- 302.260 Performance Records
- 302.270 Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

- Section
- 302.300 Probationary Period
- 302.310 Certified Status
- 302.320 Status Change in Probationary Period
- 302.325 Intermittent Status

SUBPART G: PROMOTIONS

- Section
- 302.330 Eligibility for Promotion
- 302.335 Limitations On Promotions
- 302.340 Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

- Section
- 302.400 Transfer

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302.410	Intra-Agency Transfer
302.420	Inter-Agency Transfer
302.425	Merit System Transfer
302.430	Geographical Transfer (Agency Directed)
302.431	Geographical Transfer (Agency Directed) Procedures
302.432	Notice To Employee
302.433	Effective Date of Geographical Transfer (Agency Directed)
302.435	Employee-Requested Geographical Transfer
302.440	Rights of Transferred Employees
302.445	Transfer of Duties
302.450	Limitations on Transfers
302.460	Employee Records

SUBPART I: DEMOTION

Section	
302.470	Demotion
302.480	Notice to Employee
302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
302.496	Appeal by Certified Employee
302.497	Demotion of Other Employees
302.498	Status of Demoted Employees

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section	
302.500	Voluntary Reduction of Certified and Probationary Employees
302.505	Limitations in Voluntary Reduction
302.507	Definition of Layoff
302.510	Temporary Layoff
302.512	Use of Accrued Benefits During Temporary Layoff
302.514	Notice of Temporary Layoff
302.516	Return from Temporary Layoff
302.518	Scheduling for Temporary Layoffs
302.519	Deferral of Wages
302.520	Indeterminate Layoff Procedure
302.523	Voluntary Indeterminate Layoff
302.525	Disapproval
302.530	Order of Layoff

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302.540	Effective Date of Layoff
302.550	Employee Opportunity to Seek Voluntary Reduction
302.560	Order of Preference in Voluntary Reduction
302.570	Reemployment Lists
302.580	Employment From Reemployment List
302.590	Removal of Names From Reemployment List
302.595	Laid Off Probationary Employee
302.596	Appeal by Employee
302.597	Reinstatement from Layoff
302.600	Resignation
302.610	Reinstatement

SUBPART K: DISCHARGE AND DISCIPLINE

Section	
302.625	Definition of Certified Employee
302.626	Progressive Corrective Discipline
302.628	Prohibited Disciplinary Action
302.630	Disciplinary Action Warning Notice
302.640	Suspension Totaling Not More Than Thirty Days in any Twelve Month Period
302.660	Suspension Totaling More than Thirty Days in any Twelve Month Period
302.670	Approval of Director of Central Management Services
302.680	Notice to Employee
302.690	Employee Obligations
302.700	Cause for Discharge
302.705	Pre-Termination Hearing
302.710	Suspension Pending Decision on Discharge
302.720	Discharge of Certified Employee
302.730	Notice to Employee
302.750	Appeal by Employee
302.780	Discharge of Probationary Employees
302.781	Reinstatement from Suspension or Discharge
302.785	Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict
302.790	Prohibition of Discrimination

SUBPART L: TERM APPOINTMENTS

Section	
302.800	Definition of Terms

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- 302.810 Positions Subject to Term Appointments
- 302.820 Appointment
- 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
- 302.822 Appointees Under Term Appointments
- 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)
- 302.824 No Reallocation to Term Positions
- 302.825 Reemployment Rights to Term Appointment
- 302.830 Expiration of Term Appointment
- 302.840 Renewal Procedures
- 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
- 302.842 Effective Date of Reappointment or Termination (Repealed)
- 302.846 Change in Position Factors Affecting Term Appointment Exclusion
- 302.850 Reconsideration Request
- 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
- 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective Oct 15, 2002.

SUBPART B: APPOINTMENT AND SELECTION

Section 302.90 Appointments

- a) Except as provided in subsection (b), the filling of a vacant position subject to Jurisdiction B of the Personnel Code may be made in any of the following ways:
- 1) by appointment from the appropriate open competitive list;
 - 2) by promotion of a certified employee or a probationary employee who has been certified during the current period of continuous service from the applicable promotional list after giving appropriate consideration to employee qualifications, performance, seniority, and conduct;
 - 3) by reinstatement of a former certified employee;
 - 4) by intra-agency, inter-agency or merit system transfer;
 - 5) by demoting an employee after having filed charges;
 - 6) by accepting an employee's request for a voluntary reduction; ~~or~~
 - 7) by selection from the alternative employment list established under Section 302.91; ~~or~~
 - 8) for positions subject to Term Appointment, by appointment of the Director or the Chairman of the Department, Board or Commission in which the position is located pursuant to Section 302.820.
- b) No position may be filled by any of the means listed in subsection (a) when there is an available person on a reemployment list for that title in the agency and for the county, location or area in which the position is established, and, no position may be filled by appointment (subsection (a)(1)) or reinstatement (subsection (a)(3)) if there is an available person on the alternative employment list (subsection (a)(7)).

(Source: Amended at 26 Ill. Reg. 15285, effective Oct 15, 2002)

Section 302.150 Appointment and Status

The following types of appointment may be made by the Director:

- a) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 4b of the Personnel Code, such employee shall establish eligibility for such position by passing satisfactorily a qualifying

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

examination prescribed by the Director within 6 months after the extension of Jurisdiction B to such position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within 6 months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

- b) Emergency: For persons selected by agencies to meet emergency situations. Such appointments shall not exceed 60 days, shall not be renewed and may be made without regard to an eligible list. Notices of selections and terminations shall be reported immediately to the Director.
- c) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than 6 months out of any 12-month period.
- d) Provisional: For persons in positions for which there are fewer than 3 available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than 6 months out of any 12-month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such position shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.
- e) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.
- f) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.
- g) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.
- h) Term: For persons appointed for a four year term ~~from eligible lists or pursuant to Section 4d(5) of the Personnel Code~~. At the expiration of four years, the appointment automatically terminates unless renewed by the Director or Chairman of the employing department, commission or board. During the term of appointment, these persons shall be subject to Jurisdictions A, B, and C of the Personnel Code.
- i) Intermittent: For persons appointed pursuant to subsections (e) or (f) above whose work schedule varies from the regular work schedule of the operating agency as provided in an intermittent program established pursuant to Section 302.325. Incumbents in positions given intermittent status pursuant to such programs shall be allowed to remain in the position at the time the intermittent

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status is given.

(Source: Amended at 26 Ill. Reg. 15285, effective Oct 15, 2002)

SUBPART F: PROBATIONARY STATUS

Section 302.300 Probationary Period

- a) A probationary period of six months shall be served by:
 - 1) an employee who enters State service or commences a new period of continuous service, except an employee who is reinstated as provided under Section 302.610;
 - 2) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period.
- ~~c)~~ An employee who has been appointed to a position subject to Jurisdiction B of the Personnel Code and who, immediately prior to the appointment, has served the State as a full time employee, continuously, for a minimum of 2 years in a position not subject to Jurisdiction B, shall serve a probationary period of 30 days.
- ~~d)~~e) An employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.
- ~~e)~~d) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during such probationary period.
- ~~f)~~e) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

(Source: Amended at 26 Ill. Reg. 15285, effective Oct 15, 2002)

Section 302.820 Appointment

- a) An appointee to a position subject to Term Appointment for which the individual is qualified and which position is determined by the Director of Central Management Services to be exempt from the requirements of the United States Supreme Court decision in Rutan, et al. v. Republican Party of Illinois, et al., 497

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

U.S. 62 (1990), shall be selected by the Director or Chairman of the Department, Board or Commission in which the position is located. An appointee to all other positions ~~a position~~ subject to Term Appointment shall be selected by the Director or Chairman of the Department, Board or Commission in which the position is located from the appropriate open competitive or competitive promotional eligible list. Such appointments ~~appointment~~ shall be made for a four year term commencing on the date of the appointment.

- b) All appointments to and renewals in term positions made before the effective date of P.A. 85-1152, effective July 29, 1988, amending the Personnel Code are ratified and confirmed.

(Source: Amended at 26 Ill. Reg. 15285, effective Oct 15, 2002)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.180 Action: Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) Effective Date of Amendment: October 11, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Is a copy of the adopted amendment on file in the agency's principal office and available for public inspection? Yes
- 9) Notice of Proposal Published in Illinois Register: January 11, 2002; 36 Ill. Reg. 310
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None, except source note volume number is changed to "26".
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this adopted amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes. Emergency and proposed amendments to Section 3000.1071 to implement P.A. 92-595.

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
300.1071	Amendment	26 Ill. Reg. 10171

- 15) Summary and Purpose of Amendment: This revision clarifies that the Illinois Gaming Board does not authorize nor permit any person, other than law enforcement officers and certain specifically authorized persons, to carry weapons on a riverboat.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment should be directed to:

Jeannette P. Tamayo
Deputy Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300-S
Chicago, Illinois 60601
(312)814-4641
FAX (312)814-8798

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR
PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips and Tokens
3000.660	Minimum Standards for Electronic Gaming Devices
3000.665	Integrity of Electronic Gaming Devices

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- 3000.666 Bill Validator Requirements
3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section

- 3000.700 Duty to Exclude
3000.705 Voluntary Self-Exclusion Policy
3000.710 Distribution and Availability of Exclusion Lists
3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
3000.725 Duty of Licensees
3000.730 Procedure for Entry of Names
3000.740 Petition for Removal from Exclusion List
3000.750 Establishment of a Self-Exclusion List
3000.751 Locations to Execute Self-Exclusion Forms
3000.755 Information Required for Placement on the IGB Self-Exclusion List
3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760 Distribution and Availability of Confidential IGB Self-Exclusion List
3000.770 Duties of Owner Licensees
3000.780 Request for Removal from the IGB Self-Exclusion List
3000.785 Appeal of a Notice of Denial of Removal
3000.790 Duties of the Board

SUBPART H: SURVEILLANCE AND SECURITY

Section

- 3000.800 Required Surveillance Equipment
3000.810 Riverboat and Board Surveillance Room Requirements
3000.820 Segregated Telephone Communication
3000.830 Surveillance Logs
3000.840 Storage and Retrieval
3000.850 Dock Site Board Facility
3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

- 3000.900 Liquor Control Commission
3000.910 Liquor Licenses
3000.920 Disciplinary Action

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3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

- 3000.1000 Ownership Records
- 3000.1010 Accounting Records
- 3000.1020 Standard Financial and Statistical Records
- 3000.1030 Annual and Special Audits and Other Reporting Requirements
- 3000.1040 Accounting Controls Within the Cashier's Cage
- 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
- 3000.1060 Handling of Cash at Gaming Tables
- 3000.1070 Tips or Gratuities
- 3000.1071 Admission Tax and Wagering Tax
- 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

- 3000.1100 Coverage of Subpart
- 3000.1105 Duty to Maintain Suitability
- 3000.1110 Board Action Against License or Licensee
- 3000.1115 Complaint
- 3000.1120 Appearances
- 3000.1125 Answer
- 3000.1126 Appointment of Hearing Officer
- 3000.1130 Discovery
- 3000.1135 Motions for Summary Disposition
- 3000.1139 Subpoena of Witnesses
- 3000.1140 Proceedings
- 3000.1145 Evidence
- 3000.1146 Prohibition of Ex Parte Communication
- 3000.1150 Sanctions and Penalties
- 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at

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16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective Oct 11, 2002.

SUBPART A: GENERAL PROVISIONS

Section 3000.180 Weapons on Riverboat

The only individuals that may carry a weapon on ~~a the~~ riverboat are Board agents, Illinois State Police officers, ~~security personnel licensed by the Board~~, peace officers on duty within their jurisdictions, and such other persons as may be authorized by the Board, the Administrator or agents of the Board designated by the Administrator.

(Source: Amended at 26 Ill. Reg. 15296, effective Oct 11, 2002)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.3380 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 5/304(f)
- 5) Effective Date of Amendment: October 9, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, 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: 26 Ill. Reg. 7015, 5/10/02
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.3420	New Section	25 Ill. Reg. 13243, 10/19/01
100.2480	Amendment	26 Ill. Reg. 10372, 07/12/02
100.9720	Amendment	26 Ill. Reg. 11389, 07/26/02
100.9710	Amendment	26 Ill. Reg. 12715, 08/23/02
100.2490	New Section	26 Ill. Reg. 13790, 09/20/02

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- 15) Summary and Purpose of Amendment: This rulemaking provides guidance for the treatment of gross receipts arising from incidental or occasional transactions or activities. Currently, the regulation provides two separate rules: one excludes "substantial" gross receipts of incidental or occasional sales from the sales factor, while the other excludes "insubstantial" receipts of such sales. This rulemaking combines the two into a single rule applicable to all incidental or occasional sales.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Heidi Scott
Associate Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
217/782-7055

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX
SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business

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- Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Current Net Operating Losses; Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

- Section
- 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
- 100.2310 Computation of the Illinois Net Loss Deduction
- 100.2320 Determination of the Amount of Illinois Net Loss Carryovers
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986
- 100.2340 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND
PARTNERSHIPS

- Section
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA

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100.2480 Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K),
203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and
203(a)(2)(T))
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and
Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for
Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE
INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than
Residents (IITA Section 303)

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SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section	
100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other than Residents (IITA Section 304) - In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations (IITA Section 304(c))

SUBPART M: ACCOUNTING

Section	
100.4500	Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section	
100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses

SUBPART O: COMPOSITE RETURNS

Section	
100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent

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100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credit for Resident Individuals
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section	
100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 701)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

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Section

- 100.7100 Withholding Exemption (IITA Section 702)
- 100.7110 Withholding Exemption Certificate (IITA Section 702)
- 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

- 100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

- 100.7300 Returns of Income Withheld from Wages (IITA Section 704)
- 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns (IITA Section 704)
- 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

- 100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

- 100.9200 Assessment (IITA Section 903)
- 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

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Section

- 100.9300 Deficiencies and Overpayments (IITA Section 904)
- 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
- 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
- 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

- 100.9500 Access to Books and Records (IITA Section 913)
- 100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
- 100.9510 Taxpayer Representation and Practice Requirements
- 100.9520 Conduct of Investigations and Hearings
- 100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

- 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

- 100.9700 Unitary Business Group Defined (IITA Section 1501)
- 100.9710 Financial Organizations (IITA Section 1501)
- 100.9720 Nexus
- 100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

- 100.9800 Letter Ruling Procedures

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APPENDIX A	Business Income Of Persons Other Than Residents
TABLE A	Example of Unitary Business Apportionment
TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg.

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14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective Oct 9, 2002.

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3380 Special Rules (IITA Section 304)

- a) IITA Section 304(f) provides that *if the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not fairly represent the extent of a person's business activity in this State, the person may petition for, or the Director may require, in respect of all or any part of the person's business activity, if reasonable:*
- 1) *Separate accounting;*
 - 2) *The exclusion of any one or more factors;*
 - 3) *The inclusion of one or more additional factors which will fairly represent the person's business activities in this State; or*
 - 4) *The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.*

The Director has determined that, in the instances described in this Section, the apportionment provisions provided in subsections (a) through (e) and (h) of IITA Section 304 do not fairly represent the extent of a person's business activity within Illinois. For tax years beginning on or after the effective date of a rulemaking amending this Section to prescribe a specific method of apportioning business income, all nonresident taxpayers are directed to apportion their business income employing that method in order to properly apportion their business income to Illinois. Taxpayers whose business activity within Illinois is not fairly represented by a method prescribed in this Section and who do not want to use

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that method for a tax year beginning after the effective date of the rulemaking adopting that method must file a petition under Section 100.3390 of this Part requesting permission to use an alternative method of apportionment. For tax years beginning prior to the effective date of the rulemaking adopting a method of apportioning business income, the Department will not require a taxpayer to adopt that method; provided, however, if any taxpayer has used that method for any such tax year, the taxpayer must continue to use that method that tax year. Moreover, a taxpayer may file a petition under Section 100.3390 of this Part to use a method of apportionment prescribed in this Section for any open tax year beginning prior to the effective date of the rulemaking adopting that method, and such petition shall be granted in the absence of facts showing that such method will not fairly represent the extent of a person's business activity in Illinois.

- b) Property factor. The following special rules are established in respect to the property factor in IITA Section 304(a)(1):
- 1) If the subrents taken into account in determining the net annual rental rate under Section 100.3350(c) of this Part produce a negative or clearly inaccurate value for any item of property, another method which will properly reflect the value of rented property may be required by the Director or requested by the person. In no case however shall such value be less than an amount which bears the same ratio to the annual rental rate paid by the person for such property as the fair market value of that portion of the property used by the person bears to the total fair market value of the rented property.
Example: A corporation rents a 10-story building at an annual rental rate of \$1,000,000. The corporation occupies two stories and sublets eight stories for \$1,000,000 a year. The net annual rental rate of the taxpayer must not be less than two-tenths of the corporation annual rental rate for the entire year, or \$200,000.
 - 2) If property owned by others is used by the person at no charge or rented by the person for a nominal rate, the net annual rental rate for such property shall be determined on the basis of a reasonable market rental rate for such property.
- c) Sales factor. The following special rules are established in respect to the sales factor in IITA Section 304(a)(3):
- 1) In the case of sales where neither the origin nor the destination of the sale is within this State, and the person is taxable in neither the state of origin nor the state of destination, the sale will be attributed to this State (and included in the numerator of the sales factor) if the person's activities in this State in connection with the sales are not protected by the provisions of P.L. 86-272, 15 USC 381-385. Although P.L. 86-272, by its terms

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covers only sales of tangible personal property, its rules regarding a state's power to impose a net income tax, for purposes of this special rule, will be applied whether the sale is of tangible or intangible property.

Example: A corporation's salesman operates out of an office in Illinois. He regularly calls on customers both within and without Illinois. Orders are approved by him and transmitted to the corporation's headquarters in State A. If the property sold by the salesman is shipped from a state in which the corporation is not taxable to a purchaser in a state in which the corporation is not taxable, the sale is attributable to Illinois.

- 2) Where ~~substantial amounts of~~ gross receipts arise from an incidental or occasional sale of assets used in the regular course of the person's trade or business, such gross receipts shall be excluded from the sales factor. For example, gross receipts from the sale of a factory or plant will be excluded.
- 3) ~~Insubstantial amounts of gross receipts arising from incidental or occasional transactions or activities may be excluded from the sales factor unless such exclusion would materially affect the amount of income apportioned to this State. For example, the person ordinarily may include or exclude from the sales factor gross receipts from such transactions as the sale of office furniture, business automobiles, etc.~~
- 3)4) Where the income producing activity in respect to business income from intangible personal property can be readily identified, such income is included in the denominator of the sales factor and, if the income producing activity occurs in this State, in the numerator of the sales factor as well. For example, usually the income producing activity can be readily identified in respect to interest income received on deferred payments on sales of tangible property (Section 100.3370(a)(1)(A) of this Part).
- 4)5) Where business income from intangible property cannot readily be attributed to any income producing activity of the person, such income cannot be assigned to the numerator of the sales factor for any state and shall be excluded from the denominator of the sales factor. The following provisions illustrate this concept:
 - A) Subpart F (26 USCA 951-964) income is passive income generated by the mere holding of an intangible. For taxable years ending on or after December 31, 1995, Subpart F income is excluded from the sales factor under IITA Section 304(a)(3)(D). For prior taxable years, there is a rebuttable presumption that Subpart F income is not includable in either the numerator or the denominator of the sales factor. If a taxpayer wishes to include Subpart F income in

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either the numerator or the denominator of the sales factor, the burden of proof is on the taxpayer to identify the income producing activities and to situs those activities within a particular state, or

- B) where business income in the form of dividends received on stock during taxable years ending before December 31, 1995, or interest received on bonds, debentures or government securities results from the mere holding of intangible personal property by the person, such dividends and interest shall be excluded from the denominator of the sales factor.

~~5)6)~~ In the case of sales of business intangibles (including, by means of example, without limitation, patents, copyrights, bonds, stocks and other securities), gross receipts shall be disregarded and only the net gain (loss) therefrom shall be included in the sales factor.

Example: In 1990, Corporation A, a calendar year taxpayer, sells stock with an adjusted basis of \$98,000,000 for \$100,000,000, realizing a federal net capital gain of \$2,000,000. Only the net capital gain of \$2,000,000 is reflected in A's sales factor for the taxable year ending December 31, 1990.

- d) Unitary Partners: Inclusion of shares of partnership unitary business income and factors in combined unitary business income and factors of partners.
- 1) IITA Section 304(e) provides that whenever *2 or more persons are engaged in a unitary business as described in IITA Section 1501(a)(27), a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any such member or members shall be apportioned by means of the combined apportionment method.* Because partnerships may be members of a unitary business group within the meaning of IITA Section 1501(a)(27), this provision requires a partnership to use combined apportionment when it is engaged in a unitary business with one or more of its partners. However, partners who are not engaged in a unitary business with the partnership are required to include their shares of the partnership's business income apportioned to Illinois in their Illinois net incomes under IITA Section 305(a), and those partners' business activities in Illinois would not be represented fairly by their shares of partnership income computed by combining the business income and apportionment factors of the partnership with the business income and apportionment factors of its unitary partners.
- 2) Accordingly, when the business activities of a partnership and any of its partners' business activities constitute a unitary business:
- A) The partner's distributive share of the business income and

DEPARTMENT OF REVENUE

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apportionment factors of the partnership shall be included in that partner's business income and apportionment factors. In determining the business income and apportionment factors of the partnership, transactions between the unitary partner and the partnership shall not be eliminated.

- B) If a partnership and one of its partners are engaged in a unitary business and the partnership is itself a partner in a second partnership:
- i) If the partner is not engaged in a unitary business with the second partnership, the partner's share of the first partnership's share of the business income and apportionment factors of the second partnership shall not be included in the partner's business income and apportionment factors. Instead, the partner's share of the first partnership's share of the base income apportioned to Illinois by the second partnership will be included in the partner's Illinois net income.
 - ii) If the partner is engaged in a unitary business with the second partnership, the partner's share of the first partnership's share of the business income and apportionment factors of the second partnership shall be included in the partner's business income and apportionment factors.
- 3) This subsection (d) shall not apply to a partner's shares of business income and apportionment factors from any partnership that cannot be included in a unitary business group with that partner because:
- A) the partner and the partnership are required to apportion their business income using different apportionment formulas under IITA Section 304, and therefore cannot be members of a unitary business group under IITA Section 1501(a)(27); or
 - B) the business activities of either the partner or the partnership outside the United States are equal to or greater than 80% of the total worldwide business activities of that partner or partnership, as determined under Section 1502(a)(27) of the IITA. In applying this 80-20 test to a taxpayer, no apportionment factors of any partnership shall be included in the apportionment factors of that taxpayer pursuant to this subsection (d).
If the partnership is itself a partner in a second partnership, and one of its partners is engaged in a unitary business with the second partnership and is not prohibited from being a member of a unitary

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business group that includes the second partnership under subsection (d)(3)(A) or (B), that partner shall include in its business income and apportionment factors its share of the partnership's share of the second partnership's business income and apportionment factors.

- 4) Example: Corporation A owns a 50% interest in P-1, a partnership. Corporation A and P-1 are engaged in a unitary business within the meaning of IITA Section 1501(a)(27). P-1 itself conducts no business activities in Illinois, and the Illinois numerator of its apportionment factor is zero. P-1 holds a 50% interest in P-2, a partnership doing business exclusively in Illinois. P-1 has \$1.4 million of taxable business income, not including any income from P-2. P-2 has base income of \$1 million, all of which is business income, and on a separate-entity basis, all of its business income would be apportioned to Illinois.
- If Corporation A and P-2 are not members of the same unitary business group, Corporation A would compute its business income apportioned to Illinois by including \$700,000 (50% of \$1.4 million) of P-1's business income in Corporation A's business income, and 50% of P-1's apportionment factors in its apportionment factors. Corporation A also would include in its Illinois net income its 50% share of P-1's 50% share of the base of P-2 apportionable to Illinois, or \$250,000 (50% of 50% of \$1 million).
- If Corporation A, P-1 and P-2 are members of the same unitary business group, P-1 will include 50% of P-2's business income and 50% of P-2's apportionment factors in its own business income and apportionment factors. Accordingly, P-1's business income will be \$1.9 million (the \$1.4 million it earned directly plus its 50% share of P-2's \$1 million in business income). Corporation A will then compute its business income apportioned to Illinois by including its 50% share of P-1's business income, or \$950,000 (50% of \$1.9 million) with its business income and its 50% share of P-1's apportionment factors (which will include P-1's share of P-2's apportionment factors) in its apportionment factors.
- If Corporation A, P-1 and P-2 are unitary, but P-1 cannot be included in a unitary business group with Corporation A and P-2 because those entities apportion their business income under IITA Section 304(a) and P-1 is a financial organization that apportions its business income under IITA Section 304(c), Corporation A will include in its business income and apportionment factors its 50% share of P-1's 50% share of the business income and apportionment factors of P-2. Also, Corporation A's Illinois net income will include 50% of the business income of P-1 apportioned to

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Illinois by P-1 using its own apportionment factors. Because, in this example, P-1 is not doing business in Illinois, none of its business income will be included in Corporation A's Illinois net income.

- e) Apportionment of Business Income by Foreign Taxpayers
- 1) Under 26 USCA 882, foreign corporations include only effectively-connected income in their federal taxable income. Foreign taxpayers may exclude other items of income from their federal taxable income if authorized under treaty, as provided in 26 USCA 894. Using a foreign taxpayer's worldwide apportionment factors to determine how much of its domestic business income should be apportioned to Illinois would not fairly represent that taxpayer's business activities within Illinois. Accordingly, a foreign taxpayer shall use only the apportionment factors related to its domestic business income when apportioning its business income to Illinois. Similarly, in determining whether 80% or more of a foreign taxpayer's total business activity is conducted outside the United States for purposes of IITA Section 1501(a)(27), that taxpayer must use only the apportionment factors related to the business income included in its federal taxable income (plus addition modifications), rather than use all of its worldwide factors.
 - 2) Foreign Sales Corporations. Under 26 USC 921, "exempt foreign trade income" of a foreign sales corporation is treated as foreign source income excluded from gross income. "Exempt foreign trade income" is defined in 26 USC 923 to equal the sum of the amounts of income derived from various categories of transaction, with the income from each category multiplied by specific percentages. As a general rule, there is no systematic relationship between transactions qualifying for this treatment and any particular item of property or payroll of a foreign sales corporation. Accordingly, the provisions of subsection (e)(1) of this Section shall not apply to a foreign sales corporation and, in apportioning its business income and in determining whether 80% or more of its business activity is conducted outside the United States, a foreign sales corporation shall use all of its apportionment factors.

(Source: Amended at 26 Ill. Reg. 15304, effective Oct 9, 2002)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Admission to and Discharge from Illinois Veterans Homes
- 2) Code Citation: 95 Ill. Adm. Code 107
- 3) Section Number: 107.10 Proposed Action: Amendment
- 4) Statutory Authority: 20 ILCS 2805/2.9
- 5) Effective Date of Amendment: October 11, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, 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: June 14, 2002, 26 Ill. Reg. 8516
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: There were minor grammatical and technical changes to the rule.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of amendment: This rulemaking was adopted to comply with Public Act 92-351. Veterans Home Domiciliary Unit admission eligibility was expanded to include members of the National Guard or Reserve Forces of the United States who completed 20 years of satisfactory service and have been an Illinois resident for at least one year before applying for admission.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENT

Donald Bullerman
Department of Veterans' Affairs
833 S. Spring Street
Springfield, IL 62794-9432
(217) 785-7208

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

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENT

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRSPART 107
ADMISSION TO AND DISCHARGE FROM ILLINOIS
VETERANS HOMES

Section

107.10	Admission of Veterans
107.20	Admission of a Spouse of a Veteran
107.30	Admission of Widow or Widower of a Veteran
107.40	Admission of an Applicant Discharged or Paroled from a Penal Institution
107.50	Discharge from Homes

AUTHORITY: Implementing and authorized by the Department of Veterans Affairs Act [20 ILCS 2805].

SOURCE: Filed and effective December 15, 1977; amended at 6 Ill. Reg. 5188, effective April 14, 1982; codified at 6 Ill. Reg. 8439; amended at 12 Ill. Reg. 14356, effective August 30, 1988; amended at 25 Ill. Reg. 5756, effective April 17, 2001; amended at 26 Ill. Reg. 15321, effective Oct 11, 2002.

Section 107.10 Admission of Veterans

- a) The Administrator may admit to an Illinois ~~Veterans~~ Veterans² Home any honorably discharged ex-service man or woman, provided the applicant:
- 1) Has served in the armed forces of the United States at least 1 day between the dates recognized by the United States Department of Veterans Affairs (USDVA); (see 38 USC 101 et seq. for specific dates), or between any other present or future dates recognized by the USDVA as a war period, or has served in a hostile fire environment and has been awarded a campaign or expeditionary medal signifying his or her service, for purposes of eligibility for domiciliary or nursing home care, or has:
 - A) served on active duty in the armed forces for one year, for purposes of eligibility for domiciliary care only; or and
 - B) served in the National Guard or Reserve Forces of the United States and completed 20 years of satisfactory service and is otherwise eligible to receive reserve or active duty retirement benefits, for purposes of eligibility for domiciliary care only; and
 - 2) Has service accredited to the State of Illinois or has been a resident of this

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENT

- State for one year immediately preceding the date of application; and
- 3) Is disabled by disease, wounds, or otherwise, and by reason of such disability is incapable of earning a living. ~~and~~
- b) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs (see 77 Ill. Adm. Code 340.1310(c)).
- c) An applicant denied admission because of the failure to meet any of the criteria in subsection (a) or (b) shall be advised fully of eligibility for care in a USDVA, State, county, or city hospital, or other Home.
- d) No applicant/resident determined by professional evaluation to be in need of services not readily available in a particular Home, or distinct part of a Home, or through arrangement with a qualified outside ~~source-resource~~, shall be admitted to or kept in that Home, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the ~~Illinois~~-Nursing Home Care Act [210 ILCS 45]. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.
- e) *Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumococcal pneumonia [210 ILCS 45/2-213].*

(Source: Amended at 26 Ill. Reg. 15321, effective Oct 11, 2002)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 8, 2002 through October 15, 2002 and have been scheduled for review by the Committee at its November 19, 2002 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/20/02	<u>Department of Public Health</u> , Newborn Metabolic Screening and Treatment Code (77 Ill. Adm. Code 661)	8/16/02 26 Ill. Reg. 12566	11/19/02
11/21/02	<u>Illinois Commerce Commission</u> , Imputation (83 Ill. Adm. Code 792)	7/12/02 26 Ill. Reg. 10126	11/19/02
11/22/02	<u>Department of Public Health</u> , Health Care Professional Credentials Data Collection Code (77 Ill. Adm. Code 965)	6/7/02 26 Ill. Reg. 8293	11/19/02
11/22/02	<u>Secretary of State</u> , Business Corporation Act (14 Ill. Adm. Code 150)	8/16/02 26 Ill. Reg. 12591	11/19/02
11/22/02	<u>Secretary of State</u> , Uniform Partnership Act (14 Ill. Adm. Code 165)	8/16/02 26 Ill. Reg. 12598	11/19/02
11/22/02	<u>Secretary of State</u> , Revised Uniform Limited Partnership Act (14 Ill. Adm. Code 170)	8/16/02 26 Ill. Reg. 12601	11/19/02
11/22/02	<u>Secretary of State</u> , Limited Liability Company Act (14 Ill. Adm. Code 178)	8/16/02 26 Ill. Reg. 12605	11/19/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/22/02	<u>Department of Revenue</u> , Cigarette Tax Act (86 Ill. Adm. Code 440)	7/26/02 26 Ill. Reg. 11408	11/19/02
11/22/02	<u>Department of Revenue</u> , Cigarette Use Tax Act (86 Ill. Adm. Code 450)	7/26/02 26 Ill. Reg. 11429	11/19/02
11/23/02	<u>Department of Central Management Services</u> , Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10)	8/16/02 26 Ill. Reg. 12515	11/19/02
11/24/02	<u>Department of Transportation</u> , Airport Land Loan Program (92 Ill. Adm. Code 15)	8/23/02 26 Ill. Reg. 12746	11/19/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION AND RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Illinois Architecture Practice Act of 1989

Code Citation: 68 Ill. Adm. Code 1150

Section Numbers: 1150.105

Date Originally Published in the Illinois Register: 3/8/02
26 Ill. Reg. 3389

At its meeting on October 8, 2002, the Joint Committee on Administrative Rules objected to Section 1150.105 of DPR's rulemaking titled Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150; 26 Ill. Reg. 3389) because the rulemaking lacks standards for determining how DPR will approve an association or organization as a continuing education provider. JCAR also recommended that in the future the Department abide by its statutory obligation to consult with the Architecture Licensing Board concerning applicant qualifications, licensee or registrant discipline, and promulgation of rules. To delay in notifying the Board of rulemaking changes opposed by the Board until after the rulemaking goes to Second Notice severely hampers timely and meaningful consultation.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection and Recommendation shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED
RULEMAKING

Agency: Department of Central Management Services

Heading of the Part: Merit and Fitness

Code Citation: 80 Illinois Administrative Code 302

Register Citation: 26 Ill. Reg. 10084

Agency Response to Specific Joint Committee Objections:

In response to the objections of the Joint Committee on Administrative Rules, the Department asserts the following. Each of the items raised by the Joint Committee is addressed separately. We have included each item followed by the Department's response.

At its meeting on September 10, 2002, the Joint Committee on Administrative Rules objected to the Department of Central Management Services rulemaking titled Merit and Fitness (80 Ill. Adm. Code 302; 26 Ill. Reg. 10084) because, contrary to Section 5-100(c) of the IAPA, the Department has not provided adequate justification and rationale for the proposed rulemaking and for departing from existing personnel policies, notably:

The abandonment of a 6-month probationary period for persons moving from a non-coded to a coded position;

Section 8b.6 of the Personnel Code (20 ILCS 415/8b.6) authorizes the Department to promulgate rules that provide for a period of probation not to exceed one year before appointment or promotion is completed. The one-month probationary period for persons moving from a non-Code to a Code position is within such authorization. The one-month period applies only if the appointee has served the State immediately prior to appointment as a full time employee, continuously, for a minimum of two years in a non-Jurisdiction B position. This should allow sufficient time to determine if the appointee should be certified in the position.

The extraordinary action of long term measures to address possible, unknown, short term needs by appointing permanent and/or 4 year term appointees to address temporary management shortfalls when interim replacements could be designated from within existing agency ranks or obtained on an emergency, temporary or provisional basis pursuant to the Personnel Code;

An extraordinary number of vacancies are anticipated in this time of transition, due in large part to the early retirement legislation. While emergency, temporary or provisional appointments can

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED
RULEMAKING

be made currently, this new rulemaking will provide more flexibility and additional incentives to help agencies fill these vacancies and ensure that necessary State services are not interrupted.

The delegation of CMS authority under the Personnel Code to agency directors to make, process and administer term appointments;

The authority of agency directors to make, process and administer term appointments is not new. The Personnel Code currently gives this authority to agency heads and not to CMS (20 ILCS 415/8b.19).

The abandonment of approved, qualified personnel candidate lists for term appointments.

The rule provides that individuals appointed to Rutan exempt term positions must be qualified for those positions. As stated previously, it is anticipated that agency directors will determine qualifications by following the same procedures that are used currently by CMS.

CMS will adopt the amendments as submitted to JCAR at Second Notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Home Inspector License Act

Code Citation: 68 Ill. Adm. Code 1410

Section Numbers:

1410.10	1410.100	1410.110
1410.110	1410.120	1410.130
1410.140	1410.140	1410.150
1410.160	1410.170	1410.200
1410.210	1410.220	1410.230
1410.240	1410.240	1410.250
1410.300	1410.310	1410.320
1410.330	1410.340	1410.350
1410.400	1410.410	1410.420
1410.500	1410.510	1410.520
1410.530	1410.540	1410.550
1410.560	1410.570	1410.580
1410.590	1410.600	

Date Originally Published in the Illinois Register: 9/6/02
26 Ill. Reg. 13317

At its meeting on October 8, 2002, the Joint Committee on Administrative Rules objected to the emergency rules of the Office of Banks and Real Estate titled "Home Inspector License Act" (68 Ill. Adm. Code 1410) because the only "emergency" that exists in this particular instance is the emergency created by the agency's failure to act in a timely manner.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT ON AGING

Heading of the Part: Community Care Program

Code Citation: 89 Ill. Adm. Code 240

Section Numbers: 240.400(a)

Date Originally Published in the Illinois Register: 7/12/02
26 Ill. Reg. 10076

At its meeting on October 8, 2002, the Joint Committee on Administrative Rules objected to the amendments in Section 240.400(a) of the rulemaking of the Department on Aging titled Community Care Program (89 Ill. Adm. Code 240; 26 Ill. Reg. 10076). The amendment changes a provision that denies appeal of a DonA action by CCP clients when the action is based on an automatic change in eligibility, rates or benefits required by federal or State law. With this rulemaking, DonA is amending this provision to include, as "automatic, non-discretionary" changes, alterations in its own rules. When program guidelines are dictated by a force or entity over which DonA has no control, like Congress, the General Assembly, a federal agency, or another State agency with jurisdiction over the program, appeal to DonA would be fruitless and thus is reasonable to deny. The policy would more appropriately be argued with the originating entity, not DonA. This denial of appeal, however, should not extend to DonA's own policies, as this rulemaking proposes.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

PROCLAMATIONS

2002-520**October 20, 2002, as Country Music Day**

WHEREAS, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music, along with square and clog dancing in our state; and

WHEREAS, the ICMA believes in the entertainment of fans and the recognition of Illinois artists; and

WHEREAS, the ICMA is celebrating its 13th anniversary with a show and concert on October 20. During the show, the Illinois Country Music Entertainer of the Year, along with 35 other awards will be announced;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2002, as *COUNTRY MUSIC DAY* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 07, 2002

2002-521**October 20, 2002, as Bloomington Elks Club # 281 Day**

WHEREAS, the Benevolent and Protective Order of Elks of the United States is one of the oldest and largest fraternal organizations in the country. Since its inception in 1868, the Order of the Elks has grown to include nearly 1.2 million men and women in nearly 2,200 communities; and

WHEREAS, in those communities, local Elks lodges work valiantly to promote civic pride, regularly holding functions to recognize and celebrate the achievements of local emergency services personnel, teachers, leading citizens, students and government officials; and

WHEREAS, the Elks also assist the efforts of local charitable organizations through volunteer work and financial contributions. Since its founding in 1868, the Elks have donated over \$3 billion in cash, goods and services to charitable organizations; and

WHEREAS, in 1907 the BPO Grand Elks Lodge designated by resolution June 14 as Flag Day. This spawned President Harry Truman, himself a member of the Elks, to proclaim thereafter that June 14 would be a day of national observance for the symbol of our country; and

WHEREAS, in times of war and international conflict, the Benevolent and Protective Order of Elks makes considerable contributions to the nation's armed forces. The Order considers its work done to aid in defense of the nation as one of its proudest and most lasting achievements;

WHEREAS, since 1917, the Benevolent and Protective Order of Elks has demonstrated compassion for the veterans of our armed forces through a number of programs and activities; and

WHEREAS, the Bloomington Elks Club #281 was founded in Bloomington, Illinois, in 1902. The Club will be celebrating its 100th anniversary on October 20, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2002, as BLOOMINGTON ELKS CLUB # 281 DAY in Illinois.

PROCLAMATIONS

Issued by the Governor October 11, 2002
Filed by the Secretary of State October 07, 2002

2002-522**November 2002 as Hospice Month**

WHEREAS, 2002 marks the 20th anniversary of the establishment of the Medicare Hospice Benefit, which has enabled more than 4 million American patients and families to receive hospice's comprehensive array of services at little or no cost; and

WHEREAS, each year approximately 775,000 terminally ill patients and their families rely on end-of-life care provided by approximately 3,200 hospice locations in communities throughout the United States; and

WHEREAS, hospice care allows patients and families to receive professional medical services, pain and symptom control, and emotional and spiritual support, without hospitalization; and

WHEREAS, hospices create a compassionate atmosphere, where patients are able to die with dignity, wherever they call home, surrounded and supported by loved ones, familiar friends, and committed caregivers; and

WHEREAS, professional and compassionate hospice staff and volunteers – including physicians, nurses, social workers, therapists, and clergy – provide comprehensive care and attend to the particular needs and wishes of each patient, and family members and friends also receive counseling and bereavement care that help them cope with the loss of their loved one; and

WHEREAS, providing high-quality hospice care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, Hospice Month recognizes those who serve in our nation's hospices, often as caregivers in the patients' homes, and caring for patients at the end of life can be emotionally painful, physically exhausting, and financially difficult; and

WHEREAS, this observance is an opportunity to encourage, honor, and support the professionals, volunteers, and family caregivers who take on the challenge of caring for patients at the end of life;

THEREFORE, I, George H. Ryan, *Governor of the State of Illinois*, proclaim *November 2002 as HOSPICE MONTH* in Illinois and encourage citizens to increase their awareness of the importance and availability of hospice services and to observe this month with the appropriate activities and programs.

Issued by the Governor October 11, 2002
Filed by the Secretary of State October 07, 2002

2002-523

PROCLAMATIONS

Congratulate the Unitarian Universalist Community Church of Park Forest on its 50 Years of dedicated service to the community

WHEREAS, the Unitarian Universalist Community Church began in 1952 when Georgiana Raygor and Elaine Garretson got together to organize a liberal religious Sunday school for their children. As the Sunday school began, the adults formed a Unitarian Fellowship and held adult services in a home in the Talala School District; and

WHEREAS, in 1954, the Fellowship incorporated and, in August 1955, welcomed its first minister, Reverend John Alexie Crane, while continuing to meet in the rented homes. By 1956, the church had grown and was renting classroom space for the Sunday school at Blackhawk Elementary School and Sunday morning adult services were held in the gymnasium; and

WHEREAS, in 1958, the church purchased five acres of land in Park Forest on Western Avenue for future use, Reverend Crane resigned and was followed in 1959 by Rev. Robert Hoagland and the congregation decided to buy Temple Anshe Shalom on Scott Street in Chicago Heights; and

WHEREAS, in 1964, Rev. David Bumbaugh became the minister and a special memorial service by Rev. Bumbaugh for Martin Luther King in 1968 was presented to a packed sanctuary on Scott Street. In 1969, Reverend Bumbaugh resigned and was followed by Rev. James A. Hobart, who was followed by Rev. Ellen Harvell Dohner; and

WHEREAS, in 1978, the Scott Street church was sold and the congregation held services in rented space at Mohawk School until 1980, when Sunday morning services were held in the Community Room of the Park Forest Plaza and Sunday school classes were held in second floor office spaces. The church on Sycamore Street was constructed in 1982 and dedicated on November 21, 1982; and

WHEREAS, Rev. Dohner left in 1987 and was replaced in 1988 by Rev. Edgar Peara, who started Edgar's Coffee House as a once-a-month live music venue which is open to the public and continues to the present time. Rev. Peara resigned in 1997 and was followed by Rev. Valerie Mapstone Ackerman, who left in 2001 and was followed by Rev. Martin Woulfe, interim minister; and

WHEREAS, members of the Unitarian Universalist Community Church have maintained a vital presence in Park Forest for 50 years, working for the peaceful racial integration of Park Forest; co-sponsoring the Committee for Non-Partisan Government; hosting readings of the play In White America, including one performance at the annual meeting of the Southern Christian Leadership Conference; supporting the Village's recycling efforts; and becoming members of the Library Board, League of Women Voters and other civic organizations; and

WHEREAS, the Unitarian Universalist Community Church is a welcoming congregation that affirms the worth of all people regardless of age, race, gender, gender preference, or other "differences";

THEREFORE, I George H. Ryan, Governor of the State of Illinois, congratulate the Unitarian Universalist Community Church of Park Forest on its 50 years of dedicated service to the community and its worshipers, and wish the church great success in achieving its mission for many years to come.

PROCLAMATIONS

Issued by the Governor October 11, 2002
Filed by the Secretary of State October 08, 2002

2002-524**October 12, 2002, as Ruth Friedland Day**

WHEREAS, the great State of Illinois from time to time recognizes the contributions of its citizens; and

WHEREAS, Ruth Friedland is an extraordinary citizen of Illinois, with compassion, caring, commitment and undying optimism; and

WHEREAS, Ruth Friedland served exemplary for three years as the first woman chair of the Board of Directors of West Central Illinois Education Telecommunications Corporation, the community licensee of public television stations WSEC (Jacksonville/Springfield), WMEC (Macomb) and WQEC (Quincy), and also served in leadership roles on nominating, personnel, membership, finance and long-range planning committees; and

WHEREAS, Ruth Friedland has been recognized among her peers on the Board as the first woman to be a Lifelong Member of the Board; and

WHEREAS, Ruth Friedland along with her partner, the late Milton Friedland has been an Illinois pioneer and visionary in starting the first commercial television station in Springfield and nurturing three public television stations serving central and western Illinois; and

WHEREAS, Ruth Friedland has been a kind and everlasting voice for diversity, religion, housing, education, culture and the arts, through her service as chairwoman of the board of the Springfield Housing Authority, and her leadership participation in the Illinois Symphony Orchestra, the Springfield Area Arts Council, Hadassah, B'nai B'rith Temple, the Springfield Jewish Federation and the Springfield Public Schools;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2002, as *RUTH FRIEDLAND DAY* in Illinois.

Issued by the Governor October 11, 2002
Filed by the Secretary of State October 08, 2002

2002-525**October 13-19, 2002, as One Church One School Week**

WHEREAS, after it's founding in 1991 by Reverend Doctor Henry M. Williamson, Sr., One Church One School has met with striking success across the nation; and

WHEREAS, One Church One School Community Partnership is a non-denominational community organization that mobilizes churches, schools, businesses, governmental agencies, media and other community-based organizations to enable improved educational and social outcomes for our children and youth; and

WHEREAS, the central theme to this collaboration is the teaching of "The Value of Life and

PROCLAMATIONS

the Value of Learning"; and

WHEREAS, One Church One School has been implanted throughout the Chicago Public Schools Interfaith Partnership Program; and

WHEREAS, One Church One School Community Partnership Program is celebrating its 7th Annual Midwest Regional Conference;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as *ONE CHURCH ONE SCHOOL WEEK* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 08, 2002

2002-526**October 26, 2002, as Shannon Rovers Irish Pipe Band Day**

WHEREAS, founded in 1926 by 12 Irish immigrants from the banks of the Shannon River, the Shannon Rovers Irish Pipe Band has grown in number and popularity. The Rovers have been named "The Official Band of Chicago's St. Patrick's Day Parade"; and

WHEREAS, the purpose of the Rovers is to "celebrate" the traditions and the folkways of the Gael and the banks of the Shannon River. The Shannon Rovers proudly do so into the new millennium; and

WHEREAS, having greeted visiting presidents, royalty and other distinguished visitors throughout the years, and having performed at many conventions and celebrations around the United States and throughout the many parts of the world, the Rovers are most proud of their continued service to the people of Chicago; and

WHEREAS, on October 26, 2002, the Shannon Rovers will be celebrating their Diamond Jubilee;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2002, as SHANNON ROVERS IRISH PIPE BAND DAY in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 08, 2002

2002-527**October 30, 2002, as Dr. Milton S. Albritton Day**

WHEREAS, on October 30, 2002, the Wadsworth Elementary School's Local School Council is honoring and saluting Dr. Milton S. Albritton, its Principal, a member of "Wadsworth Elementary School Local School Council's Dream Team," for being a distinguished, proficient educational leader with an open door policy to students, parents, staff and community at large; and

WHEREAS, Dr. Albritton, seventh of 16 children, attended Gailor High School of Mason, Tennessee, and graduated as valedictorian of his class. He began his teaching career with the

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Chicago Public Schools in 1964 at Stephen F. Douglas Elementary School, where he taught 7th grade for one year; and

WHEREAS, Dr. Albritton became the Physical Education teacher at the Oliver S. Westcott School in September 1965, serving 10 years and providing his students a well-rounded program of physical education. In 1973, he earned a Master's Degree in Urban Education from Governors State University; and

WHEREAS, Dr. Albritton began his administrative career with the Chicago Public Schools as a teaching assistant principal in September 1975 at Avalon Park School, where he was administratively responsible for grades 4, 5 and 6 under the tutelage of Principal Evelyn Green, and taught physical education to grades 5 and 6; and

WHEREAS, in June 1979, Dr. Albritton obtained a sabbatical leave from the Chicago Public Schools to earn a degree in Educational Administration from Atlanta University. He returned to Chicago in February 1983, serving as a physical education teacher at Avalon from February 1983 to March 1984; and

WHEREAS, in March 1984, Dr. Albritton became the teaching assistant principal at Medgar Evers Elementary School under the outstanding mentoring of principal Evelyn Clarkston. In June 1988, the Chicago Board of Examiners certified its final class of principals approved through examination; Dr. Albritton was a member of that class; and

WHEREAS in August 1988, Dr. Albritton was selected principal of James Wadsworth Elementary School from a pool of 37 candidates, having the distinction of being the first principal appointed from the class of 1988; and

WHEREAS, the unity that Dr. Albritton has created within the walls of Wadsworth has strength enough to construct a colossus. Wadsworth continues to prosper because of the synergism of the educational team where he is an important member and the Wadsworth teachers who individually and collectively provide solidarity; and

WHEREAS, Dr. Albritton has a strong sense of self and compassion for others, and he has dedicated his experiences to the educational advancement of Wadsworth Elementary School's students collectively for over 13 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as *DR. MILTON S. ALBRITTON DAY* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 09, 2002

2002-528**October 30, 2002, as Mrs. Velma Elese Cooksey Day**

WHEREAS, on October 30, 2002 the Wadsworth Elementary School's Local School Council is honoring and saluting Mrs. Velma Elese Cooksey, its Assistant Principal, a member of the "Wadsworth Elementary School Local School Council's Dream Team" for being a distinguished, proficient educational leader with an open door policy to students, parents, staff and community at large; and

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WHEREAS, Mrs. Cooksey is known for being a flexible administrator and for her outstanding communication, motivation and leadership abilities. Mrs. Cooksey, seventh of 10 children, attended Eisenhower High School of Blue Island, Illinois, and graduated in June 1974. She became the first child in her family to graduate from college when she received two masters degrees from Chicago State University; and

WHEREAS, Mrs. Cooksey began her teaching career with the Chicago Public Schools in 1978 as a classroom teacher where she used a wide variety of teaching aids and motivational strategies to engage students in active learning. In June 1990, she was selected "Best Teacher in Her School." Mrs. Cooksey began her administrative career with the Chicago Public Schools as a teaching assistant principal in 1993 at the Donoghue Elementary School, where she was administratively responsible for a staff of 60 in a school with approximately 500 students; and

WHEREAS, in 1993, Mrs. Cooksey was selected from a field of 110 nominees as one of the most talented teachers in the City of Chicago by the Whirlwind Performance Company. In 1994, she became head teacher at the Wadsworth Child-Parent Center where she provided leadership for all activities at the center; and

WHEREAS, in 1999, Mrs. Cooksey became Assistant Principal at the Wadsworth Elementary School under the outstanding mentoring of Principal Dr. Milton S. Albritton; and

WHEREAS, Mrs. Cooksey has a strong sense of self and compassion for others as Assistant Principal of Wadsworth Elementary School, has demonstrated untiring commitment to providing the students of Wadsworth the best education possible; and

WHEREAS, the unity that Mrs. Cooksey has created within the walls of Wadsworth has strength enough to construct a colossus. Wadsworth continues to prosper because of the synergism of the educational team where she is an important member and the Wadsworth's teachers who individually and collectively provide solidarity; and

WHEREAS, Mrs. Cooksey dedicated her genius, aesthetic and pedagogy experiences to the educational advancement of Wadsworth Child-Parent Center and Wadsworth Elementary School's students collectively for over eight years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2002, as *MRS. VELMA ELEASE COOKSEY DAY* in Illinois.

Issued by the Governor October 11, 2002
Filed by the Secretary of State October 09, 2002

2002-529

October 17, 2002, as Credit Union Day

WHEREAS, credit unions are individual, independent cooperatives founded by people working together toward economic advancement, uniting people seeking a way to improve their future; and

WHEREAS, credit unions call for the pooling of personal resources and leadership abilities for the good of the cooperative, encourage a regular habit of saving so those in need may borrow, and foster the desire to repay loans so members may have access to credit when it is required;

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and

WHEREAS, credit unions empower people to improve their economic situations in 90 nations around the world, through 37,000 credit unions currently serving the financial needs of 112 million members, including 2.3 million members in Illinois, associated through local, state, regional, and international organizations sharing the same commitment to serving credit union members; and

WHEREAS, credit unions are developing strong alliances that make financial democracy possible in many countries such as China, Poland, Russia, Ghana, Argentina, Ukraine, and the rest of the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 17, 2002, as CREDIT UNION DAY in Illinois, and encourage all citizens to recognize the many contributions credit unions have made to the communities in this state, both tangible and intangible, through the years, and honor and express appreciation for the service and commitment of Illinois' credit unions.

Issued by the Governor October 11, 2002
Filed by the Secretary of State October 09, 2002

2002-530**April 2002 as Reflex Sympathetic Dystrophy Syndrome Awareness Month'**

WHEREAS, Reflex Sympathetic Dystrophy Syndrome, also known as Complex Regional Pain Syndrome, affects more than six million Americans; and

WHEREAS, Reflex Sympathetic Dystrophy Syndrome (RSD) is an extremely painful neuromuscular disease that is primarily characterized by intense, chronic, burning pain; and

WHEREAS, RSD results from an injury or trauma and can simultaneously affect the nerves, muscles, blood vessels, skin, joints and bones in progressively severe stages; and

WHEREAS, detection and treatment are vital to preventing the disabling effects of RSD, which in its most severe stages can result in total dysfunction of an extremity or the entire body; and

WHEREAS, in the State of Illinois thousands of men, women and children suffer from RSD; and

WHEREAS, the RSDCare Network of Illinois offers support and vital information to the victims of the disease and their loved ones; and

WHEREAS, the month of April marks a focused effort on behalf of the RSDCare Network of Illinois to increase the awareness of RSD in the hope of early diagnosis and treatment through information, support and comfort to those inflicted with RSD, their families and friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2002 as *REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH* in Illinois.

Issued by the Governor October 11, 2002

PROCLAMATIONS

Filed by the Secretary of State October 03, 2002

2002-531**November 20, 2002, as Gis Day and November 17-23, 2002, as Geography Awareness Week**

WHEREAS, Geography Awareness Week and Geographic Information Science (GIS) Day were started in 1999 with 35 states and more than 91 countries recognizing the importance of geography; and

WHEREAS, global participation helped make Geography Awareness Week and GIS Day an overwhelming success, educating more than 2 million people; and

WHEREAS geography plays an important role in the understanding and shaping of the Illinois economy which interacts with evermore distant lands and peoples; and

WHEREAS, in this time of national crisis, a knowledge of distant places and peoples is also particularly important; and

WHEREAS, geography, and GIS technology, provide the tools for economic and environmental development in Illinois and they accord well with our initiatives on education, workforce development and the development of overseas trade based on high-technology exports; and

WHEREAS, over 1,400 organizations around the world are already signed up to host a GIS Day event in their community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 20, 2002, as *GIS DAY* and November 17-23, 2002, as *GEOGRAPHY AWARENESS WEEK* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 03, 2002

2002-532**October 19, 2002, as Martial Arts Day**

WHEREAS, the National Association of Professional Martial Artists is celebrating National Martial Arts Day on October 19, 2002, to unite millions of children and adults who participate in the martial arts; and

WHEREAS, National Martial Arts Day seeks to introduce the values of self-control, self-discipline, personal defense and physical fitness for every age, race, gender and ability level; and

WHEREAS, martial arts provides a powerful foundation for emotional development and success skills that last a lifetime; and

WHEREAS, the participation in martial arts builds strength, character, focus, flexibility and coordination while enhancing performance in other sports, in the workplace, at home and in school; and

WHEREAS, martial arts enhances self-esteem, goal-setting abilities, anger management and the skills of non-violent conflict resolution in people of all ages, helping them to become more

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productive and healthy people; and

WHEREAS, on National Martial Arts Day, martial arts schools across the United States partner with the National Association of Professional Martial Artists to heighten the visibility of the arts and encourage participation at the grassroots level;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 19, 2002, as *MARTIAL ARTS DAY* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 03, 2002

2002-533**October 13-19, 2002, as Earth Science Week**

WHEREAS, geology and the other earth sciences are fundamental to society; and

WHEREAS, the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and

WHEREAS, the earth sciences provide the basis for preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and

WHEREAS, the earth sciences are crucial to understanding environmental and ecological issues ranging from water and air quality to waste disposal; and

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and

WHEREAS, the earth sciences contribute critical elements to our understanding of Nature;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13-19, 2002, as *EARTH SCIENCE WEEK* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 03, 2002

2002-534**October 27, 2002, as Ora Higgins' Youth Foundation Day**

WHEREAS, the Ora Higgins' Youth Foundation was founded in 1976 by Ora Higgins, a woman of great vision and dedication to the cause of higher education for academically gifted students; and

WHEREAS, the Foundation will present a \$1,500 Scholarship Award to each of six high school graduates pursuing post-secondary study at institutions of higher education; and

WHEREAS, the Foundation will present Leadership Awards to six outstanding local professionals who have distinguished themselves through their contributions to the growth and development of today's urban youth; and

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WHEREAS, the Foundation strives to convey to its annual Scholarship Award recipients that the elements of good will, productive labor, mutual respect and law and order are the foundation upon which to establish and maintain a stable society; and

WHEREAS, the Foundation will commemorate the 26th Anniversary of its annual Scholarship Awards Dinner on Sunday, October 27, 2002, at the Lexington House in Hickory Hills;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2002, as *ORA HIGGINS' YOUTH FOUNDATION DAY* in Illinois.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 04, 2002

2002-535**Certificate of Commendation to Mr. Glen Freeberg**

WHEREAS, Glen Freeberg began his career with the State of Illinois in 1974 at the Department of Mental Health and Developmental Disabilities working at Chester Mental Health Center as an Activity Therapist in the security hospital and also the maximum security forensic hospital after it was created; and

WHEREAS, Mr. Freeberg also worked as a Labor Relations Administrator at Chester Mental Health Center where he was successful at the difficult task of forging good relationships with employees, unions and administration; and

WHEREAS, Glen Freeberg's excellent people skills and established work record resulted in his promotion to the Department of Mental Health and Developmental disabilities central office in Springfield where he held various high level positions, including serving as an Assistant to the Director; and

WHEREAS, Mr. Freeberg was a member of the Reorganization Project Team, analyzing data about the human services system in Illinois and developing recommendations for the new Illinois Department of Human Services (DHS); and

WHEREAS, Glen Freeberg served on the Personnel Committee for the creation of DHS, at which time he worked to ensure a smooth transition for employees involved with the reorganization of all or parts of six state human service agencies; and

WHEREAS, Mr. Freeberg was appointed as the first Manager of the Office of Human Resources at DHS, overseeing benefit and insurance programs, personnel transactions, labor relations, recruitment and selection, worker's compensation, training, the employee assistance program and payroll services for 20,000 employees; and

WHEREAS, Glen Freeberg's accomplishments at DHS include negotiating the first statewide labor relations agreements for DHS, implementing a single payroll system with the same scheduled pay date for all employees, negotiating the new Human Services Caseworker title, implementing the Mental Health Technician Trainee agency select hiring program and developing a DHS policy handbook for all employees; and

WHEREAS, Mr. Freeberg has earned a reputation for being professional, hard working, knowledgeable, a humanitarian and a team player in the fields of mental health, labor relations,

PROCLAMATIONS

human resources, policy design and implementation and management; and

WHEREAS, Glen Freeberg has served the citizens of the State of Illinois as a dedicated employee, providing quality services to both employees and clients for 28 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to Mr. Glen Freeberg for his devotion to public service and his many contributions to the citizens of this state.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 04, 2002

2002-536**October 18, 2002, as Tony Sauro Day**

WHEREAS, Tony Sauro is a past President of the Italian American Labor Council of Greater Chicago and currently serves as the organization's First Vice President; and

WHEREAS, Tony Sauro, raised in a strong union family, has put his talent and devotion to the American Labor Movement to work with the admirable and genuine aim of helping members. He has been a dynamic and influential force in formulating a wide range of practical, affordable and cost-effective health care and pension programs for numerous labor unions, their members, retirees and their families; and

WHEREAS, during his time as President of the IALC, Tony Sauro made two groundbreaking selections for the organization's prestigious "Person of the Year" award. In 1995, Margaret Blackshere, currently the President of the Illinois State AFL CIO, became the first woman ever chosen to receive the award. Another history-making honoree was the late Cardinal Joseph Bernadin, who accepted Tony's heartfelt request to accept the honor just weeks before his passing; and

WHEREAS, celebrating his 30th year as a proud member of the United Food and Commercial Workers International Union, Tony Sauro has been instrumental in obtaining recognition for the IALC throughout the Midwest and the nation; and

WHEREAS, on October 18, 2002, the IALC will honor Tony Sauro as the organization's Person of the Year at its Annual Banquet Dinner Dance in Des Plaines, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18, 2002, as *TONY SAURO DAY* in Illinois, in honor of his hard work and dedication toward the advancement of labor and his tireless efforts to promote the IALC.

Issued by the Governor October 11, 2002

Filed by the Secretary of State October 04, 2002

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2002 THIRD QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2002. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Allocation
Base Income
Business Income
Credits - Education Credit
Credit - Enterprise Zone Investment, High Impact
 Business Investment And Training Expense
Credits - Foreign Tax
Estimated Tax
Public Law 86-272/Nexus
Refund Claims - Statute of Limitations

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Returns - Other Rulings
Sales Outside the Ordinary Course of Business (Bulk Sales)
Subtraction Modifications - Enterprise And Foreign Trade Zones
Subtraction Modifications - Pensions
Subtraction Modifications - Qualified Pension Plans
Withholding
Withholding - Exemptions

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000 and 2001 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

DEPARTMENT OF REVENUE

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ALLOCATION

IT 02-0023-GIL 07/11/2002 Nonbusiness gambling winnings other than Illinois Lottery prizes are not allocable to Illinois by nonresidents.

BASE INCOME

IT 02-0031-GIL 08/27/2002 Whether or not award is exempt from Illinois income taxation is determined by federal income tax law.

IT 02-0032-GIL 08/27/2002 Tax treatment of employee benefit plans contributions and fringe benefits generally follows federal income tax law.

IT 02-0036-GIL 09/09/2002 Response to survey on IRC Section 529 plan taxation.

BUSINESS INCOME

IT 02-0002-PLR 08/16/2002 Gain on sale of business assets is business income when proceeds are used to pay off creditors and to support business of foreign affiliates.

CREDITS – EDUCATION CREDIT

IT 02-0038-GIL 09/20/2002 Institution that operates a day care and kindergarten, but does not offer grade 1 or higher, is not a school within the meaning of Section 26-1 of the School Code and so tuition for kindergarten at that institution does not qualify for the credit.

CREDIT – ENTERPRISE ZONE INVESTMENT, HIGH IMPACT BUSINESS INVESTMENT AND TRAINING EXPENSE

IT 02-0025-GIL 07/16/2002 General discussion of qualifications for credits.

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CREDITS – FOREIGN TAX

- IT 02-0003-PLR 08/22/2002 Schedules provided by partnership to partners showing income taxed by other states and tax paid on behalf of partners are sufficient to support claim for foreign tax credit.
- IT 02-0022-GIL 07/09/2002 Individual claiming credit for taxes paid to another state by a partnership on behalf of its partners must attach to his or her return a statement from the partnership supporting that claim.
- IT 02-0040-GIL 09/26/2002 Alabama net operating loss for individuals has no equivalent in computing base income, and so is not taken into account in computing double-taxed income.

ESTIMATED TAX

- IT 02-0030-GIL 08/20/2002 Overpayment shown on a return filed more than 3 years after the extended due date may not be credited against estimated tax liability of the subsequent year.

PUBLIC LAW 86-272/NEXUS

- IT 02-0024-GIL 07/12/2002 Nexus determinations are generally not appropriate for letter rulings.
- IT 02-0041-GIL 09/27/2002 Drop shipment of goods from Illinois to another state will not create nexus for seller with no other contacts with Illinois.

REFUND CLAIMS – STATUTE OF LIMITATIONS

- IT 02-0037-GIL 09/12/2002 Overpayment shown on a return filed more than 3 years after the due date may not be refunded or applied against the estimated tax liability for the subsequent year.

DEPARTMENT OF REVENUE

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REFUNDS – OTHER RULINGS

IT 02-0028-GIL 07/25/2002 Individual from whom Illinois taxes were withheld in error must file an Illinois income tax return to obtain a refund from Illinois.

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

IT 02-0029-GIL 08/16/2002 Information provided by taxpayer is insufficient to support a determination that no bulk sale report is required.

IT 02-0033-GIL 08/28/2002 Information provided by taxpayer is insufficient to support a determination that no bulk sale report is required.

IT 02-0039-GIL 09/26/2002 Sale of property in the ordinary course of business does not require bulk sale report.

SUBTRACTION MODIFICATIONS – ENTERPRISE AND FOREIGN TRADE ZONES

IT 02-0004-PLR 09/17/2002 Dividends received from the two corporations described in the request may be subtracted under IITA Section 203(b)(2)(L) because the corporations have been designated as High Impact Businesses and conduct activities in enterprise zones.

SUBTRACTION MODIFICATIONS – PENSIONS

IT 02-0026-GIL 07/18/2002 Military retirement pay is not taxed by Illinois.

IT 02-0027-GIL 07/19/2002 Disability pay excluded from federal adjusted gross income and military retirement pay are not taxed by Illinois.

SUBTRACTION MODIFICATIONS – QUALIFIED PENSION PLANS

IT 02-0034-GIL 08/29/2002 Pension payments taxable under IRC Section 403(b) are not

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subject to Illinois income tax.

WITHHOLDING

IT 02-0042-GIL 09/27/2002 Illinois follows federal rules for common pay agents.

WITHHOLDING – EXEMPTIONS

IT 02-0035-GIL 09/06/2002 Employer need not submit a Form IL-W-4 to IDOR for review unless 15 or more exemptions are claimed and the number of exemptions exceeds the number claimed on the federal Form W-4.

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 26, Issue 43 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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