

2002

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 26, Issue 48
December 2, 2002
Pages 16,995 – 17,320

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

 Printed on recycled paper

TABLE OF CONTENTS

December 02, 2002 Volume 26, Issue 48

PROPOSED RULES

ILLINOIS COMMERCE COMMISSION

- Standards for Customer-Provided Inside Wiring (CPIW) (General Order 216)
83 Ill. Adm. Code 740 Repealer.....16995

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Merit and Fitness

- 80 Ill. Adm. Code 30217007

INSURANCE, DEPARTMENT OF

Annual Audited Financial Report

- 50 Ill. Adm. Code 92517016

NUCLEAR SAFETY, DEPARTMENT OF

Standards for Protection Against Radiation

- 32 Ill. Adm. Code 34017032

POLLUTION CONTROL BOARD

General Rules

- 35 Ill. Adm. Code 10117034

Regulatory and Informational Hearings and Proceedings

- 35 Ill. Adm. Code 10217070

Enforcement

- 35 Ill. Adm. Code 10317087

Regulatory Relief Mechanisms

- 35 Ill. Adm. Code 10417097

Appeals of Final Decisions of State Agencies

- 35 Ill. Adm. Code 10517109

Proceedings Pursuant to Specific Rules or Statutory Provisions

- 35 Ill. Adm. Code 10617117

Tax Certifications

- 35 Ill. Adm. Code 12517129

Identification and Protection of Trade Secrets and Other

Non-Disclosable Information

- 35 Ill. Adm. Code 13017134

PUBLIC AID, DEPARTMENT OF

Hospital Services

- 89 Ill. Adm. Code 14817143

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF

Land Application Authorization Program

- 8 Ill. Adm. Code 25817155

HUMAN SERVICES, DEPARTMENT OF

Temporary Assistance for Needy Families

- 89 Ill. Adm. Code 11217182

General Assistance

89 Ill. Adm. Code 114	17198
HUMAN RIGHTS , DEPARTMENT OF	
Access to Information	
2 Ill. Adm. Code 926	17212
Procedures of the Department of Human Rights	
56 Ill. Adm. Code 2520	17217
PROFESSIONAL REGULATION, DEPARTMENT OF	
Nursing and Advanced Practice Nursing Act - Registered Professional Nurse and Licensed Practical Nurse	
68 Ill. Adm. Code 1300	17225
REVENUE, DEPARTMENT OF	
Income Tax	
86 Ill. Adm. Code 100	17250
EMERGENCY RULES	
NUCLEAR SAFETY, DEPARTMENT OF	
Standards for Protection Against Radiation	
32 Ill. Adm. Code 340	17273
PEREMPTORY RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	17280
NOTICE OF CORRECTIONS TO NOTICE ONLY	
DEAF AND HARD OF HEARING COMMISSION, ILLINOIS	
Rulemaking, Public Information and Organization	
2 Ill. Adm. Code 3300	17313
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
SECOND NOTICES RECEIVED	
No Second Notices were received	17314
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
November 14, 2002, as Diabetes Awareness Day	
02 – 581	17315
Commendation to the Men and Women of Commonwealth Edison for their Sacrifice and Courage as we recognize their efforts on Veteran's Day, November 11, 2002	
02 – 582	17315
October 2002 as Ultrasound Awareness Month	
02 – 583	17316
November 21-30, 2002, as Family Week	
02 – 584	17316
October 4-7, 2002, as Annunciation Greek Orthodox Church Days	
02 – 585	17317
November 2002 as Chronic Obstructive Pulmonary Disease Awareness Month	
02 – 586	17317

December 7, 2002, as Dr. Robert Gaylen Good Day	
02 – 587 17318
October 31, 2002, as "Trick-Or-Treat for UNICEF" Day	
02 – 588 17318
November 13, 2002, as Postpartum Depression Awareness Day	
02 – 589 17319

ISSUES INDEX I – 1

Editor’s Notes:

- Issue 3 - January 10, 2003: Data through December 31, 2002 (Annual)
- Issue 15 - April 11, 2003: Data through March 31, 2003 (1st Quarter)
- Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
- Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
- Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

If I may draw your attention to:

1 Ill. Adm. Code 100.130 Illinois Administrative Code Organization

- b)4) When a Part is repealed, the Index Department will enter that Part into a Table of Repealed Parts that will be published along with other supplementary materials to the Code (indexes, etc.). For two years after the date of a Part's repeal, the headings and Main Source Note will be maintained at that Part's location within the body of the Code. After two years, the headings and Main Source Note will be removed from the body of the Code.

1 Ill. Adm. Code 100.500 Requirements for Filing

- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. The acronym for the State agency shall appear at the far left on the header line. On the right hand side of the solid line shall be the appropriate Part or Section number. Each Section shall begin on a new page.**

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'

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

2002 REGISTER SCHEDULE VOLUME # 26

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 26, 2001	January 04, 2002	Issue 38	September 09, 2002	September 20, 2002
Issue 2	January 01, 2002	January 11, 2002	Issue 39	September 16, 2002	September 27, 2002
Issue 3	January 07, 2002	January 18, 2002	Issue 40	September 23, 2002	October 04, 2002
Issue 4	January 14, 2002	January 25, 2002	Issue 41	September 30, 2002	October 11, 2002
Issue 5	January 22, 2002	February 01, 2002	Issue 42	October 07, 2002	October 18, 2002
Issue 6	January 28, 2002	February 08, 2002	Issue 43	October 14, 2002	October 25, 2002
Issue 7	February 04, 2002	February 15, 2002	Issue 44	October 21, 2002	November 01, 2002
Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
Issue 9	February 19, 2002	March 01, 2002	Issue 46	November 04, 2002	November 15, 2002
Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 25 ²² , 2002
Issue 11	March 04, 2002	March 15, 2002	Issue 48	November 18, 2002	November 29, 2002 December 02, 2002
Issue 12	March 11, 2002	March 22, 2002	Issue 49	November 25, 2002	December 06, 2002
Issue 13	March 18, 2002	March 29, 2002	Issue 50	December 02, 2002	December 13, 2002
Issue 14	March 25, 2002	April 05, 2002	Issue 51	December 09, 2002	December 20, 2002
Issue 15	April 01, 2002	April 12, 2002	Issue 52	December 16, 2002	December 27, 2002
Issue 16	April 08, 2002	April 19, 2002			
Issue 17	April 15, 2002	April 26, 2002			
Issue 18	April 22, 2002	May 03, 2002			
Issue 19	April 29, 2002	May 10, 2002			
Issue 20	May 06, 2002	May 17, 2002			
Issue 21	May 13, 2002	May 24, 2002			
Issue 22	May 20, 2002	May 31, 2002			
Issue 23	May 27, 2002	June 07, 2002			
Issue 24	June 03, 2002	June 14, 2002			
Issue 25	June 10, 2002	June 21, 2002			
Issue 26	June 17, 2002	June 28, 2002			
Issue 27	June 24, 2002	July 05, 2002			
Issue 28	July 01, 2002	July 12, 2002			
Issue 29	July 08, 2002	July 19, 2002			
Issue 30	July 15, 2002	July 26, 2002			
Issue 31	July 22, 2002	August 02, 2002			
Issue 32	July 29, 2002	August 09, 2002			
Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

Printed by authority of the State of Illinois

July 2001 - 675 - GA -82

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Standards for Customer-Provided Inside Wiring (CPIW) (General Order 216)
- 2) Code Citation: 83 Ill. Adm. Code 740
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
740.10	Repeal
740.15	Repeal
740.20	Repeal
740.30	Repeal
740.40	Repeal
740.50	Repeal
740.60	Repeal
740.70	Repeal
TABLE A	Repeal
TABLE B	Repeal
TABLE C	Repeal
- 4) Statutory Authority: Implementing Section 8-501 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-501 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: In 1983, the Commission adopted 83 Ill. Adm. Code 740, "Standards for Customer-Provided Inside Wiring (CPIW)". These rules set forth minimum technical, material and quality of work standards applicable to the provision of inside wiring for connection to basic telephone exchange service.

On September 30, 1987, in the Third Interim Order in Docket 86-0278, Commission ordered Illinois local exchange carriers to detariff installation and maintenance of simple and complex inside wiring and transfer any inventories and/or assets and applicable reserves solely dedicated to those operations to the account for non-regulated investments. The action of the Commission is consistent with the policy of the Federal Communications Commission, which detariffed the installation and maintenance of inside wiring in CC Docket Nos. 79-105 and 82-681.

With the detariffing of customer-provided inside wiring, it is appropriate to repeal these rules.

- 6) Will this proposed repealer replace an emergency repealer currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This proposed repealer neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 02-0730, with:
- Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)782-7434
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This repealer will not affect any small municipalities or not for profit corporations.
- 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 Commission did not anticipate the need for this repealer at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 740
STANDARDS FOR CUSTOMER-PROVIDED INSIDE WIRING (CPIW)
(GENERAL ORDER 216) (REPEALED)

Section	
740.10	Scope and Application
740.15	Citation to the Code of Federal Regulations
740.20	Material Information
740.30	Installation Information
740.40	Testing Information
740.50	Responsibility of Customer for Customer-Provided Inside Wiring
740.60	General – Workmanship
740.70	Wiring Standards
TABLE A	Typical Fasteners and Spacing Intervals
TABLE B	Typical Wire Types
TABLE C	Recommended Separation and Physical Protection for Premises Wiring

AUTHORITY: Implementing Section 49 and authorized by Section 8 of "An Act concerning public utilities" (Ill. Rev. Stat. 1983, ch. 111, pars. 49 and 8).

SOURCE: Adopted at 7 Ill. Reg. 661, effective January 4, 1983; codified at 8 Ill. Reg. 5948; amended at 8 Ill. Reg. 19378, effective October 1, 1984; repealed at 27 Ill. Reg. _____, effective _____.

Section 740.10 Scope and Application

- a) This Part sets forth minimum technical, material and quality of work standards applicable to the provision of inside wiring for connection to basic telephone exchange service. For basic telephone exchange service, wiring must be used only with Federal Communications Commission (FCC) registered or grand-fathered non-button and/or single button telephone sets and associated ancillary devices. The FCC registration identification is prominently located on the telephone set.
- b) The standards set forth in this Part are subject to change as FCC policy, legislative or technological methods evolve.
- c) Customer-provided inside wiring must comply with applicable national, state or

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

local building and electrical codes. Article 800, entitled "Communication Circuits", of the National Electrical Code is also hereby incorporated by reference and must be complied with in those areas where no other local building or electrical code exists. Copies of the National Electrical Code may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, New York 10017.

- d) This standard recognizes that telephone companies may have varying transmission and installation requirements that must be met.
- e) All reference to customer-provided inside wiring within this Part shall mean wiring within the same building structure. Where wiring facilities are to be extended to other structures, the customer should contact the local telephone company for protection requirements to insure the extension of facilities meets industry standards for customer protection.
- f) The specifications contained in this Part apply to customer-provided inside wiring on individual line basic telephone exchange service. For party-line service, contact the local telephone company for detail connection instruction.
- g) The adoption of these standards shall in no way preclude the Commission from altering or amending them, in whole or in part, or from requiring or authorizing rules containing other provisions whenever it shall be deemed in the public interest to do so.

WARNING: Telephone wire can conduct electricity; therefore, caution should be exercised to avoid contact. (See Cautions, Section 740.30(d).)

Section 740.15 Citation to the Code of Federal Regulations

Adoption by reference of standards listed in the Code of Federal Regulations (CFR) refers to the edition of the Code as of October 1, 1983. This Part does not adopt any later amendments or editions.

Section 740.20 Material Information

- a) Wire
 - 1) The wire should be of a type commercially available and identified as telephone wire.
 - 2) The wire should contain no fewer than 4 conductors, each of which has insulation in an industry standard color coding format.
 - 3) Two-pair wire shall be twisted in a 4-conductor spiral or as two twisted pairs to form the cable. Three-pair or larger wire shall have the conductors twisted together to form pairs and then grouped together to

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- form the cable.
- 4) The cable shall be covered with a jacket of polyvinylchloride or a functionally equivalent compound which has a 1500 volt Root Mean Square minimum breakdown rating.
 - 5) Each conductor shall be solid annealed copper individually insulated with distinctly colored high density polyethylene or functionally equivalent compound. Wire gauge shall be no less than 24 and no greater than 22.
- b) Jacks and Plugs
All jacks and plugs used in conjunction with customer inside wire must comply with 47 CFR 31.
- c) Mounting Devices and Spacing Intervals
Mounting devices of a type to maintain the integrity of the wire insulation should be used to secure the wire at intervals frequent enough to protect the wire from external damage. Typical fasteners and spacing intervals between fasteners are shown in Table A.
- d) Special Items and Information
Additional information on wiring or equipment can be obtained from the serving telephone company or vendors of telephone equipment.

Section 740.30 Installation Information

- a) Demarcation Jack
- 1) Customer-Provided Inside Wiring (CPIW) shall be connected to the telephone line at the demarcation point by a customer-owned plug which mates with a standard jack (which must comply with Part 68, FCC Rules) provided and maintained by the telephone company. The demarcation point shall remain accessible to both the telephone company and the customer.
 - 2) Newly constructed single-family dwelling demarcation point shall normally be placed within 6 feet of the power company service entrance.
 - 3) Existing single-family dwelling demarcation point shall normally be within 6 feet of the existing telephone company service entrance or at an existing telephone outlet nearest the service entrance. On existing structures, the demarcation jack will be installed as set forth in the rules and regulations of the local telephone company.
 - 4) For multi-family dwellings, including apartments and highrise buildings, the demarcation jack will be located at a point mutually agreeable between the telephone company and the builder, the owner or the owner's representative, in compliance with local or national building codes (new and existing construction). On existing structures, the demarcation jack

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

will be installed as defined by the tariff of the local telephone company.

- b) Customer-Provided Jacks and Wire
 - 1) Customer-provided jacks will be in compliance with Part 68 of the FCC Rules wherever a telephone set is to be connected to the ends of Customer-Provided Inside Wiring. This will provide for easy connection, disconnection and testing of customer-provided telephone equipment and wiring.
 - 2) Connections between wire and jacks, plugs or connecting blocks should maintain the continuity of the color code (e.g., red wire connected to "R" terminal and on to red wire, green wire connected to "T" terminal and on to green wire, etc.).
- c) Wiring Restrictions
 - 1) Jacks or other connections to Customer-Provided Inside Wiring shall not be placed in outlets or junction boxes containing other electrical wiring.
 - 2) Customer-Provided Inside Wiring shall not be placed in the same pipe, conduit or compartment containing other electrical wiring.
 - 3) Wiring between buildings and/or different building areas is not covered by these standards. For wiring information between buildings, contact the local telephone company.
 - 4) Where wiring facilities are to be extended to other building structures, the customer should contact the local telephone company for protection requirements to insure the extension of facilities meets industry standards for customer protection.
- d) Cautions
 - 1) Telephone connections may have a varying electric voltage on the bare conductors and terminal screws. Therefore, customer-provided wiring should not be installed or maintained without first disconnecting inside wiring at the demarcation jack and any other power source.
 - 2) When installing or testing a low voltage transformer used as a power supply for dial lights, speaker phones, etc., and if such transformer is connected to wiring common to various locations, caution must be observed not to have bodily contact with the electrical outlet prongs of the transformer. Potentially hazardous electrical shock may occur during such contact if another transformer is connected to the same wires at a second location.
 - 3) When drilling through walls, floors or ceilings to place Customer-Provided Inside Wiring, caution must be observed to avoid contact with concealed hazards such as other electrical wiring, gas pipes, steam pipes, water pipes, etc.
 - 4) Prior to installing Customer-Provided Inside Wiring in recreational

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

trailers, mobile homes and metal-sided buildings, caution should be observed to assure that foreign or hazardous voltages are not present on metal siding, framework or other conducting surfaces.

- 5) Protectors, ground wiring and attachments, placed by the telephone company, shall not be connected to, disturbed, removed or otherwise modified by the customer.

WARNING: Where wiring facilities are to be extended to other building structures, the customer should contact the local telephone company for protection requirements to insure that the extension of facilities meets industry standards for customer protection.

WARNING: Where wiring facilities are to be installed in areas of potential explosions due to dust and fumes (Example--elevator dust, gases, petroleum fumes, etc.), caution should be used. The installation of Customer-Provided Inside Wiring in hazardous locations shall comply with Articles 500 through 516, and Article 517, Section G, of the National Electrical Code, or in accordance with relevant sections of the local building codes having jurisdiction.

Section 740.40 Testing Information

Upon completing a new installation or any changes/additions to the Customer-Provided Inside Wiring, the customer should perform the following operational tests at each newly installed location.

- a) Originating Calls
 - 1) A functioning telephone should be plugged into the newly installed jacks.
 - 2) Upon lifting the handset, dial tone should be heard.
 - 3) Upon hearing dial tone, a local telephone number should be dialed. Upon answer by the called party, a normal conversation should be able to be conducted without hearing difficulty by either party.
- b) Receiving Calls
 - 1) The customer's telephone number should be called (from another line, such as a friend, neighbor, etc.).
 - 2) When the customer's telephone number is called, every telephone equipped with a ringer should sound.
 - 3) The telephone handset should be lifted and a normal conversation held without hearing difficulty by either party.
- c) Testing Failures

If any step of the outlined test procedures cannot be completed with the results indicated, then the integrity of the newly installed Customer-Provided Inside Wiring is questionable. This can be verified by performing the test in (d) below.
- d) Trouble Verification

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

The Customer-Provided Inside Wiring should be unplugged from the telephone company-provided demarcation jack. The functioning telephone should be plugged into the telephone company-provided demarcation jack and tests (a) and (b) above conducted. If the indicated results, such as dial tone are obtained, then trouble exists in the Customer-Provided Inside Wiring. If the telephone does not operate, contact the local telephone company.

Section 740.50 Responsibility of Customer for Customer-Provided Inside Wiring

The customer will be liable for a "Maintenance of Service" charge when a trouble fault is found by the telephone company to be in the customer-provided wire or equipment. This liability can occur only when the Commission has approved an individual company's charges.

Section 740.60 General – Workmanship

- a) General Technical and Safety Considerations
Wiring may only be used to conduct the operating signals, voltage and currents normally found on basic exchange telephone service lines. Premises inside wire must be capable of being exposed to, and conducting without damage, 60 Hz line disturbances. This standard requires that such wire and its associated hardware be designed, installed and maintained so as to operate safely when conducting these signals and disturbances.
- b) Limitations
In the event any Customer-Provided Inside Wiring fails to comply with the standards or conditions set forth herein, telephone companies shall not be required to connect to, or maintain, such wiring until the customer achieves compliance.

Section 740.70 Wiring Standards

- a) Wire
 - 1) Wire length shall not exceed that necessary to maintain transmission quality, consistent with local company standards. It is recommended that the length of wire from the demarcation point to the farthest jack be limited to 250 feet for 22 AWG gauge wire and 200 feet for 24 AWG gauge wire.
 - 2) Pairs within cables must not be separated. Table B sets forth typical wire types and appropriate color matches which must not be separated.
 - 3) Customer inside wire must be securely fastened to a surface by the appropriate means for the surface encountered without abrading or puncturing the insulation or jacket.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- 4) A minimum amount of jacket or insulation should be removed to make connection. Where necessary, tape or other insulating closures should be used to restore the insulating qualities of the original material.
 - 5) Care should be taken to avoid damage or abrasions to the insulating jacket and individual insulation of each conductor so that adequate physical and electrical protection is retained.
 - 6) If any point where the jacket or insulation has been removed is concealed, it should be accessible without disturbing permanent building finishes.
- b) Wire Routing
- 1) The requirements set forth in Article 800 of the National Electrical Code, entitled "Communication Circuits", and other sections of the Code incorporated therein by reference shall be followed.
 - 2) Wire shall be installed so as to assure adequate insulation of telephone wiring from commercial power wiring and grounded surfaces. All building and electrical codes applicable in the jurisdiction to telephone wiring shall be followed. Care should be taken to avoid damage to the insulating jacket and the individual insulation of each conductor so that adequate physical and electrical protection is retained.
 - 3) Whenever conduit is available or is required by applicable codes, it should be used. However, telephone wiring shall never occupy the same conduit with wires of light or power systems.
 - 4) Judgment should be used in placing wire to avoid surroundings that would be damaging, such as excessively damp or hot locations or areas that could cause abrasions or corrosion.
- c) Wire Separations
- Minimum separations are required in or on buildings, between telephone wiring and other conductors or metallic objects. The wiring separations are required for wires that cross or are parallel to other types of wires. These separation specifications can be found in Table C.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

Section 740.TABLE A Typical Fasteners and Spacing Intervals

SUGGESTED SPACING (In Inches)

FASTENERS	HORIZONTAL	VERTICAL	FROM CORNER
Wire Clamps	16	16	2
Staples (Wire)	7	7	2
Bridle Rings or Drive Rings**	48	96	2 through 8*

* When changing direction of the wire, the fasteners should be spaced to hold the wire at approximately a 45-degree angle in order to avoid damage to the wire.

** To avoid possible injury, do not use drive rings below a 6-foot clearance level; use bridle rings instead.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

Section 740.TABLE B Typical Wire Types

TYPE OF WIRE	PAIR NO.	COLOR OF WIRE	
2-Pair	1	Green	Red
	2	Black	Yellow
3-Pair	1	White/Blue	Blue/White
	2	White/Orange	Orange/White
	3	White/Green	Green/White
3-Pair	1	Green	Red
	2	Black	Yellow
	3	White	Blue

When two colors are listed above, it means the wire has a majority of the first color listed.

EXAMPLE: White/Blue wire is white in color with thin blue tracer.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

Section 740.TABLE C Recommended Separation and Physical Protection for Premises Wiring

Separations apply to crossing and to parallel runs (minimum separations). Minimum separations between telephone wiring, whether located inside or attached to the outside of buildings, and other types of wiring involved are as follows:

	TYPE OF WIRE INVOLVED	MINIMUM SEPARATIONS
Electric Supply	Bare light or power wire of any voltage	5 ft.
	Wiring not in conduit and not over 300 volts	2 in.
	Wires in conduit, or in armored or non-metallic sheath cable, or power ground wires	None
Radio & Television	Antenna lead and ground wires	4 in.
Signal or Control Wires	Open wiring or wires in conduit or cable	None
Communication Wires	Community television systems coaxial cables with grounded shielding	None
Telephone Drop Wire	Aerial or buried	2 in.
Sign	Neon signs and associated wiring from transformer	6 in.
Lightning System	Lightning rods and wires*	6 ft.

* The six-foot minimum separation applies although the lightning rod wire is on the outside of the building and the telephone wire is inside the building. See note at the top of the table.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.300	Amendment
302.820	Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) A Complete Description of the Subjects and Issues Involved: On October 15, 2002, the Department adopted changes in the Personnel Rules which were designed to provide greater flexibility and efficiency in filling Rutan exempt term appointments and in transferring certain qualified individuals with two years' State experience into Personnel Code positions. In part, this flexibility was intended to address specific needs that arose because of increased vacancies due to the early retirement legislation. The Joint Committee on Administrative Rules filed an objection to this rulemaking based, in part, on its belief that the Department had failed to adequately justify why these changes, which were long term measures, were intended to address what appeared to be short term needs. The Department did not agree with JCAR's objection, and the rule was adopted. While the Department still does not agree with all of the stated reasons for JCAR's objection, upon further consideration, the Department believes there may be merit to the concern expressed about a long term change addressing a short term need. To address this concern, the Department is proposing to amend the rule by limiting the application of the recently enacted flexible procedures to the period October 15, 2002, through April 30, 2003. This change will allow the new administration to take advantage of the flexible procedures until April 30, 2003; this is the last date on which individuals who opted for early retirement can remain on the payroll.
- 6) Will these amendments replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: Rulemaking does not affect units of local government.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:
- Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
217/782-9669
- 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 agendas because: The need for the rulemaking did not come to the Department's attention until after the timeframe in which a regulatory agenda was to be filed.
- 14) The full text of the Proposed Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 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

NOTICE OF PROPOSED AMENDMENTS

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 October 15, 2002; amended at 27 Ill. Reg. _____, effective _____.

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. This subsection (c) shall apply only to appointments made from October 15, 2002, through April 30, 2003.
- d) 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) 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) 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 27 Ill. Reg. _____, effective _____)

SUBPART L: TERM APPOINTMENTS

Section 302.820 Appointment

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) For appointments made from October 15, 2002, through April 30, 2003, an 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 U.S. 62 (1990), shall be selected by the Director or Chairman of the Department, Board or Commission in which the position is located. For appointments made to such a position prior to October 15, 2002, or subsequent to April 30, 2003, and for appointments made An appointee to all other positions subject to Term Appointment, an appointee 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 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. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Annual Audited Financial Report
- 2) Code Citation: 50 Ill. Adm. Code 925
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
925.10	Repeal
925.30	Amendment
925.40	Amendment
925.50	Amendment
925.60	Amendment
925.70	Amendment
925.80	Amendment
925.100	Amendment
925.110	Amendment
925.115	Amendment
925.120	Amendment
925.140	Amendment
925.145	New Section
Exhibit A	New Section
- 4) Statutory Authority: Implementing Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401, and 402], and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is initiating these amendments in order to bring our State requirements concerning annual audited financial reports in line with the National Association of Insurance Commissioners (NAIC) model regulation. New Sections add penalty provisions and requirements for a CPA Letter of Representation confirming that all applicable audit workpapers have been provided to Department examiners.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Do these amendments contain an automatic repeal date? No

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? Yes. Section 925.100(d) contains an incorporation by reference, but the materials referenced are only being updated, they are not new.
- 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
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 524-1634 | or | Susan Anders
Paralegal
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: No small businesses, small municipalities or not for profit corporations will be affected by these amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements have been initiated.
- C) Types of professional skills necessary for compliance: Accounting
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate the need to initiate these changes.

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 I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 925

ANNUAL AUDITED FINANCIAL REPORT

Section

925.10	Authority (<u>Repealed</u>)
925.20	Purpose and Scope
925.30	Definitions
925.40	Filing and Extensions for Filing of Annual Audited Financial Reports
925.50	Contents of Annual Audited Financial Report
925.60	Designation of Accountant
925.70	Qualifications of Accountant
925.80	Consolidated or Combined Audits
925.90	Scope of Audit and Report of Accountant
925.100	Notification of Adverse Financial Condition
925.110	Report on Internal Control
925.115	Accountant's Letter of Qualifications
925.120	Definition, Availability and Maintenance of Accountant Workpapers
925.130	Examinations (Repealed)
925.140	Exemptions
<u>925.145</u>	<u>Penalties</u>
925.150	Severability Provision
<u>EXHIBIT A</u>	<u>CPA Letter of Representation</u>

AUTHORITY: Implementing Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401, and 402], and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7], and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed July 9, 1975, effective July 21, 1975; codified at 7 Ill. Reg. 2359; amended at 11 Ill. Reg. 18204, effective October 26, 1987; amended at 19 Ill. Reg. 12229, effective August 14, 1995; amended at 21 Ill. Reg. 1666, effective January 28, 1997; amended at 27 Ill. Reg. _____, effective _____.

Section 925.10 Authority (Repealed)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

~~This Part is promulgated by the Director of Insurance pursuant to Sections 132.1 through 132.7, 136, 401, and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401 and 402] and Section 2-7 of the Health Maintenance Organization Act [215 ILCS 125/2-7] and Section 2007 of the Limited Health Service Organization Act [215 ILCS 130/2007].~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 925.30 Definitions

"Accountant" means an independent certified public accountant or independent accounting firm in good standing with the American Institute of Certified Public Accountants CPA's and all states in which the accountant is licensed to practice. For Canadian and British companies, accountant means a Canadian-chartered or British-chartered accountant generally referred to hereinafter as accountant.

"Annual Audited Financial Report" means and includes those items specified in Section 925.50 of this Part.

Code means the Illinois Insurance Code [215 ILCS 5].

"Director" means the Director of the Illinois Department of Insurance.

Indemnification means an agreement of indemnity or a release from liability where the intent or effect is to shift or limit in any manner the potential liability of the person or firm for failure to adhere to applicable auditing or professional standards, whether or not resulting in part from known or other misrepresentations made by the insurer or its representatives.

"Independent" for purposes of this Part means an accountant who is not affiliated with an insurer.

"Insurer" for purposes of this Part means a licensed insurer or accredited reinsurer as defined in Sections 2(f), (g) and (h) and 173.1 of the ~~Illinois Insurance~~ Code [215 ILCS 5/2(f), (g) and (h) and 173.1] or a Health Maintenance Organization as defined in Section 1-2(9) of the Health Maintenance Organization Act [215 ILCS 125/1-2(9)] or a Limited Health Service Organization as defined in Section 1002 of the Limited Health Service Organization Act [215 ILCS 130/1002].

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 925.40 Filing and Extensions for Filing of Annual Audited Financial Reports

- a) All insurers shall have an annual audit performed by an accountant and shall file an annual audited financial report ~~Annual Audited Financial Report~~ with the Director on or before June 1 for the year ended December 31 immediately preceding. The Director may require an insurer to file an annual audited financial report ~~Annual Audited Financial Report~~ earlier than June 1 with ~~ninety (90)~~ days advance notice to the insurer.
- b) Extensions of the June 1 filing date may be granted by the Director for ~~thirty (30)~~ day periods upon a showing by the insurer and its accountant of the reasons for requesting such extension and a determination by the Director of good cause for an extension. Examples of "good cause" include, but are not limited to, an Act of God or fortuitous or unintentional destruction of documents. The request for extension must be submitted in writing not less than ~~ten (10)~~ days prior to the due date and must provide ~~in~~ sufficient detail to permit the Director to make an informed decision with respect to the requested extension.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.50 Contents of Annual Audited Financial Report

- a) The annual audited financial report ~~Annual Audited Financial Report~~ shall report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows and changes in capital and surplus for the report year in conformity with statutory accounting practices for preparation of the annual statement as described in Section 136 of the ~~Illinois Insurance~~ Code, Section 2-7 of the Health Maintenance Organization Act, Section 2007 of the Limited Health Service Organization Act, or as otherwise permitted by the insurance regulatory authority of the insurer's state of domicile.
- b) The annual audited financial report ~~Annual Audited Financial Report~~ shall include the following:
- 1) Report ~~Opinion~~ of the accountant.
 - 2) Balance sheet reporting admitted assets, liabilities, capital and surplus or net worth.
 - 3) Statement of operations or statement of revenues and expenses and net worth.
 - 4) Statement of cash flows.
 - 5) Statement of changes in capital and surplus or net worth.
 - 6) Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and the NAIC

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Accounting Practices and Procedures Manual, pursuant to Section 136(1) of the Code, Section 2-7(a) of the Health Maintenance Organization Act and Section 2007(a) of the Limited Health Service Organization Act. ~~any other notes required by generally accepted accounting principles and shall also include:~~

~~A) The notes shall include a reconciliation with a written description of differences, if any, between the annual audited financial report Annual Audited Financial Report and the annual statement Annual Statement filed pursuant to Section 136 of the ~~Illinois Insurance~~ Code, Section 2-7 of the Health Maintenance Organization Act, or Section 2007 of the Limited Health Service Organization Act ~~with a written description of the nature of these differences.~~~~

~~B) a summary of ownership and relationships of the insurer and all affiliated companies.~~

- 7) The financial statements included in the annual audited financial report Annual Audited Financial Report shall be prepared in a format form ~~and~~ using language and groupings substantially the same as the relevant sections of the annual statement Annual Statement of the insurer filed with the Director and:
- A) The financial statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. (However, in the first year in which an insurer is required to file an annual audited financial report Annual Audited Financial Report, the comparative data may be omitted.)
- B) Amounts may be rounded to the nearest thousand dollars.
- 8) Supplementary Data and Information. This ~~shall~~ will include any additional clarifying information or data which the Director may require to be disclosed.
- 9) In the case of Canadian and British insurers, the annual audited financial report Annual Audited Financial Report shall be defined as the annual statement of total business on the form filed by such companies with their domiciliary supervision authority duly audited by an independent chartered accountant. For such insurers, the letter required by Section 925.60 of this Part shall state that the accountant is aware of the requirements relating to the Annual Audited Financial Report filed with the Director pursuant to Section 925.40 and shall affirm that the opinion expressed is in conformity with such requirements.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 925.60 Designation of Accountant

- a) Each insurer required by this Part to file an annual audited financial report~~Annual Audited Financial Report~~ must, within ~~sixty (60)~~ days after becoming subject to such requirement, register with the Director in writing the name and address of the accountant retained to conduct the annual audit set forth in this Part. Insurers not retaining an accountant on the effective date of this Part shall register the name and address of their retained accountant not less than ~~six (6)~~ months before the date when the first audited financial report is to be filed.
- b) If an accountant, who was not the accountant for the immediately preceding filed annual audited financial report~~Annual Audited Financial Report~~, is engaged to audit the insurer's financial statements, the insurer shall within ~~thirty (30)~~ days after the date the accountant is engaged notify the Director of this event. The insurer shall obtain a letter from the accountant and file a copy with the Director stating that the accountant is aware of the provisions of the ~~Illinois Insurance~~ Code and/or Health Maintenance Organization Act and/or the Limited Health Service Organization Act and the Rules and Regulations of the insurance regulatory authority of the state of domicile that relate to accounting and financial matters and affirming that the accountant will express its opinion on the financial statements in terms of their conformity to the statutory accounting practices prescribed or otherwise permitted by that insurance regulatory authority, specifying such exceptions as the accountant~~it~~ may believe appropriate.
- c) If an accountant who was the accountant for the immediately preceding filed annual audited financial report~~Annual Audited Financial Report~~ is dismissed or resigns, the insurer shall within ~~five (5)~~ business days notify the Director of this event. The insurer shall also furnish the Director with a separate letter within ~~ten (10)~~ business days ~~after~~~~of~~ the above notification stating whether in the ~~twenty-four (24)~~ months preceding such event there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements, if not resolved to the satisfaction of the former accountant, would have caused the accountant~~it~~ to make reference to the subject matter of the disagreement in connection with the accountant's report~~its opinion~~. The disagreements required to be reported in response to this subsection include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this subsection are those that occur at the decisionmaking level, between personnel of the insurer responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering the accountant's~~its~~ report. The insurer shall also in

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

writing request such former accountant to furnish it a letter addressed to the insurer stating whether the accountant agrees with the statements contained in the insurer's letter and, if not, stating the reasons for which the accountant ~~it~~ does not agree; and the insurer shall furnish such responsive letter from the former accountant to the Director together with its own.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.70 Qualifications of Accountant

- a) The Director shall not recognize any person or firm as a qualified accountant if the person or firm:
- 1) ~~That is~~ is not in good standing with the American Institute of Certified Public Accountants ~~CPA's~~ and in all states in which the accountant is licensed to practice or, for a Canadian or British company, that is not a chartered accountant;-
 - 2) Has either directly or indirectly entered into an agreement of indemnity or release from liability (collectively referred to as indemnification) with respect to the audit of the insurer; or
 - 3) Has repeatedly failed to timely comply with the written requests of the Director's examiners for copies of the workpapers as required pursuant to Sections 925.115 and 925.120 of this Part.
- b) Except as otherwise provided in this Section, the Director shall recognize an accountant ~~shall be recognized~~ as qualified as long as the accountant ~~he or she~~ conforms to the standards of the profession, as contained in the Code of Professional Ethics of the American Institute of Certified Public Accountants ~~and Rules and Regulations and Code of Ethics and Rules of Professional Conduct of the Illinois Board of Public Accountancy,~~ or similar code.
- c) A qualified accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration. However, in the event of a delinquency proceeding commenced against the insurer under Article XIII½ of the Code [215 ILCS 5/Art. XIII½], the mediation or arbitration provisions shall operate at the option of the statutory successor.
- de) The requirements of this subsection ~~(d)(e)~~ shall become effective for years beginning after December 31, 1994. No partner or other person responsible for rendering a report may act in that capacity for more than ~~seven (7)~~ consecutive years. Following any such period of service such person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of ~~two (2)~~ years. An insurer may make application to the Director for relief from the above rotation requirement on the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

basis of unusual circumstances. The Director may consider the following factors in determining if the relief should be granted:

- 1) Number of partners, expertise of the partners or the number of insurance clients in the currently registered firm;
- 2) Premium volume of the insurer; or
- 3) Number of jurisdictions in which the insurer transacts business.

~~ed~~) The Director shall not recognize as a qualified accountant, nor accept any annual audited financial report ~~Annual Audited Financial Report~~ prepared in whole or in part by any natural person who:

- 1) Has been convicted of fraud, bribery, a violation of the Racketeer Influenced and Corrupt Organizations Act, (18 U.S.C. Sections 1961-1968), or any dishonest conduct or practices under federal or state law;
- 2) Has been found to have violated the insurance laws of this State with respect to any previous reports submitted under this Part; or
- 3) Has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under the provisions of this Part.

~~fe~~) The Director, as provided in Section 401 of the Code [215 ILCS 5/401], may as provided in Administrative Hearing Procedures (50 Ill. Adm. Code 2402), hold a hearing to determine whether an accountant is qualified and, considering the evidence presented, may rule that the accountant is not qualified for purposes of expressing an opinion on the financial statements in the annual audited financial report ~~Annual Audited Financial Report~~ made pursuant to this Part and require the insurer to replace the accountant with another whose relationship with the insurer is qualified within the meaning of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.80 Consolidated or Combined Audits

- a) An insurer may make written application to the Director for approval to file a consolidated or combined annual audited financial report ~~Annual Audited Financial Report~~ in lieu of separate annual audited financial reports ~~Annual Audited Financial Reports~~ if the insurer is part of a group of insurance companies which utilizes a pooling or 100% one hundred percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and such insurer cedes all of its direct and assumed business to the pool. In such cases, a columnar consolidating or combining worksheet shall be bound into and filed with the report as follows:
 - 1) Amounts shown on the consolidated or combined annual audited financial

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- ~~report~~Annual Audited Financial Report shall be shown on the worksheet.
- 2) Amounts for each insurer subject to this Section shall be stated separately.
 - 3) Noninsurance operations may be shown on the worksheet on a combined or individual basis.
 - 4) Explanations of consolidating and eliminating entries shall be included.
 - 5) A reconciliation shall be included of any differences between the amounts shown in the individual insurer columns of the worksheet and comparable amounts shown on the annual statements~~Annual Statements~~ of the insurers.
- b) The Director shall require any insurer to file separate annual audited financial reports~~Annual Audited Financial Reports~~ although permission had previously been given to file on a consolidated or combined basis if the Director determines the reasons and/or circumstances given for approval of the consolidated audit, pursuant to subsection (a), no longer exist.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.100 Notification of Adverse Financial Condition

- a) The insurer required to furnish the annual audited financial report ~~Annual Audited Financial Report~~ shall require the accountant to report, in writing within ~~five (5)~~ business days, to the board of directors or its audit committee, any determination by the accountant that the insurer has materially misstated its financial condition as reported to the Director as of the balance sheet date currently under examination, or of any other determination that the insurer does not meet the minimum capital and surplus requirements of the ~~Illinois Insurance~~ Code and the net worth requirements of the Health Maintenance Organization Act and the Limited Health Service Organization Act, as of that date.
- b) An insurer who has received a report pursuant to subsection (a) above shall forward a copy of the report to the Director within ~~five (5)~~ business days after receipt of such report and shall provide the accountant making the report with evidence of the report being furnished to the Director. If the accountant fails to receive such evidence within the required ~~five (5)~~ business day period, the accountant shall furnish to the Director a copy of the accountant's~~its~~ report within the next ~~five (5)~~ business days.
- c) No accountant shall be liable in any manner to any person for any statement made in connection with ~~subsections~~subsection (a) and (b) above if such statement is made in good faith in compliance with ~~subsections~~subsection (a) and (b) above.
- d) If the accountant, subsequent to the date of the annual audited financial report~~Annual Audited Financial Report~~ filed pursuant to this Part, becomes aware

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

of facts which might have affected ~~the accountant's~~ ~~its~~ report, the Director notes the obligation of the accountant to take such action as prescribed in Volume 1, Section AU561 of the Professional Standards of the American Institute of Certified Public Accountants as of June 1, ~~2001~~~~1986~~, with no later amendments or editions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.110 Report on Internal Control

In addition to the ~~annual audited financial report~~~~Annual Audited Financial Report~~, each insurer shall furnish the Director with a written report prepared by the accountant stating ~~the~~ ~~accountant's~~~~its~~ evaluation of the accounting procedures of the insurer and the insurer's system of internal control, including any remedial action taken or proposed. The written report shall include a description of any significant deficiencies in the insurer's internal control structure noted by the accountant during the audit. SAS No. 60, Communication of Internal Control Structure Matters Noted in an Audit (AU Section 325 of the Professional Standards of the American Institute of Certified Public Accountants) requires an accountant to communicate significant deficiencies (known as "reportable conditions") noted during a financial statement audit to the appropriate parties within an entity. The written report shall be filed annually by the insurer with the Director, on or before June 1, along with the filing of the ~~annual audited financial reports~~~~Annual Audited Financial Report~~. The insurer is required to provide a description of remedial actions taken or proposed to correct significant deficiencies, if such actions are not described in the accountant's report.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.115 Accountant's Letter of Qualifications

The accountant shall furnish the insurer, in connection with, and for inclusion in, the filing of the ~~annual audited financial report~~~~Annual Audited Financial Report~~, a letter stating ~~that~~:

- a) ~~The~~~~That the~~ accountant is independent with respect to the insurer and conforms to the standards of the profession as contained in the Code of Professional Ethics and pronouncements of the American Institute of Certified Public Accountants ~~and the Rules of Professional Conduct of the Illinois Board of Public Accountancy~~, or similar code.
- b) The background and experience in general, and the experience in audits of insurers, of the staff assigned to the engagement and whether each is an accountant. Nothing within this Part shall be construed as prohibiting the accountant from utilizing such staff as deemed appropriate where use is consistent

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- with the standards prescribed by generally accepted auditing standards.
- c) ~~The That the~~ accountant understands the annual audited financial report~~Annual Audited Financial Report~~ and ~~the accountant's its~~ opinion thereon will be filed in compliance with this Part and that the Director will be relying on this information in the monitoring and regulation of the financial position of insurers.
 - d) ~~The That the~~ accountant consents to the requirements of Section 925.120 of this Part and that the accountant consents and agrees to make available ~~to for review by~~ the Director, the Director's designee or the Director's appointed agent the workpapers, as defined in Section 925.120, in hard copy or electronic format.
 - e) ~~The A representation that the~~ accountant is properly licensed by an appropriate state licensing authority and is a member in good standing of the American Institute of Certified Public Accountants.
 - f) ~~The A representation that the~~ accountant is in compliance with the requirements of Section 925.70 of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.120 Definition, Availability and Maintenance of Accountant Workpapers

- a) Workpapers are the records kept by the accountant of the procedures followed, the tests performed, the information obtained, and the conclusions reached pertinent to the accountant's his examination of the financial statements of an insurer. Workpapers, accordingly, may include audit planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents and schedules or commentaries prepared or obtained by the accountant in the course of its audit of the financial statements of an insurer and which support the accountant's its opinion thereof.
- b) Every insurer required to file an annual audited financial report~~Annual Audited Financial Report~~ pursuant to this Part shall require the accountant to make available for review by the Director's examiners all workpapers prepared in the conduct of the accountant's its examination and any communications related to the audit between the accountant and the insurer, at the offices of the insurer, at the offices of the Director, or at any other reasonable place designated by the Director. The insurer shall require that the accountant retain the audit workpapers and communications until the Director has filed a report on examination~~Report on Examination~~ covering the period of the audit, but no longer than ~~seven (7)~~ years from the date of the audit report.
- c) In the conduct of the aforementioned periodic review by the Director's examiners, it shall be agreed that photocopies of pertinent audit workpapers may be made and retained by the Director's examiners. Such review by the Director's examiners

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

shall be considered an investigation and all ~~workpapers~~~~working papers~~ and communications obtained during the course of such investigation shall be afforded the same confidentiality as other examination workpapers generated by the Director's examiners, pursuant to Section 132.5(e) and (f) of the Illinois Insurance Code [215 ILCS 5/132.5(e) and (f)].

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.140 Exemptions

- a) Upon written application of any domestic insurer, the Director may grant an exemption from compliance with this Part if the Director finds, upon review of the application, that compliance with this Part would constitute a financial or organizational hardship upon the insurer. An exemption may be granted at any time, and from time to time, for a specified period or periods. Within ~~ten (10)~~ days from a denial of an insurer's written request for an exemption from this Part, such insurer may request in writing a hearing on its application for an exemption. Such hearing shall be held in accordance with the ~~rules~~~~Rules~~ of the Illinois Department of Insurance pertaining to administrative hearing procedures (50 Ill. Adm. Code 2402).
- b) Foreign and alien insurers, except those insurers licensed under the Health Maintenance Organization Act and the Limited Health Service Organization Act, having total direct premiums written of less than \$1,000,000 in any calendar year shall be ~~automatically~~ exempt from this Part ~~for such year (unless the Director makes a specific finding that compliance is necessary for the Director to carry out statutory responsibilities) except that insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of \$1,000,000 or more will not be so exempt.~~
- e) ~~Foreign or alien insurers filing audited financial reports in their state of domicile, pursuant to such domestic state's requirement of audited financial reports which has been found by the Director to be substantially similar to the requirements of this Part, are exempt from this Part if:~~
 - 1) ~~A copy of the Annual Audited Financial Report, Report on Internal Control, and the Accountant's Letter of Qualifications which are filed with such other state are filed with the Director in accordance with the filing dates specified in Sections 925.40, 925.110 and 925.115 respectively (Canadian insurers may submit accountants' reports as filed with the Canadian dominion Department of Insurance).~~
 - 2) ~~A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the Director within the time specified in~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

~~Section 925.100.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 925.145 Penalties

Failure of a company to meet any provisions of this Part shall subject the company to penalty provisions of Sections 132.4(b) and 403A of the Code [215 ILCS 5/132.4(b) and 403A], or other such action as the Director may deem necessary.

(Source: Added at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 925.EXHIBIT A CPA Letter of Representation

Upon completion of the review by the Department's examiners, the accountant shall submit a "CPA Letter of Representation" in this format.

CPA LETTER OF REPRESENTATION

Date: _____

Attention: Illinois Department of Insurance
Attn: (Examiner-in-charge)
100 West Randolph, Suite 15-100
Chicago, Illinois 60601
(312) 814-2423

Re: Examination of (Insurance Company Name)
As of December 31, 20__

Dear (Examiner-in-charge)

(CPA Firm) confirms the following information related to your review of our 20__ audit workpapers for (Insurance Company Name).

(CPA Firm) have made available for review to the Examiners of the Illinois Department of Insurance all workpapers prepared during the course of the audit of the financial position of the insurer, and the results of its operations, cash flows and changes in capital and surplus of (Insurance Company Name) for the period ending December 31, 20__. Workpapers include, but are not limited to, all electronic and paper schedules, analyses, reconciliations, memorandums (including emails), permanent files, budgets, progress reports, engagement letters, audit programs, planning documents, internal audit reports, letters of representations, legal liability correspondence, letters of confirmation, summaries of audit differences, and other supporting audit evidence.

The photocopies of workpapers that were requested by the Examiners of the Illinois Department of Insurance are true and complete copies of such workpapers.

Sincerely,

(CPA Partner)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(CPA Firm)

(Source: Added at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for Protection Against Radiation
- 2) Code Citation: 32 Ill. Adm. Code 340
- 3) Section Number: 340.1205 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to ensure that it receives prompt notification of credible threats against radioactive material to facilitate prompt emergency response if necessary. Notification to the Department is not required if law enforcement directs otherwise.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 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:

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or 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 in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the regulatory agenda was published.

The full text of the Proposed Amendment is the same as the text that appears in the Emergency Amendment published in this issue of the *Illinois Register* on page _____.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Rules
- 2) Code citation: 35 Ill. Adm. Code 101
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
101.106	Amend
101.202	Amend
101.300	Amend
101.302	Amend
101.304	Amend
101.306	Amend
101.1000	Add
101.1002	Add
101.1004	Add
101.1006	Add
101.1008	Add
101.1010	Add
101.1012	Add
101.1014	Add
APPENDIX F	Amend
APPENDIX G	Repeal
- 4) Statutory authority: Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act [415 ILCS 5], amended by P.A. 92-0574, effective June 26, 2002, and authorized by Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to accomplish two objectives. First, the rules will allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The proposed rules set forth procedures for filing documents electronically, such as the requirement of a digital signature certificate (Section 101.1002); filing deadlines for electronic documents (Section 101.1004); acceptable electronic formats (Section 101.1006); and electronic service requirements (Sections 101.1010 and 101.1012). Second, the rules reflect recent amendments to the Environmental Protection Act by updating definitions and statutory section numbers.
- 6) Will these proposed amendments replace any emergency rulemakings 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
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.
- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or Sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 appear before the Board.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section	
101.100	Applicability
101.102	Severability
101.104	Repeals
101.106	Board Authority
101.108	Board Proceedings
101.110	Public Participation
101.112	Bias and Conflict of Interest
101.114	Ex Parte Communications

SUBPART B: DEFINITIONS

Section	
101.200	Definitions Contained in the Act
101.202	Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE OF DOCUMENTS,
AND STATUTORY DECISION DEADLINES

Section	
101.300	Computation of Time
101.302	Filing of Documents
101.304	Service of Documents
101.306	Incorporation of Documents by Reference
101.308	Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section	
101.400	Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory Proceedings

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

101.402	Intervention of Parties
101.403	Joinder of Parties
101.404	Agency as a Party in Interest
101.406	Consolidation of Claims
101.408	Severance of Claims

SUBPART E: MOTIONS

Section	
101.500	Filing of Motions and Responses
101.502	Motions Directed to the Hearing Officer
101.504	Contents of Motions and Responses
101.506	Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
101.508	Motions to Board Preliminary to Hearing
101.510	Motions to Cancel Hearing
101.512	Motions for Expedited Review
101.514	Motions to Stay Proceedings
101.516	Motions for Summary Judgment
101.518	Motions for Interlocutory Appeal from Hearing Officer Orders
101.520	Motions for Reconsideration
101.522	Motions for Extension of Time

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section	
101.600	Hearings
101.602	Notice of Board Hearings
101.604	Formal Board Transcript
101.606	Informal Recordings of the Proceedings
101.608	Default
101.610	Duties and Authority of the Hearing Officer
101.612	Schedule to Complete the Record
101.614	Production of Information
101.616	Discovery
101.618	Admissions
101.620	Interrogatories
101.622	Subpoenas and Depositions
101.624	Examination of Adverse, Hostile or Unwilling Witnesses
101.626	Information Produced at Hearing
101.628	Statements from Participants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 101.630 Official Notice
101.632 Viewing of Premises

SUBPART G: ORAL ARGUMENT

- Section
101.700 Oral Argument

SUBPART H: SANCTIONS

- Section
101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
101.802 Abuse of Discovery Procedures

SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

- Section
101.902 Motions for Reconsideration
101.904 Relief from and Review of Final Opinions and Orders
101.906 Judicial Review of Board Orders
101.908 Interlocutory Appeal

SUBPART J: ELECTRONIC FILING AND SERVICE

- Section
101.1000 Overview of Electronic Filing and Service
101.1002 Electronic Filing Authorization
101.1004 Filing Electronic Documents
101.1006 Acceptable Formats
101.1008 Filing Fees
101.1010 Electronic Service
101.1012 Consenting to Electronic Service
101.1014 Trade Secrets and Other Non-Disclosable Information

APPENDIX A Captions

- | | |
|----------------|----------------------------|
| ILLUSTRATION A | Enforcement Case |
| ILLUSTRATION B | Citizen's Enforcement Case |
| ILLUSTRATION C | Variance |
| ILLUSTRATION D | Adjusted Standard Petition |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLUSTRATION E	Joint Petition for an Adjusted Standard
ILLUSTRATION F	Permit Appeal
ILLUSTRATION G	Underground Storage Tank Appeal
ILLUSTRATION H	Pollution Control Facility Siting Appeal
ILLUSTRATION I	Administrative Citation
ILLUSTRATION J	General Rulemaking
ILLUSTRATION K	Site-specific Rulemaking
APPENDIX B	Appearance Form
APPENDIX C	Withdrawal of Appearance Form
APPENDIX D	Notice of Filing
APPENDIX E	Certificate of Service
ILLUSTRATION A	Service by Non-Attorney
ILLUSTRATION B	Service by Attorney
APPENDIX F	<u>Consent to Electronic Service Form</u> Notice of Withdrawal
APPENDIX G	Comparison of Former and Current Rules <u>(Repealed)</u>

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7], as amended by P.A. 92-574, effective June 26, 2002, and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27] and Section 25-101.

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 101.106 Board Authority

- a) The Board has the authority to *determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of the Act* [415 ILCS 5/5(b)].
- b) The Board has the authority to conduct proceedings ~~hearings~~ upon complaints charging violations of the Act, any rule or regulation under this Act, or any permit or term or condition of a permit; upon administrative citations ~~or of regulations thereunder~~; upon petitions for variances or adjusted standards; upon

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

petitions for review of the Agency's ~~final determinations on denial of a~~ permit ~~applications~~ in accordance with Title X of the Act; upon ~~petitions~~ ~~petition~~ to remove ~~seals~~ ~~a seal~~ under Section 34 of the Act; upon other petitions for review of final determination which are made pursuant to ~~this the~~ Act or Board rules and which involve a subject which the Board is authorized to regulate. The Board may also conduct; and such other proceedings ~~hearings~~ as may be provided by this Act or any other statute or rule [415 ILCS 5/5(d)].

- c) In addition to subsections (a) and (b) of this Section, the Board has the authority to act as otherwise provided by law.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 101.202 Definitions for Board's Procedural Rules

Unless otherwise provided in 35 Ill. Adm. Code 101-130, or unless a different meaning of a word or term is clear from the context, the following definitions also apply to the Board's procedural rules, found in 35 Ill. Adm. Code 101 through 130:

"Act" means the Environmental Protection Act. [415 ILCS 5/1 *et seq.*]

"Adjudicatory proceeding" means an action of a quasi-judicial nature brought before the Board pursuant to authority granted to the Board under Section 5(d) of the Act or as otherwise provided by law. Adjudicatory proceedings include enforcement, variance, permit appeal, pollution control facility siting appeal, Underground Storage Tank (UST) Fund determination, water well set back exception, adjusted standard, and administrative citation proceedings. Adjudicatory proceedings do not include regulatory, quasi-legislative, or informational proceedings.

"Adjusted standard" or "AS" means an alternative standard granted by the Board in an adjudicatory proceeding pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 104.Subpart D. The adjusted standard applies instead of the rule or regulation of general applicability.

"Administrative citation" or "AC" means a citation issued pursuant to Section 31.1 of the Act by the Agency, or by a unit of local government acting as the Agency's delegate pursuant to Section 4(r) of the Act.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Administrative citation review (appeal)" means a petition for review of an administrative citation filed pursuant to Section 31.1(d) of the Act. (See 35 Ill. Adm. Code 108.)

"Affidavit" means a sworn, signed statement witnessed by a notary public.

"Affidavit of service" means an affidavit that states that service of a document upon specified persons was made, and the manner in which, and date upon which, service was made.

"Agency" means the Illinois Environmental Protection Agency as established by Section 4 of the Act.

"Agency recommendation" means the document filed by the Agency pursuant to Sections 37(a) and 28.1(d)(3) of the Act in which the Agency provides its recommended disposition of a petition for variance or an adjusted standard. This includes a recommendation to deny, or a recommendation to grant with or without conditions. (See 35 Ill. Adm. Code 104.218 and 104.416.)

"Amicus curiae brief" means a brief filed in a proceeding by any interested person who is not a party. (See Sections 101.110 and 101.628 of this Part.)

"Applicant" means any person who submits, or has submitted, an application for a permit or for local siting approval pursuant to any of the authorities to issue permits or granting of siting approval identified in Sections 39, 39.1, and 39.5 of the Act.

"Article" means *any object, material, device or substance, or whole or partial copy thereof, including any writing, record, document, recording, drawing, sample, specimen, prototype, model, photograph, culture, microorganism, blueprint or map* [415 ILCS 5/7.1].

"Attorney General" means the Attorney General of the State of Illinois and/or representatives thereof.

"Authorized representative" means any person who is authorized to act on behalf of another person.

"Board" means the Illinois Pollution Control Board as created in Section 5 of the Act or, if applicable, its designee.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Board decision" means an opinion or an order voted in favor of by at least four members of the Board at an open Board meeting except in a proceeding to remove a seal under Section 34(d) of the Act.

"Board designee" means an employee of the Board who has been given authority by the Board to carry out a function for the Board (e.g., the Clerk, Assistant Clerk of the Board, or hearing officer).

"Board meeting" means an open meeting held by the Board pursuant to Section 5(a) of the Act in which the Board makes its decisions and determinations.

"Board's procedural rules" means the Board's regulations set forth at 35 Ill. Adm. Code 101 through 130.

"Brief" means a written statement that contains a summary of the facts of a proceeding, the pertinent laws, and an argument of how the law applies to the facts supporting a position.

"CAAPP" means the Clean Air Act Permit Program, as adopted in Section 39.5 of the Act.

"Certificate of acceptance" means a certification, executed by a successful petitioner in a variance proceeding, in which the petitioner agrees to be bound by all terms and conditions that the Board has affixed to the grant of variance.

"Chairman" means the Chairman of the Board designated by the Governor pursuant to Section 5(a) of the Act.

"Citizen's enforcement proceeding" means an enforcement action brought before the Board pursuant to Section 31(d) of the Act by any person who is not authorized to bring the action on behalf of the People of the State of Illinois.

"Clean Air Act" or "CAA" means the federal *Clean Air Act*, as now and hereafter amended, 42 USC 7401 et seq. [415 ILCS 5/39.5]

"Clean Water Act" means the federal Clean Water Act, 33 USC 1251 et seq.

"Clerk" means the Clerk of the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

“Clerk’s Office On-Line” or “COOL” means the Board’s Web-based file management system that allows electronic filing of and access to electronic documents in the Board’s adjudicatory and regulatory proceeding files. COOL is located on the Board’s Web site.

"Complaint" means the initial filing that begins an enforcement proceeding pursuant to Section 31 of the Act and 35 Ill. Adm. Code 103.

"Compliance plan" means a detailed description of a program designed to achieve compliance with the Act and Board regulations.

"Copy" means *any facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article* [415 ILCS 5/7.1].

"Counter-complaint" means a pleading that a respondent files setting forth a claim against a complainant. (See 35 Ill. Adm. Code 103.206.)

"Cross-complaint" means a pleading that a party files setting forth a claim in its favor against a co-party. (See 35 Ill. Adm. Code 103.206.)

"Cross-media impacts" means impacts that concern multiple environmental areas, such as air, land and/or water.

"Decision date" means the Board meeting immediately preceding the decision deadline.

"Decision deadline" means the last day of any decision period, as established by law, within which the Board is required to render a decision in an adjudicatory proceeding. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions respectively.)

"Decision period" means the period of time established by the Act within which the Board is required to make a Board decision in certain adjudicatory proceedings. (See Subpart C of this Part.) (See also Sections 38(a), 40, and 40.1 of the Act that establish 120-day decision deadlines for variances, permit appeals, and review of pollution control facility siting decisions, respectively.)

"Deinked stock" means *paper that has been processed to remove inks, clays,*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

coatings, binders and other contaminants [415 ILCS 20/2.1].

"Delegated unit" means the unit of local government to which the Agency has delegated its administrative citation or other function pursuant to Section 4(r) of the Act.

"DNR" means the Illinois Department of Natural Resources.

"Digital signature" means a type of electronic signature created by transforming an electronic document using a message digest function and encrypting the resulting transformation with an asymmetric cryptosystem using the signer's private key such that any person having the initial untransformed electronic document, the encrypted transformation, and the signer's corresponding public key can accurately determine whether the transformation was created using the private key that corresponds to the signer's public key and whether the initial electronic document has been altered since the transformation was made. A digital signature is a security device. [5 ILCS 5/175/5-105].

"Discovery" means a pre-hearing process that can be used to obtain facts and information about the adjudicatory proceeding in order to prepare for hearing. The discovery tools include depositions upon oral and written questions, written interrogatories, production of documents or things, and requests for admission.

"DNS" means the Illinois Department of Nuclear Safety.

"DOA" means the Illinois Department of Agriculture.

~~"Duplicitous"~~ or "Duplicative" means the matter is identical or substantially similar to one brought before the Board or another forum.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entail capabilities similar to these technologies [5 ILCS 175/5-105].

"Electronic document" means any notice, information, or filing generated, communicated, received or stored by electronic means to use in an information system or to transmit from one information system to another. [See 5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form attached to or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

logically associated with an electronic document [5 ILCS 175/5-105].

"Environmental Management System Agreement" or "EMSA" means the agreement between the Agency and a sponsor, entered into under Section 52.3 of the Act and 35 Ill. Adm. Code 187, that describes the innovative environmental measures to be implemented, schedules to attain goals, and mechanisms for accountability.

"Enforcement proceeding" means an adjudicatory proceeding brought upon a complaint filed pursuant to Section 31 of the Act by the Attorney General, State's Attorney, or other persons, in which the complaint alleges violation of the Act or any rule or regulation or Board order thereunder or any permit or term or condition thereof.

"Ex parte communication" means a communication between a person who is not a Board Member or Board employee and a Board Member or Board employee that reflects on the substance of a pending Board proceeding and that takes place outside the record of the proceeding. *Communications regarding matters of procedure and practice, such as the format of pleadings, ~~number of copies required~~, manner of filing and service, and status of proceedings, are not considered ex parte communications [5 ILCS 100/10-60(d)].* For purposes of this definition, "Board employee" means a person the Board employs on a full-time, part-time, contract or intern basis. (See Section 101.114 of this Part.)

"Fast Track rulemaking" means a Clean Air Act rulemaking conducted pursuant to Section 28.5 of the Act.

"Federally required rule" means *a rule that is needed to meet the requirements of the federal Clean Water Act, Safe Drinking Water Act, Clean Air Act (including required submission of a State Implementation Plan), or Resource Conservation and Recovery Act, other than a rule required to be adopted under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, or subsection (a) of Section 22.40 [415 ILCS 5/28.2].*

"Filing" means the act of delivering a document or article into the custody of the Clerk with the intention of incorporating that document or article into the record of a proceeding or record before the Board. The Clerk's Office is located at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601. Electronic filing with the Clerk's Office is done through COOL on the Board Web site.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Final order" means an order of the Board that terminates the proceeding leaving nothing further to litigate or decide and that is appealable to an appellate court pursuant to Section 41 of the Act. (See Subpart I of this Part.)

"Frivolous" means a request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief.

"Hearing" means a public proceeding conducted by a hearing officer where the parties and other interested persons, as provided for by law and the Board's procedural rules, present evidence and argument regarding their positions.

"Hearing officer" means a person licensed to practice law in the State of Illinois who presides over hearings and otherwise carries out record development responsibilities as directed by the Board.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Identical-in-substance rules (or regulations)" means *State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois* [415 ILCS 5/7.2].

"Initial filing" means the filing that initiates a Board proceeding and opens a docket. For instance, the initial filing in an enforcement proceeding is the complaint; in a permit appeal it is a petition for review; and in a regulatory proceeding it is the proposal.

"Innovative environmental measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied. (See 35 Ill. Adm. Code 106.Subpart G.)

"Inquiry hearing" means a hearing conducted by the Board for the purpose of seeking input and comment from the public regarding the need for a rulemaking proceeding in a specific area.

"Interlocutory appeal" means an appeal of a Board decision to the appellate court that is not dispositive of all the contested issues in the proceeding. (See Section 101.908 of this Part.) An interlocutory appeal may also be the appeal of a hearing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

officer ruling to the Board. (See Section 101.518 of this Part.)

"Intervenor" means a person, not originally a party to an adjudicatory proceeding, who voluntarily participates as a party in the proceeding with the leave of the Board. (See Section 101.402 of this Part.)

"Intervention" means the procedure by which a person, not originally a party to an adjudicatory proceeding, voluntarily comes into the proceeding as a party with the leave of the Board. (See Section 101.402 of this Part.)

"JCAR" means the Illinois General Assembly's Joint Committee on Administrative Rules established by the IAPA (see 5 ILCS 100/5-90).

"Joinder" means the procedure by which the Board adds a person, not originally a party to an adjudicatory proceeding, as a party to the proceeding. (See Section 101.403 of this Part and 35 Ill. Adm. Code 103.206.)

"Misnomer" means a mistake in name, giving an incorrect name in a complaint or other document with respect to any properly included party.

"Motion" means a request made to the Board or the hearing officer for the purposes of obtaining a ruling or order directing or allowing some act to be done in favor of the movant. (See definition of "movant" in this Section.)

"Movant" means the person who files a motion.

"New pollution control facility" means *a pollution control facility initially permitted for development or construction after July 1, 1981; or the area of expansion beyond the boundary of a currently permitted pollution control facility; or a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste* [415 ILCS 5/3.32(b)].

"Non-disclosable information" means *information which constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communications of the several agencies; information concerning secret manufacturing processes or confidential data submitted by any person under the Act* [415 ILCS 5/7(a)].

"Notice list" means the list of persons in a regulatory proceeding who will receive

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

all Board opinions and orders and all hearing officer orders. Persons on a notice list generally do not receive copies of motions, public comments, or testimony. (See definition of "service list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Notice to reinstate" means a document filed that recommences the decision period after a decision deadline waiver has been filed. The notice will give the Board a full decision period in which to make a decision. (See Section 101.308 of this Part.)

"Oral argument" means a formal verbal statement of advocacy on a proceeding's legal questions made at a Board meeting with the Board's permission. (See Section 101.700 of this Part.)

"OSFM" means Office of the State Fire Marshal.

"OSFM appeal" means an appeal of an OSFM final decision concerning eligibility and deductibility made pursuant to Title XVI of the Act.

"Participant" means any person, not including the Board or its staff, who takes part in an adjudicatory proceeding who is not a party, or a person who takes part in a regulatory or other quasi-legislative proceeding before the Board. A person becomes a participant in any of several ways, including filing a comment, being added to the notice list of a particular proceeding, or testifying at hearing.

"Participant in a CAAPP Comment Process" means a person who takes part in a Clean Air Act Permit Program (CAAPP) permit hearing before the Agency or comments on a draft CAAPP permit.

"Party" means the person by or against whom a proceeding is brought.

"Party in interest" means the Agency when asked to conduct an investigation pursuant to Section 30 of the Act during an ongoing proceeding. (See Section 101.404 of this Part.)

"Peremptory rulemaking" means *any rulemaking that is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions that preclude compliance with the general rulemaking requirements of Section 5-40 of the IAPA and that preclude the exercise by the Board as to the content of the rule it is required to adopt.* [5 ILCS 100/5-50]

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Permit appeal" means an adjudicatory proceeding brought before the Board pursuant to Title X of the Act.

"Person" means *any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.* [415 ILCS 5/~~3.3153.26~~]

"Petition" means the initial filing in an adjudicatory proceeding other than an enforcement proceeding, including permit appeals, OSFM appeals, UST appeals, appeals of pollution control facility siting decisions, variances and adjusted standards.

"Pilot project" means an innovative environmental project that covers one or more designated facilities, designed and implemented in the form of an EMSA. (See Section 52.3 of the Act.)

"Pollution control facility" means *any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act. The following are not pollution control facilities:*

waste storage sites regulated under 40 CFR 761.42;

sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3 of the Act;

abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

sites or facilities used by any person to specifically conduct a landscape composting operation;

regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21 of the Act;

the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in ~~paragraph (5) of subsection (a) of Section 57.9(a)(3) 22.18(b)~~ of the Act are exempt under this definition;

the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of the Act.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

[415 ILCS 5/~~3.3303.32(a)~~]

"Pollution control facility siting appeal" means an appeal of a decision made by a unit of local government filed with the Board pursuant to Section 40.1 of the Act.

~~"Postconsumer material" means paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after the waste has been passed through its end usage as a consumer item, including used corrugated boxes, old newspapers, mixed waste paper, tabulating cards, and used cordage. Additionally, it includes all paper, paperboard, and other fibrous wastes that are diverted or separated from the municipal solid waste stream [415 ILCS 20/3(f)(2)(i) and (ii)]. (See also definition of "recycled paper" in this Section.)~~

"Prehearing conference" means a meeting held in an adjudicatory case to determine the status of the proceedings. A prehearing conference may also be a meeting held in a regulatory proceeding prior to the hearing, the purposes of which shall be to maximize understanding of the intent and application of the proposal, if possible, and to attempt to identify and limit the issues of disagreement among participants to promote efficient use of time at hearing [415 ILCS 5/27(d)]. (See 35 Ill. Adm. Code 102.404 and 102.406.)

"Proceeding" means an action conducted before the Board pursuant to authority granted under Section 5 of the Act or as otherwise provided by law. Board proceedings are of two types: quasi-legislative (e.g., rulemaking and inquiry proceedings) and quasi-judicial (adjudicatory proceedings).

"Proponent" means any person, not including the Board or its staff, who submits a regulatory proposal to the Board for the adoption, amendment, or repeal of a regulation.

"Provisional variance" means a short term variance sought by a party and recommended by the Agency pursuant to Section 35(b) of the Act. (See 35 Ill. Adm. Code 104.308.)

"Public comment" means information submitted to the Board during a pending proceeding either by oral statement made at hearing or written statement filed with the Board.

"Qualitative description" means a narrative description pertaining to attributes and characteristics.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Quantitative description" means a numerically based description pertaining to attributes and characteristics.

"RCRA variance" means a variance from a RCRA rule or a RCRA permit required pursuant to Section 21(f) of the Act.

"Record" means the official collection, as kept by the Clerk, of all documents and exhibits including pleadings, transcripts, and orders filed during the course of a proceeding.

~~"Recycled paper" means paper which contains at least 50% recovered paper material. The recovered paper material must contain at least 45% deinked stock or postconsumer material. (See also "postconsumer material" in this Section.)~~

"Registered agent" means a person registered with the Secretary of State for the purpose of accepting service for any entity, or a person otherwise authorized in writing as an agent for the purpose of accepting service for that entity.

"Regulatory hearing" or "proceeding" means a hearing or proceeding held pursuant to Title VII of the Act or other applicable law with respect to regulations.

"Regulatory relief mechanisms" means variances, provisional variances and adjusted standards. (See 35 Ill. Adm. Code 104.).

"Representing" means, for purposes of Part 130, *describing, depicting, containing, constituting, reflecting or recording* [415 ILCS 5/7.1].

"Requester" means, for purposes of Part 130, the person seeking from the agency the material claimed or determined to be a trade secret (see 415 ILCS 5/7.1).

"Resource Conservation and Recovery Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

"Rulemaking" or "rulemaking proceeding" means a proceeding brought under Title VII of the Act or other applicable law for the purpose of adoption, amendment, or repeal of a regulation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Sanction" means a penalty or other mechanism used by the Board to provide incentives for compliance with the Board's procedural rules, Board orders or hearing officer orders. (See also Subpart H of this Part.)

"SDWA" means the federal Safe Drinking Water Act (42 USC 300f et seq.).

"Service" means delivery of documents upon a person. (See Sections 101.300(c) and 101.304 of this Part.)

"Service list" means the list of persons designated by the hearing officer or Clerk in a regulatory or adjudicatory proceeding upon whom participants must serve motions, prefiled questions and prefiled testimony and any other documents that the participants file with the Clerk unless the hearing officer otherwise directs. (See definition of "notice list" in this Section.) (See also 35 Ill. Adm. Code 102.422.)

"Severance" means the separation of a proceeding into two or more independent proceedings, each of which terminates in a separate, final judgment.

"Site-specific rule or regulation" means a proposed or adopted regulation, not of general applicability, that applies only to a specific facility, geographic site, or activity. (See 35 Ill. Adm. Code 102.208.)

"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

"State enforcement proceeding" means an enforcement proceeding, other than a citizen's enforcement proceeding, that is brought pursuant to Section 31(a) of the Act.

"Stay" means a temporary suspension of the regular progress of a proceeding pursuant to an order of the Board or by operation of law. (See Section 101.514 of this Part.)

"Subpoena" means a command to appear at a certain time and place to give testimony upon a certain matter.

"Subpoena duces tecum" means a document that compels the production of specific documents and other items at a specified time and place.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Summary judgment" means the disposition of an adjudicatory proceeding without hearing when the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law. (See Section 101.516 of this Part.)

"Third party complaint" means a pleading that a respondent files setting forth a claim against a person who is not already a party to the proceeding. (See 35 Ill. Adm. Code 103.206.)

"Trade secret" means *the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.* [415 ILCS 5/~~3.4903-48~~]

"Transcript" means the official recorded testimony from a hearing.

"USEPA" means the United States Environmental Protection Agency.

"Underground storage tank appeal" or "UST appeal" means an appeal of an Agency final decision made pursuant to Title XVI of the Act.

"UST" means underground storage tank.

"Variance" means a temporary exemption from any specified regulation, requirement or order of the Board granted to a petitioner by the Board pursuant to Title IX of the Act *upon presentation of adequate proof that compliance with the rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship* [415 ILCS 5/35(a)].

"Waiver" means the intentional relinquishing of a known right, usually with respect to a hearing before the Board or entry of a Board decision within the decision period. (See also Section 101.308 of this Part.)

"Web site" means the Board's computer-based informational service accessed on the Internet at <http://www.ipcb.state.il.us>.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE
OF DOCUMENTS, AND STATUTORY DECISION DEADLINES

Section 101.300 Computation of Time

- a) Computation of Time. Computation of any period of time prescribed in the Act, other applicable law, or these rules will begin with the first calendar day following the day on which the act, event or development occurs and will run until the close of business on the last day, or the next business day if the last day is a Saturday, Sunday or national or State legal holiday.
- b) Time of Filing. Documents will be considered filed when they are filed in conformance with the requirements found in Section 101.302 of this Part and any other filing requirements specifically set out elsewhere in ~~the other Parts of~~ these rules. Subpart J of this Part sets forth when electronic documents will be considered filed.
- 1) If filed in person, by messenger service or mail delivery service other than U.S. Mail, documents are considered filed when they are received in the Office of the Clerk.
 - 2) If the Clerk receives a document ~~is filed~~ by U.S. Mail subsequent to a filing deadline, yet the postmark date precedes or is the same as the filing deadline, the document will be deemed filed on the postmark date, provided all filing requirements are met as set forth in Section 101.302 of this Part.
 - 3) Documents filed and received in the Office of the Clerk after 4:30 p.m. will be marked as filed the following business day. The Clerk will record the appropriate filing date on all filed documents.
 - 4) For purposes of Board decision deadlines, time does not begin until the date on which the initial filing is date-stamped by the Clerk.
- c) Time of Service. In the case of personal service, service is deemed complete on the date personal delivery was effectuated. In the case of facsimile transmission, service is deemed complete on the date of a complete and proper transmittal (facsimile filings are only allowed in accordance with Section 101.302(d) of this Part). In the case of electronic service, Section 101.1010(d) of this Part sets forth when service is deemed complete. In the case of service by registered or certified mail, or by messenger service, service is deemed complete on the date specified on the registered or certified mail receipt or the messenger service receipt. In the case of service by U.S. Mail, service is presumed complete four days after

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

mailing. The presumption can be rebutted by proper proof.

- d) Date of Board Decision.
- 1) For purposes of statutory decision deadline proceedings, the date of the Board decision is the date of the Board meeting where a final opinion and order of the Board was adopted by the vote of at least four Board members.
 - 2) For purposes of appeal, the date of the party's certified mail receipt of the Board decision is the date of service of the final opinion and order by the Board upon the appealing party. Or, in the event of a timely filed motion for reconsideration filed pursuant to Section 101.520 of this Part, the date of the party's certified mail receipt of the Board order ruling upon the motion is the date of service by the Board upon the appealing party.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 101.302 Filing of Documents

- a) This Section contains the Board's general filing requirements. Additional requirements may exist for specific proceedings elsewhere in these rules. The Clerk will refuse for filing any document that does not comply with the minimum requirements of this Section.
- b) All documents to be filed with the Board must be signed by or on behalf of the party or participant seeking to file the document and must be filed with the Clerk's Office. Service on a hearing officer does not constitute filing with the Board unless the document is submitted to the hearing officer during the course of a hearing. Documents may be filed at:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

- c) Documents may be filed by U.S. Mail or other mail delivery service, by electronic means in accordance with Subpart J of this Part, in person, or by messenger.
- d) Filing by ~~electronic transmission or~~ facsimile will only be allowed with the prior approval of the Clerk of the Board or hearing officer assigned to the proceeding. The Agency may file a provisional variance recommendation with the Board by ~~through electronic transmission or~~ facsimile within 2 days prior to a regularly scheduled meeting date followed by a hard copy submission.
- e) The following initial filings require filing fees and will only be considered filed

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

when accompanied by the appropriate fee, which may be paid in the form of government voucher, money order, or check made payable to the Illinois Pollution Control Board, or electronically in accordance with Section 101.1008 of this Part, but which may not be paid in cash:

- 1) Petition for Site-Specific Regulation, \$75;
 - 2) Petition for Variance, \$75;
 - 3) Petition for Review of Agency Permit Decision, UST Decision, or any other appeal filed pursuant to Section 40 of the Act, \$75;
 - 4) Petition to Review Pollution Control Facility Siting Decisions, pursuant to Section 40.1 of the Act, \$75; and
 - 5) Petition for Adjusted Standard, pursuant to Section 28.1 of the Act, \$75.
- f) All documents filed must be served in accordance with Subpart C of this Part.
- g) All documents filed with the Board should contain the relevant proceeding caption and number and have all pages logically numbered, and Paper documents must be submitted on 8½ x 11 inch recycled paper as defined in Subpart B of this Part, page numbered, and, double-sided if practicable, feasible double sided. Electronic documents must be formatted in accordance with Section 101.1006 of this Part.
- h) Unless the Board or hearing officer orders its procedural rules provide otherwise, all documents must be filed as follows with a signed original and 9 duplicate copies (10 total), except that:
- 1) If a document is filed in paper, the original and one copy is required.
 - 2) If a document is filed electronically in accordance with Subpart J of this Part, no paper original or copy is required.
 - 1) ~~Documents and motions specifically directed to the assigned hearing officer must be filed with the Clerk with a signed original and 4 duplicate copies (5 total), or as the hearing officer orders;~~
 - 2) ~~The Agency may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.116, 105.302, and 105.410;~~
 - 3) ~~The OSFM may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.508; and~~
 - 4) ~~The siting authority may file a signed original and 4 duplicate copies (5 total) of the record required by Sections 107.300 and 302.~~
- i) No written discovery, including interrogatories, requests to produce, and requests for admission, or any response to written discovery, may be filed with the Clerk of the Board except upon leave or direction of the Board or hearing officer. Any discovery request under these rules to any nonparty must be filed with the Clerk of the Board in accordance with subsection (h) of this Section with a signed original and 4 duplicate copies (5 total), or as the hearing officer directs.
- j) Non-Conforming Exhibits. When practicable possible, non-conforming exhibits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

must be reduced ~~to conform~~ to 8½ ~~xx~~ 11 inch recycled paper, or formatted electronically in accordance with Section 101.1006 of this Part. However, one non-conforming original ~~copy~~ may be filed with the Clerk's Office. Upon closure of the proceeding, the non-conforming exhibit copy may be returned to the person filing it in accordance with 2 Ill. Adm. Code 2175.300.

- k) Page Limitation. No motion, brief in support of motion, or brief may exceed 50 pages, and no amicus curiae brief may exceed 20 pages, without prior approval of the Board or hearing officer. These limits do not include appendices containing relevant material.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 101.304 Service of Documents

- a) Service Requirements. This Section contains the Board's general service requirements. However, the more specific Part for a proceeding type may contain additional requirements.
- b) Duty to Serve. Parties in Board adjudicatory proceedings are responsible for service of all documents they file with the Clerk's Office. Proof of service of initial filings must be filed with the Board upon completion of service.
- c) Method of Service. Service may be effectuated by U.S. Mail or other mail delivery service, in person, by messenger, by electronic means in accordance with Subpart J of this Part, or as prescribed in Section 101.302(d), except for service of enforcement complaints, ~~and~~ administrative citations, and EMSA statements of deficiency on a respondent, which must be made personally, by registered or certified mail, or by messenger service. Proof of service of enforcement complaints, ~~and~~ administrative citations, and EMSA statements of deficiency must be filed with the Board upon completion of service.
- d) Affidavit or Certificate of Service. A proceeding is subject to dismissal, and parties are subject to sanctions in accordance with Section 101.800 of this Part, if service is not timely made. Proof of proper service is the responsibility of the party filing and serving the document. An affidavit of service or certificate of service must accompany all filings of all parties. A sample form of the affidavit of service and certificate of service is available in Appendix E to this Part, at the Board's Offices (the locations of the Board's Offices are listed at 2 Ill. Adm. Code 2175.115), ~~and on may be obtained electronically at~~ the Board's Web site.
- e) Service of Amicus Curiae Briefs. Any person who files an amicus curiae brief with the Board in any proceeding must serve copies of that brief on all parties in accordance with this Section.
- f) Service of Comments of Participants in an Adjudicatory Proceeding. Participants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

are required to serve their comments upon the parties to the proceeding. The Board will consider the comments as time and the Act or other applicable law allow.

- g) Service on State Agencies. Service must be at the addresses listed below unless a specific person has an appearance on file with the Board or electronic service is made in accordance with Subpart J of this Part.
- 1) Service on the Illinois Environmental Protection Agency (Agency). The Agency must be served at the following address:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
 - 2) Service on Office of State Fire Marshal (OSFM). The OSFM must be served at:

Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703
 - 3) Service on the Illinois Attorney General. The Office of the Attorney General must be served at:

Division Chief of Environmental Enforcement
Office of the Attorney General
188 West Randolph St., 20th Floor
Chicago, IL 60601
 - 4) Service on the Illinois Department of Natural Resources (DNR) must be served at:

Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way 524 S. Second St.
Springfield, IL 62702-1271 62701-1787
 - 5) Service on the Illinois Department of Transportation (IDOT). IDOT must

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

be served at:

Office of Chief Counsel
DOT Administration Building
2300 S. Dirksen Parkway, Room 300
Springfield, IL 62764

- 6) Service on Region V of the United States Environmental Protection Agency (USEPA). USEPA Region V must be served at:

USEPA, Region V
77 West Jackson
Chicago, IL 60604

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 101.306 Incorporation of Documents by Reference

- a) Upon the separate written request of any person or on its own initiative, the Board or hearing officer may incorporate materials from the record of another Board docket into any proceeding. The person seeking incorporation must file the material to be incorporated with the Board in accordance with Section 101.302(h) of this Subpart ~~4 copies of the material to be incorporated. The Board or hearing officer may approve a reduced number of copies for documents incorporated in other Board dockets.~~ The person seeking incorporation must demonstrate to the Board or the hearing officer that the material to be incorporated is authentic, credible, and relevant to the proceeding. Notice of the request must be given to all identified participants or parties by the person seeking incorporation.
- b) The Board will give the incorporated matter the appropriate weight in light of the following factors: the standard of evidence under which the material was previously presented to the Board; the present purpose for incorporating the material; and the past and current opportunity for cross-examination of the matters asserted within the incorporated material.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART J: ELECTRONIC FILING AND SERVICE**Section 101.1000 Overview of Electronic Filing and Service**

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The purposes of the Electronic Commerce Security Act include facilitating the electronic filing of documents with State agencies and promoting the efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act specifically authorizes State agencies to send and receive electronic documents. [5 ILCS 175/25-101]
- b) The Board provides the opportunity to file and access documents electronically through its Clerk's Office On-Line (COOL) system. The Board has taken steps designed to ensure the integrity and security of COOL in accordance with State policies developed under the Electronic Commerce Security Act.
- c) The Board encourages electronic filing. Any document to be filed with the Board, whether an initial or later filing, may be filed electronically. If a person files an electronic document in accordance with this Subpart, the person is not required to file a paper original or copy of that document with the Clerk, unless the Board or hearing officer orders otherwise.
- d) To file an electronic document with the Board, the party or participant must submit the document to COOL on the Board's Web site (www.ipcb.state.il.us). Electronic filing is not accomplished by sending a document to the e-mail address of the Clerk's Office or hearing officer.
- e) Nothing in this Subpart requires a person to file, serve, or accept service of a document electronically. Generally, the Clerk's Office will electronically scan paper-filed documents and place them in COOL.
- f) The Board provides COOL as a public service. Neither the malfunctioning of COOL or any person's computer system excuses any obligation to timely file or serve a document.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 101.1002 Electronic Filing Authorization

- a) A person seeking to file an electronic document, as or on behalf of a party or participant, must have been issued a State of Illinois digital signature certificate pursuant to Section 15-310 of the Electronic Commerce Security Act [5 ILCS 175/15-310].
- b) The subscriber agreement and application for a State of Illinois digital signature certificate is available at the following Web site, the link for which is also provided on the Board's Web site:

<https://autora01.cmcf.state.il.us/>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- c) For adjudicatory proceedings, to electronically file a document on behalf of a party who is not an individual, the digital signature of a licensed and registered attorney representing the party is required. If the party is an individual, the digital signature of the individual or its licensed and registered attorney is required. See Section 101.400(a) of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 101.1004 Filing Electronic Documents

- a) A person seeking to file an electronic document, as or on behalf of a party or participant, must submit the document to COOL on the Board's Web site. To successfully submit a document to COOL, the person must have a valid State of Illinois digital signature certificate.
- b) Submitting an electronic document to COOL in accordance with this Subpart will automatically generate an electronic receipt for the person seeking to file. The receipt will verify the date and time when the document was submitted to COOL, but the receipt is in no way an indication of the document's legal sufficiency.
- c) If all or any part of an electronic document being submitted to COOL must be verified by oath, affidavit, or notarization, the person submitting the document must either:
- 1) Include the electronically-scanned oath, affidavit, receipt, or notarization in the submitted electronic document; or
 - 2) Submit to the Clerk a paper original and copy of the oath, affidavit, or notarization (indicating the electronic document to which it corresponds) and conspicuously state in the electronic document that the paper original and copy of the verification will be submitted to the Clerk.
- d) If an electronic document is submitted to COOL in accordance with this Subpart, the document is considered filed when it is submitted to COOL, except that:
- 1) An electronic document submitted to COOL without a required oath, affidavit, notarization, or fee will be considered filed:
 - A) On the date that the Clerk receives the required verification or fee;
or
 - B) If received through the U.S. Mail after a filing deadline, but the postmark date precedes or is the same as the deadline, then the document is deemed filed on the postmark date.
 - 2) An electronic document submitted to COOL on a Saturday or Sunday, on a national or State legal holiday, or after 4:30 p.m. on a weekday is considered filed the next business day.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- e) For purposes of Board decision deadlines, time does not begin until the date on which the electronic document is considered filed under subsection (d) of this Section.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 101.1006 Acceptable Formats

- a) To submit an electronic document to COOL, the document must be in one of the following electronic formats:
- 1) Microsoft Word for Windows, version 6.0 or greater;
 - 2) Corel WordPerfect for Windows, version 6.0 or greater;
 - 3) Microsoft Excel for Windows, version 4.0 or greater;
 - 4) Lotus 1-2-3 for Windows, version 4.0 or greater;
 - 5) ASCII Text; or
 - 6) Adobe Acrobat Portable Document Format (PDF) version 2.0 or greater.
- b) All electronic documents filed in accordance with this Subpart will be stored by the Clerk's Office in Adobe Acrobat PDF format. Properly-filed electronic documents not submitted to COOL in that electronic format will be converted to Adobe Acrobat PDF format by the Clerk's Office.
- c) The Board encourages persons to submit electronic documents to COOL in Adobe Acrobat PDF format.
- d) Electronic documents submitted to COOL must be formatted to print on 8½ x 11 inch paper.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 101.1008 Filing Fees

- a) Filing fees are specified in Section 101.302(e) of this Part. There is no special or additional fee to file a document electronically. A person seeking to file an electronic document that requires a filing fee must either:
- 1) Deliver payment to the Clerk's Office in accordance with Section 101.302(e) of this Part; or
 - 2) Provide electronic payment in accordance with subsection (b).
- b) Electronic payment of a filing fee requires a valid credit card and can be executed on COOL when the electronic document is submitted.

(Source: Added at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 101.1010 Electronic Service

- a) Except as provided in subsection (b), a person required to serve a document may serve other parties or participants electronically by e-mail, in lieu of serving a paper document, if the recipient has consented to electronic service in that proceeding and has not revoked that consent. See Section 101.1012 of this Subpart. To serve a document electronically, it is not necessary to obtain a State of Illinois digital signature certificate.
- b) Service of enforcement complaints, administrative citations, and EMSA statements of deficiency on a respondent must be made personally, by registered or certified mail, or by messenger service. See Section 101.304(c) of this Part.
- c) A person required to serve a document on the hearing officer may serve the hearing officer electronically by sending the document to the hearing officer's e-mail address in lieu of serving a paper document.
- d) When serving an electronic document, service is deemed complete on the day of successful electronic transmission, except that a document electronically transmitted on a Saturday or Sunday, on a national or State legal holiday, or after 4:30 p.m. on a weekday is considered served the next business day.
- e) Proof of proper service must be provided to the Clerk by the party or participant filing and serving the document. An affidavit of service or certificate of service must be provided for each filing. A sample form of an affidavit of service and certificate of service is available in Appendix E to this Part, from the Clerk's Office, and on the Board's Web site.
- f) A document served electronically must be in the same electronic format as the document submitted to COOL and formatted to print on 8½ x 11 inch paper. The Board encourages persons to serve electronic documents in Adobe Acrobat PDF format. See Section 101.1006 of this Subpart.
- g) In lieu of serving paper documents, the Board and its hearing officers may electronically serve notices and orders to any party or participant who has consented to electronic service in that proceeding and not revoked that consent. The subject line of e-mail from the Board or hearing officer providing electronic service will state "Official Pollution Control Board Notice."

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 101.1012 Consenting to Electronic Service

- a) A person may consent to electronic service of documents in lieu of receiving paper documents from other parties or participants, the Board, and hearing officers in a proceeding by either:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Filing a Consent to Electronic Service form with the Clerk, which is available in Appendix F to this Part, from the Clerk's Office, and on the Board's Web site.; or
- 2) By stating conspicuously in any other filing that the person consents to electronic service of documents and that service is to be made to an e-mail address identified in the filing.
 - b) Consent to electronic service may be filed with the Clerk at any time in the proceeding. To accept electronic service, it is not necessary to obtain a State of Illinois digital signature certificate.
 - c) A party or participant may revoke its consent to electronic service at any time in the proceeding by filing a written notice of the revocation with the Clerk.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 101.1014 Trade Secrets and Other Non-Disclosable Information

- a) If a person seeks to file an electronic document containing information that the person claims should be protected as a trade secret or other non-disclosable information, the person must submit to COOL both a complete version of the electronic document and a redacted version of the electronic document. The person must otherwise comply with 35 Ill. Adm. Code 130.
- b) In accordance with 35 Ill. Adm. Code 130, if a document, whether filed electronically or in paper, is claimed or determined to contain a trade secret or other non-disclosable information, only the redacted version of the document will be publicly accessible on COOL.

(Source: Added at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 101.APPENDIX F Consent to Electronic Service Form ~~Notice of Withdrawal~~

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

~~NOTICE OF WITHDRAWAL~~

Applicable Caption)	
(see Appendix A))	docket number
)	
)	

I, the undersigned, authorize the Board, its hearing officers, and other parties or participants in this proceeding to serve documents on me electronically in lieu of receiving paper documents. My e-mail address to receive electronic service is: _____.

[signature]

[date]

~~NOW COMES [Petitioner's or Complainant's name], by one of its attorneys, [Attorney's name] pursuant to 35 Ill. Adm. Code 101.302(l) hereby gives notice of withdrawal of this case.~~

~~Attorney's Name~~

~~Name of Attorney and Firm~~

~~Address~~

~~Telephone Number~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 101.APPENDIX G Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 101	CURRENT SECTION
101.100	101.100
101.101	101.200 101.202
101.102	101.302
101.103	101.302
101.104	101.302
101.105	101.308
101.106	101.306
101.107	101.400
101.108	101.400
101.109	101.300
101.120	101.302
101.121	2 Ill. Adm. Code 2175.210 (current)
101.122	2 Ill. Adm. Code 2175.215 (current)
101.140	101.304(a)
101.141	101.304
101.142	101.304(c)
101.143	101.304(d)
101.144	101.300
101.160	2 Ill. Adm. Code 2175.300 (current)
101.161	130.Subpart A 130.Subpart D
101.162	2 Ill. Adm. Code 2175.305 (current)
101.180	101.700 2 Ill. Adm. Code 2175.210 (current)
101.181	2 Ill. Adm. Code 2175.130 (current)
101.200	101.114

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	101.612
101.220	101.610
101.221	101.606
101.241	101.500
101.242	101.504
101.243	101.506
101.244	101.516
101.245	101.508 101.510
101.246	101.520 101.902
101.247	101.502 101.518 101.522
101.260	101.622
101.261	101.614
101.280	101.608 101.800
101.281	101.802
101.300	101.520
101.301	101.904
101.302	101.906
101.304	101.908
101.Appendix A Illustration A	101.Appendix A Illustration J
101.Appendix A Illustration B	101.Appendix A Illustration K
101.Appendix A Illustration C	101.Appendix A Illustration D
101.Appendix A Illustration D	101.Appendix A Illustration C 101.Appendix A Illustration F
101.Appendix A Illustration E	101.Appendix A Illustration A
101.Appendix A Illustration F	101.Appendix A Illustration I
101.Appendix B	101.Appendix B
101.Appendix C	101.Appendix C
101.Appendix D	101.Appendix D
101.Appendix E Illustration A	101.Appendix E Illustration A
101.Appendix E Illustration B	101.Appendix E Illustration B

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulatory and Informational Hearings and Proceedings
- 2) Code citation: 35 Ill. Adm. Code 102
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
102.200	Amend
102.202	Amend
102.206	Amend
102.208	Amend
102.210	Amend
102.302	Amend
102.416	Amend
102.422	Amend
102.424	Amend
102.810	Amend
102.820	Amend
APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 26, 27, 28, 28.2, 29, and 41 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in Part 101 and eliminate the requirement for filing multiple copies. Second, this proposal reflects recent amendments to the Administrative Procedure Act by requiring rulemaking proposals to describe studies and research reports used in developing the proposal.
- 6) Will these proposed amendments replace any 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 amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of statewide policy objective: Electronic filing is optional. This rulemaking imposes no additional procedural mandates on units of local government to the extent they may appear before the Board.
- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 appear before the Board.
 - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney.
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This proposal did not appear in the Board's two most recent regulatory agendas, as the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 102

REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS

SUBPART A: GENERAL PROVISIONS

Section

102.100	Applicability
102.102	Severability
102.104	Definitions
102.106	Types of Regulatory Proposals
102.108	Public Comments
102.110	Waiver of Requirements
102.112	Other Proceedings

SUBPART B: REGULATIONS OF GENERAL APPLICABILITY,
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
AMENDMENTS, AND SITE-SPECIFIC REGULATIONS

Section

102.200	Proposal for Regulations of General Applicability
102.202	Proposal Contents for Regulations of General Applicability
102.204	Proposal of RCRA Amendments
102.206	Notice of Site-Specific RCRA Proposals
102.208	Proposal for Site-Specific Regulations
102.210	Proposal Contents for Site-Specific Regulations
102.212	Dismissal

SUBPART C: CLEAN AIR ACT AMENDMENTS (CAAA)
FAST TRACK RULEMAKING

Section

102.300	Applicability
102.302	Agency Proposal
102.304	Hearings
102.306	Prefiled Testimony

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS,
PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING
CONFERENCES, AND HEARINGS

Section	
102.400	Service and Filing of Documents
102.402	Motions, Production of Information, and Subpoenas
102.404	Initiation and Scheduling of Prehearing Conferences
102.406	Purpose of Prehearing Conference
102.408	Prehearing Order
102.410	Authorization of Hearing
102.412	Scheduling of Hearings
102.414	Hearings on the Economic Impact of New Proposals
102.416	Notice of Hearing
102.418	Record
102.420	Authority of the Hearing Officer
102.422	Notice and Service Lists
102.424	Prehearing Submission of Testimony and Exhibits
102.426	Admissible Information
102.428	Presentation of Testimony and Order of Hearing
102.430	Questioning of Witnesses

SUBPART E: CERTIFICATION OF REQUIRED RULES

Section	
102.500	Agency Certification
102.502	Challenge to Agency Certification
102.504	Board Determination

SUBPART F: BOARD ACTION

Section	
102.600	Revision of Proposed Regulations
102.602	Adoption of Regulations
102.604	First Notice of Proposed Regulations
102.606	Second Notice of Proposed Regulations
102.608	Notice of Board Final Action
102.610	Adoption of Identical-in-Substance Regulation
102.612	Adoption of Emergency Regulations
102.614	Adoption of Peremptory Regulations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: MOTIONS FOR RECONSIDERATION AND APPEAL

Section	
102.700	Filing of Motions for Reconsideration
102.702	Disposition of Motions for Reconsideration
102.704	Correction of Publication Errors
102.706	Appeal

SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

Section	
102.800	Applicability
102.810	Petition
102.820	Petition Contents
102.830	Board Action

APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, and 41 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, and 41] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Originally adopted as Chapter 1: Procedural Rules, Part II: Regulatory and Other Nonadjudicative Hearings and Proceedings, in R70-4, 1 PCB 43, October 8, 1970; codified at 6 Ill. Reg. 8357; amended in R84-10 at 9 Ill. Reg. 1398, effective January 16, 1985; Part repealed, new Part adopted in R88-5(B) at 14 Ill. Reg. 9210, effective May 24, 1990; amended in R90-16 at 14 Ill. Reg. 20472, effective December 11, 1990; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 587, effective January 1, 2001; amended in R01-13 at 26 Ill. Reg. 3498, effective February 22, 2002; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART B: REGULATIONS OF GENERAL APPLICABILITY, RESOURCE
CONSERVATION AND RECOVERY ACT (RCRA) AMENDMENTS,
AND SITE-SPECIFIC REGULATIONS

Section 102.200 Proposal for Regulations of General Applicability

Any person may submit a regulatory proposal for the adoption, amendment, or repeal of a regulation. The ~~original and 9 copies of each~~ proposal must be filed with the Clerk in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

accordance with 35 Ill. Adm. Code 101.302(h) and served on one copy each with the Attorney General, the Agency, and DNR in accordance with 35 Ill. Adm. Code 101.304(c).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.202 Proposal Contents for Regulations of General Applicability

Each proponent must set forth the following in its proposal:

- a) The language of the proposed rule, including any existing regulatory language proposed to be amended or repealed. Language being added must be indicated by underscoring, and language being deleted must be indicated by strike-outs. The proposed rule must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
- b) A statement of the reasons supporting the proposal, including a statement of the facts that support the proposal, and a statement of the purpose and effect of the proposal, including environmental, technical, and economic justification. The statement must discuss the applicable factors listed in Section 27(a) of the Act. The statement must include, to the extent reasonably practicable, all affected sources and facilities and the economic impact of the proposed rule;
- c) A synopsis of all testimony to be presented by the proponent at hearing;
- d) Copies of any material to be incorporated by reference within the proposed rule pursuant to Section 5-75 of the IAPA [5 ILCS 100/5-75];
- e) *A descriptive title or other description of any published study or research report used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act. 5 ILCS 100/5-40(3.5).*
- f) Proof of service upon all persons required to be served pursuant to Section 102.422 of this Part;
- g) Unless the proponent is the Agency or DNR, a petition signed by at least 200 persons, pursuant to Section 28 of the Act and Section 102.410(b) of this Part;
- h) When the Agency proposes a rule it believes is federally required, a certification in accordance with Section 102.500 of this Part;
- i) For a proposed rule that amends an existing Board rule, a written statement or certification that the proposal amends the most recent version of the rule as published on the Board's Web site or as obtained from the Clerk;
- j) When the proponent is a State Agency, an electronic version of the information

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- required under subsection (a) of this Section; and
- kj)** When any information required under this Section is inapplicable or unavailable, a complete justification for the inapplicability or unavailability.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.206 Notice of Site-Specific RCRA Proposals

- a) Public notice of hearings on site-specific RCRA proposals will be given at least 30 days before the date of the hearing.
- b) In addition to the requirements of Section 28 of the Act, the Board, at a minimum, will give notice of hearings on a site-specific RCRA proposal to the following persons:
- 1) Federal agencies as designated by the USEPA;
 - 2) Illinois Department of Transportation;
 - 3) Illinois Department of Natural Resources;
 - 4) Illinois Department of Public Health;
 - 5) The Governor of any other state adjacent to the county in which the facility is located; and
 - 6) Elected officials of any counties, in other states, adjacent to the county in which the facility is located, and elected officials in any municipality, in another state, if it is the closest population center to the facility.
- c) In addition to the methods of notice by publication of Section 28 of the Act and Section 102.416 of this Part, the Board will give notice by broadcast over at least one radio station in the area of the facility containing the information required by subsections (d)(2) and (d)(4) through (d)(8) of this Section.
- d) A hearing notice on a site-specific RCRA proposal will include the following information:
- 1) The address of the Board office;
 - 2) Name and address of the proponent and, if different, of the facility for which the site-specific rule is sought;
 - 3) A brief description of the business conducted at the facility and the activity described in the proposal;
 - 4) A description of the relief requested in the proposal;
 - 5) Name, address, e-mail address, and telephone number of the Clerk of the Board, from whom interested persons may obtain further information, including copies of the proposal;
 - 6) The name, address, e-mail address if available, and telephone number of the Agency's representative in the rulemaking;
 - 7) A description of any written comment period or a statement that a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- comment period will be established in the future;
- 8) A statement that the record in the rulemaking is available at the Board office for inspection, except those portions that are claimed or determined to be trade secrets, and that procedures are available whereby disclosure may be sought by the public. Any such claim must be made in accordance with 35 Ill. Adm. Code 130;
 - 9) A statement that site-specific rules may be adopted pursuant to 415 ILCS 5/27 and Section 102.202 of this Part, and a citation to the Board regulations sought to be modified; and
 - 10) Any additional information considered necessary or proper.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.208 Proposal for Site-Specific Regulations

Any person may submit a written proposal for the adoption, amendment or repeal of a substantive site-specific regulation. The ~~original and 9 copies of each~~ proposal must be filed with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h) and of the Board and one copy each served ~~on upon~~ the Agency, DNR, and the Attorney General in accordance with 35 Ill. Adm. Code 101.304(c).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.210 Proposal Contents for Site-Specific Regulations

Proponents of site-specific regulations other than those relating to RCRA must comply with the requirements of Section 102.202 of this Part in addition to the following requirements:

- a) The proposal must set forth the language of the proposed site-specific rule, including any existing regulatory language proposed to be amended or repealed. Language being added must be indicated by underscoring and language being deleted must be indicated by strike-outs. If the proposed site-specific rule seeks an exemption from or modification of a rule of general applicability, the proposed site-specific rule may not be proposed as an amendment to the general rule. Instead, the site-specific rule must be proposed as its own Section;
- b) In the event that the proposed rule would replace the applicability of a general rule to the pollution source, the proposal must specify, with supporting documentation, the reasons why the general rule is not technically feasible or economically reasonable for the person or site. The documentation must include relevant information on other similar persons' or sites' ability to comply with the general rule. Where relevant to the Board's consideration, the proposal must also

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

include information pertaining to *existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, and the nature of the existing air quality or receiving body of water* [415 ILCS 5/27(a)];

- c) *A descriptive title or other description of any published study or research report used in developing the rule, the identity of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act. 5 100/5-40(3.5).*
- de) The proposal must describe the person or site for which regulatory change is sought and the area affected by the proposed change. The proposal must also include a detailed assessment of the environmental impact of the proposed change, and include a description of available treatment or control options;
- ed) The proposal must demonstrate that the Board may grant the requested relief consistent with federal law governing the subject of the proposal (e.g., Underground Injection Control program, Resource Conservation and Recovery Act, etc.);
- fe) When the proponent is a State agency, the proponent also must provide an electronic version of the information required under subsection (a) of this Section; and
- gf) When any information required under this Section is inapplicable or unavailable, the proposal must provide a complete justification for the inapplicability or unavailability.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: CLEAN AIR ACT AMENDMENTS (CAAA)
FAST TRACK RULEMAKING

Section 102.302 Agency Proposal

- a) When proposing a regulation required by the CAAA, the Agency must meet the following requirements:
 - 1) The proposal must set forth the proposed rule, which must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
 - 2) The proposal must have a cover sheet that prominently states that the Agency proposes the rule under Section 28.5 of the Act, *unless another*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

provision of the Act specifies the method for adopting a specific rule [415 ILCS 5/28.5(c)];

- 3) *The proposal must clearly identify the provisions and portions of the federal statute, regulations, guidance, policy statement, or other documents upon which the rule is based [415 ILCS 5/28.5(e)(3)];*
 - 4) *The proposal must include supporting documentation for the rule that summarizes the basis of the rule [415 ILCS 5/28.5(e)(4)];*
 - 5) *The proposal must describe in general the alternative selected and the basis for the alternative [415 ILCS 5/28.5(e)(5)];*
 - 6) *The proposal must summarize the economic and technical data that the Agency relied upon in drafting the proposed rule;*
 - 7) *The proposal must include a list of any documents that the Agency directly relied upon in drafting the proposed rule or that the Agency intends to rely upon at hearing, and copies of the documents;*
 - 8) *The proposal must set forth a description of the geographical area to which the rule is intended to apply, a description of the process or processes affected, and identification by classes of the entities expected to be affected, and a list of sources expected to be affected by the rule to the extent known to the Agency [415 ILCS 5/28.5(e)(8)]; and*
 - 9) *The proposal must include ~~a diskette containing~~ the information required under subsection (a)(1) of this Section in an electronic format pursuant to 35 Ill. Adm. Code 101.1006.*
- b) If the proposal fails to meet any of the requirements of subsection (a) of this Section, the Board may decide not to accept the proposal for filing.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: SERVICE AND FILING OF DOCUMENTS, MOTIONS,
PRODUCTION OF INFORMATION, SUBPOENAS, PREHEARING
CONFERENCES, AND HEARINGS

Section 102.416 Notice of Hearing

- a) The hearing officer will set a time and place for hearing. The Clerk will give notice of the date of the hearing as follows or as otherwise required by applicable law:
 - 1) By notice in the Board's Environmental Register and on the Board's Web site;
 - 2) *At least 20 days prior to the scheduled date of the hearing the Board shall give notice of such hearing by public advertisement in a newspaper of*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

general circulation in the area of the State concerned. The notice will include, *the date, time, place and purpose of such hearing* [415 ILCS 5/28(a)]; and

- 3) Where required by federal law, including air pollution and RCRA proposals, newspaper notice will be published at least 30 days prior to the hearing date.
- b) In accordance with Section 28(a) of the Act or as otherwise required by applicable law, the Clerk will give notice ~~by mail~~ to the proponent and to all persons who are on the notice list in accordance with Section 102.422 of this Part.
- c) Hearings that are continued on the hearing record for a period of 45 days or less do not require notice that complies with subsections (a) and (b) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.422 Notice and Service Lists

- a) ~~A The hearing officer will maintain a~~ notice list for each regulatory proceeding will be maintained. The notice list will consist of those persons who have furnished their names and addresses to the hearing officer or the Clerk's office concerning the proposal. Notice of all Board actions and hearing officer orders will be given to all persons ~~included~~ on the notice list.
- b) The hearing officer may establish a service list for any regulatory proceeding, in addition to the notice list. The hearing officer may direct participants to serve copies of all documents upon the persons ~~listed~~ on the service list in accordance with 35 Ill. Adm. Code 101.304(c). In deciding whether to establish a service list, the hearing officer will consider factors including the complexity of the proceeding and the number of participants. For purposes of fast-track rulemakings under Section 28.5 of the Act, participants of record will be the individuals on the service list.
- c) The Board will not accept general requests to appear on all notice lists. Information regarding the Board's pending rulemakings is available through the Clerk's Office On-Line (COOL), located on the Board's Web site (www.ipcb.state.il.us). Persons interested in appearing on notice lists ~~Interested persons~~ must submit their names for each proceeding in accordance with subsection (a) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.424 Prehearing Submission of Testimony and Exhibits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The proponent must submit all written testimony and any related exhibits 21 days prior to the hearing at which the witness testifies, unless the hearing officer directs otherwise to prevent material prejudice or undue delay.
- b) The hearing officer may require the prehearing submission of testimony, questions, responses, answers, and any related exhibits by the proponent or participants other than the proponent if the hearing officer determines that such a procedure will provide for a more efficient hearing.
- c) ~~Any The original and 9 copies of any~~ prehearing testimony, questions, answers, responses, or exhibits must be filed with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h). The hearing officer, the Agency, and, if a participant, the Attorney General and DNR must each be served with one copy of any prehearing testimony, questions, answers, responses, or exhibits. One copy of any prehearing testimony, questions, answers, responses, or exhibits must also be served upon the proponent and each participant on any service list, unless otherwise specified ~~or limited~~ by the hearing officer. The service must be initiated on or before the date that the prehearing documents ~~copies~~ are filed with the Clerk.
- d) All prehearing testimony, questions, answers, responses, and exhibits must be served and submitted in the form required by 35 Ill. Adm. Code 101.Subpart C and labeled with the docket number of the proceeding, the name of the witness submitting the material or exhibit, and the title of the material or exhibit.
- e) The proponent and each participant who has filed testimony, questions, answers, responses, or exhibits before hearing must bring the number of copies designated by the hearing officer of that material and exhibits to the hearing.
- f) Testimony, questions, answers, responses, and exhibits submitted prior to hearing will be entered into the record as if read, unless the hearing officer determines that it will aid public understanding to have the material or exhibit read. All persons testifying will be sworn and will be subject to examination. Modifications to previously submitted material and exhibits may be allowed by the hearing officer at hearing provided that the modifications are either non-substantive in nature or would not materially prejudice another person's participation at hearing. Objections to the modifications are waived unless raised at hearing.
- g) Where prehearing submission of testimony, questions, answers, responses, or exhibits is required pursuant to subsection (a) or (b) of this Section, any material or exhibit that is not filed in a timely manner will be allowed only as time permits, and only where its submission will not materially prejudice the proponent or any other participant.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART H: OUTSTANDING RESOURCE WATER DESIGNATION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 102.810 Petition

Any person may submit a petition for the adoption, amendment or repeal of an ORW designation. The ~~original and nine copies of each~~ petition must be filed with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h) and ~~one copy each~~ served on ~~upon~~ the Agency, Illinois Department of Natural Resources, and the Attorney General in accordance with 35 Ill. Adm. Code 101.304(c).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 102.820 Petition Contents

Each proponent must set forth the following information in its proposal:

- a) The language of the proposed rule, amendment, or repealer identifying the surface water body or water body segment being proposed for designation, amendment, or repeal as an ORW. Language being added must be indicated by underscoring, and language being deleted must be indicated by strike-outs. The proposed rule must be drafted in accordance with 1 Ill. Adm. Code 100.Subpart C;
- b) A statement describing the specific surface water body or water body segment for which the ORW designation, amendment, or repeal is requested and the present designation of the surface water body or water body segment;
- c) A statement describing the area in which the specific surface water body or water body segment exists, including:
 - 1) The existence of wetlands or natural areas;
 - 2) The living organisms in that area, including endangered or threatened species of plants, aquatic life or wildlife listed pursuant to the Endangered Species Act 16 USC 1531 et seq. or the Illinois Endangered Species Protection Act [41 ILCS 10];
- d) A statement supporting the designation, the amendment, or the repeal, including the health, environmental, recreational, aesthetic or economic benefits of the designation, the amendment, or the repeal thereof;
- e) A statement identifying the anticipated impact on economic and social development of the ORW designation, amendment, or repeal. This statement should include:
 - 1) Impacts on the regional economy;
 - 2) Impacts on regional employment;
 - 3) Impacts on the community;
 - 4) A comparison of the health and environmental impacts to the economic impact of an ORW designation;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- f) A statement describing the existing and anticipated uses of the specific surface water body or water body segment for which the ORW designation, amendment, or repeal is requested;
- g) A statement describing the existing water quality of the specific surface water body or water body segment warranting the ORW designation, amendment, or repeal;
- h) A synopsis of all testimony to be presented by the proponent at hearing;
- i) Copies of any material to be incorporated by reference within the proposed designation pursuant to Section 5-75 of the Administrative Procedure Act [5 ILCS 100/5-75];
- j) *A descriptive title or other description of any published study or research report used in developing the rule, the identify of the person who performed such study, and a description of where the public may obtain a copy of any such study or research report. If the study was performed by an agency or by a person or entity that contracted with the agency for the performance of the study, the agency shall also make copies of the underlying data available to members of the public upon request if the data are not protected from disclosure under the Freedom of Information Act. 5 ILCS 100/5-40(3.5).*
- kj) Proof of service upon all persons required to be served pursuant to Section 102.810 of this Part;
- lk) Unless the proponent is the Agency or Illinois Department of Natural Resources or receives a waiver by the Board, a petition signed by at least 200 persons, pursuant to Section 28 of the Act and Section 102.160(a); and
- ml) Where any information required by this Section is inapplicable or unavailable, a complete justification for such inapplicability or unavailability.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 102.APPENDIX A Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

<u>FORMER PART 102</u>	<u>CURRENT SECTION</u>
102.100	102.100
102.101	102.104
102.102	102.106
102.103	102.110
102.104	102.112
102.120	102.200
102.121	102.202
102.122	102.212
102.123	102.204
102.124	102.206
102.140	102.208
102.141	102.210
102.142	102.212
102.160	102.410
102.161	102.412
102.162	102.416
102.163	102.206
102.164	102.418
102.180	102.414
102.200	102.500
102.201	102.502
102.202	102.504
102.220	102.420
102.221	102.422
102.240	102.404
102.241	102.406
102.242	102.408
102.260	102.402
102.261	102.402
102.262	102.402
102.280	102.424
102.281	102.418

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

102.282	102.426
102.283	102.428
102.284	102.430
102.285	102.418
102.320	102.108
102.341	102.602
102.342	102.604
102.343	102.606
102.344	102.608
102.345	102.610
102.346	102.612
102.347	102.614
102.360	102.700
102.361	102.702
102.362	102.704
102.363	102.706

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Enforcement
- 2) Code citation: 35 Ill. Adm. Code 103
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
103.204	Amend
103.212	Amend
103.404	Amend
103.410	Amend
103.414	Amend
APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, 30, 31, and 41 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in Part 101 and eliminate the requirement for filing multiple copies.
- 6) Will these proposed amendments replace emergency rulemaking 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 amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of statewide policy objective: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.
- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

- 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 appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
- 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.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: as the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARDPART 103
ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	
103.100	Applicability
103.102	Severability
103.104	Definitions
103.106	General

SUBPART B: COMPLAINT, REQUEST FOR INFORMAL AGENCY
INVESTIGATION, SERVICE, AND AUTHORIZATION OF HEARING

Section	
103.200	Who May File
103.202	Parties
103.204	Notice, Complaint, and Answer
103.206	Adding Parties
103.208	Request for Informal Agency Investigation
103.210	Notice of Complaint
103.212	Hearing on Complaint

SUBPART C: SETTLEMENT PROCEDURE

Section	
103.300	Request for Relief from Hearing Requirement in State Enforcement Proceeding
103.302	Contents of Proposed Stipulation and Settlement Agreement
103.304	Hearing on Proposed Stipulation and Settlement Agreement
103.306	Board Order on Proposed Stipulation and Settlement Agreement

SUBPART D: PROCEEDINGS INVOLVING RCRA PERMITS

Section	
103.400	Purpose, Scope, and Applicability
103.402	Interim Order

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

103.404	Joinder of the Agency
103.406	Draft Permit or Statement
103.408	Stipulated Draft Remedy
103.410	Contents of Public Notice
103.412	Public Comment
103.414	Hearing
103.416	Contents of Board Order

SUBPART E: IMPOSITION OF PENALTIES

Section

103.500	Default
103.502	Civil Penalties
103.504	Civil Penalties Method of Payment
APPENDIX A	Comparison of Former and Current Rules <u>(Repealed)</u>

AUTHORITY: Implementing Sections 5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, 30, 31, 41, and 42 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.2, 13(c), 13.3, 17.5, 22.4(a), 22.4(d), 22.7(d), 27, 28, 28.2, 29, 30, 31, 41, and 42] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Procedural rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 425, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART B: COMPLAINT, REQUEST FOR INFORMAL AGENCY INVESTIGATION,
SERVICE, AND AUTHORIZATION OF HEARING

Section 103.204 Notice, Complaint, and Answer

- a) An enforcement proceeding will be commenced by the service of a notice and complaint by registered **or** certified mail, messenger service, or personal service upon all respondents and the filing of ~~1 original and 9 copies of~~ the notice and complaint with the Clerk. The notice and complaint must be filed in accordance with 35 Ill. Adm. Code 101.302(h).
- b) The notice must be directed to the respondents notifying them of the filing of the accompanying complaint and that they may be required to attend a hearing at a date set by the Board.
- c) The complaint must be captioned in accordance with 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

101. Appendix A, Illustration A and contain:

- 1) A reference to the provision of the Act and regulations that the respondents are alleged to be violating;
 - 2) The dates, location, events, nature, extent, duration, and strength of discharges or emissions and consequences alleged to constitute violations of the Act and regulations. The complaint must advise respondents of the extent and nature of the alleged violations to reasonably allow preparation of a defense; and
 - 3) A concise statement of the relief that the complainant seeks.
- d) Except as provided in subsection (e) of this Section, the respondent may file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief. Any facts constituting an affirmative defense must be plainly set forth before hearing in the answer or in a supplemental answer, unless the affirmative defense could not have been known before hearing.
- e) If the respondent timely files a motion under Section 103.212(b) or 35 Ill. Adm. Code 101.506, the 60-day period to file an answer described in subsection (d) of this Section will be stayed. The stay will begin when the motion is filed and end when the Board disposes of the motion.
- f) Any party serving a complaint upon another party must include the following language in the notice: "Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney."

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 103.212 Hearing on Complaint

- a) *Any person may file with the Board a complaint against any person allegedly violating the Act or any rule or regulation thereunder or any permit or term or condition thereof. When the Board receives a citizen's complaint, unless the Board determines that such complaint is ~~duplicitous~~ or frivolous, it shall schedule a hearing. [415 ILCS 5/31(d)] The definition for duplicative ~~duplicitous~~ and frivolous can be found at 35 Ill. Adm. Code 101.Subpart B.*
- b) Motions made by respondents alleging that a citizen's complaint is duplicative ~~duplicitous~~ or frivolous must be filed no later than 30 days following the date of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

service of the complaint upon the respondent. Motions under this subsection may be made only with respect to citizen's enforcement proceedings. Timely filing the motion will, pursuant to Section 103.204(e) of this Subpart, stay the 60 day period for filing an answer to the complaint.

- c) The Board will automatically set for hearing all complaints filed by the Attorney General or a State's Attorney on behalf of the People of the State of Illinois.
- d) The Board in its discretion may hold a hearing on the violation and a separate hearing on the remedy.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: PROCEEDINGS INVOLVING RCRA PERMITS

Section 103.404 Joinder of the Agency

If the Board directs that the Agency be joined, the Clerk will send, by messenger or by certified mail addressed to the Agency, a copy of the Board Order requiring joinder. The mailing will constitute service of process upon the Agency. The Board may serve its order on the Agency by e-mail, in lieu of paper service, if the Agency consents to electronic service in accordance with 35 Ill. Adm. Code 101.Subpart J.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 103.410 Contents of Public Notice

- a) In addition to all parties, the Agency must serve a copy of any partial draft permit on USEPA ~~at the address listed in 35 Ill. Adm. Code 101.Subpart C.~~
- b) In addition to the requirements of the Act and Section 103.210 of this Part, the Agency must, at a minimum, give notice of the filing of a partial draft permit to the following persons:
 - 1) Federal agencies as designated by USEPA;
 - 2) Illinois Department of Transportation;
 - 3) Illinois Department of Natural Resources;
 - 4) Illinois Department of Public Health;
 - 5) The Governor of any other state adjacent to the county in which the facility is located; and
 - 6) Elected officials of any counties, in other states, adjacent to the county in which the facility is located, and elected officials in any municipality, in another state, if it is the closest population center to the facility.
- c) In addition to the methods of notice by publication of Section 103.208 of this Part,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the Agency must give notice by broadcast over at least one radio station in the area of the facility containing the information required by subsections (d)(2), (d)(4) and (d)(6) through (d)(8).

- d) A notice of a partial draft permit must include the following information:
- 1) The ~~addresses~~ address of the Board office and Web site;
 - 2) Name and address of the respondent and, if different, of the facility subject to the enforcement proceeding;
 - 3) A brief description of the business conducted at the facility and the activity that is the subject of the enforcement proceeding;
 - 4) A statement of the violations the Board has found or has proposed to find;
 - 5) A statement that the Agency has filed a partial draft permit;
 - 6) Name, address and telephone number of the Clerk of the Board, from whom interested persons may obtain further information, including copies of the partial draft permit or stipulated remedy;
 - 7) A notice of a hearing, the address of the Board, a statement that a hearing will be held and that the record will remain open for 45 days after the filing of the partial draft or stipulated remedy for written comments;
 - 8) A statement that the record in the proceeding is available to be inspected at the Board office and may also be available through the Clerk's Office On-Line (COOL), located on the Board's Web site for inspection, except those portions of the record that are claimed or determined to be trade secrets, and that procedures are available whereby disclosure may be sought by the public in accordance with 35 Ill. Adm. Code 130;
 - 9) A statement that enforcement proceedings are considered pursuant to 415 ILCS 5/30; and
 - 10) Any additional information considered necessary or proper.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 103.414 Hearing

- a) The hearing officer, after appropriate consultation with the parties, will set a time and place for the hearing to be held not less than 30 days after the filing of the partial draft permit or stipulated remedy.
- b) The hearing will be held in the county in which the facility is located, in the population center in the county closest to the facility.
- c) The Clerk in consultation with the hearing officer will give notice of the hearing to the persons entitled to notice in Sections 103.210 and 103.410 of this Part, and to any other persons who have commented, requested to comment or requested notice, and to any persons on a mailing list provided by the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Notice will be given ~~mailed~~ not less than 30 days before the hearing.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 103.APPENDIX A Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 103	CURRENT SECTION
103.101	102.100
103.120	103.200
103.121	103.202
103.122	103.204
103.123	101.204
103.124	103.212
103.125	101.600 101.602
103.140	101.Subpart E
103.141	101.406 101.408 103.206
103.142	101.502 101.510
103.161	101.616
103.162	101.618
103.163	101.622
103.180	103.Subpart C
103.200	101.610
103.204	101.626
103.206	101.630
103.207	101.632
103.208	101.626
103.209	101.624
103.220	103.500 101.608
103.221	101.604
103.224	103.416
103.Subpart H	101.Subpart I
103.Subpart I	103.Subpart D

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulatory Relief Mechanisms
- 2) Code citation: 35 Ill. Adm. Code 104
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
104.214	Amend
104.216	Amend
104.224	Amend
104.408	Amend
104.420	Amend
APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, and 39.5 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in Part 101 and eliminate the requirement for filing multiple copies.
- 6) Will these proposed amendments replace emergency rules 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 amendments pending on this Part? No
- 10) Statement of statewide policy objectives: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

- 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 appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on either of the Board's two most recent Regulatory Agendas because: The Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARDPART 104
REGULATORY RELIEF MECHANISMS

SUBPART A: GENERAL PROVISIONS

Section	
104.100	Applicability
104.102	Severability
104.104	Definitions

SUBPART B: VARIANCES

Section	
104.200	General
104.202	Filing Requirements
104.204	Petition Content Requirements
104.206	Resource Conservation and Recovery Act (RCRA) Variance Petition Contents
104.208	Consistency with Federal Law
104.210	Petition for Extension of Variance
104.212	Motion for Modification of Internal Variance Compliance Dates
104.214	Agency's Notice of Petition
104.216	Agency Investigation and Recommendation
104.218	Agency Recommendation to RCRA Variance
104.220	Response to Agency Recommendation
104.222	Stipulations
104.224	Objections to Petition, Written Comments and Request for Hearing
104.226	Amended Petition and Amended Recommendation
104.228	Insufficient Petition
104.230	Dismissal of Petition
104.232	Calculation of Decision Deadline
104.234	Hearing
104.236	Hearing Procedures
104.238	Standard of Review
104.240	Certificate of Acceptance
104.242	Term of Variance
104.244	Variance Conditions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 104.246 Performance Bonds
- 104.248 Objection to Conditions

SUBPART C: PROVISIONAL VARIANCES

- Section
- 104.300 Applicability
- 104.302 Board Action
- 104.304 Initiating a Request
- 104.306 Notice
- 104.308 Term
- 104.310 Simultaneous Variance Prohibition

SUBPART D: ADJUSTED STANDARDS

- Section
- 104.400 General
- 104.402 Initiation of Proceeding
- 104.404 Request to Agency to Join as Co-Petitioner
- 104.406 Petition Content Requirements
- 104.408 Petition Notice Requirements
- 104.410 Proof of Petition Notice Requirements
- 104.412 Effect of Filing a Petition: Stay
- 104.414 Dismissal of Petition
- 104.416 Agency Recommendation and Petitioner Response
- 104.418 Amended Petition, Amended Recommendation, and Amended Response
- 104.420 Request for Public Hearing
- 104.422 Public Hearing
- 104.424 Hearing Notice
- 104.426 Burden of Proof
- 104.428 Board Action

APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Subparts B and C: Implementing Sections 5, 35, 36, 37 and 38 of the Environmental Protection Act (Act) [415 ILCS 5/5, 35, 36, 37 and 38] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27]. Subpart D: Implementing Sections 5, 14.2(c), 22.4, 27, 28, 28.1, 28.5 and 39.5 of the Act [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1, 28.5 and 39.5] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Subpart B: Originally adopted as Chapter I: Procedural Rules, Part IV: Variances, in R70-4, at 1 PCB 43, October 8, 1970; amended in R77-16, 29 PCB 503, at 2 Ill. Reg. 16, p. 3, effective May 1974; amended in R79-9, 35 PCB 433, at 3 Ill. Reg. 51, p. 128, effective December 7, 1979; amended in R80-12, 40 PCB 451, at 5 Ill. Reg. 2763, effective March 2, 1981; codified at 6 Ill. Reg. 8357; amended in R84-10, 62 PCB 87, at 9 Ill. Reg. 1409, effective January 16, 1985; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 613, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART B: VARIANCES

Section 104.214 Agency's Notice of Petition

- a) Within 14 days after the petition is filed, the Agency must *publish a single notice of such petition in a newspaper of general circulation in the county where the facility or pollution source is located* [415 ILCS 5/37(a)].
- b) Upon receipt of a petition for variance, *the Agency shall promptly give written notice of such petition to:*
 - 1) *Any person in the county in which the installation or property for which variance is sought is located who has in writing requested notice of variance petitions;*
 - 2) *the State's attorney of such county;*
 - 3) *The Chairman of the County Board of such county; and*
 - 4) *Each member of the General Assembly from the legislative district in which that installation or property is located.* [415 ILCS 5/37(a)]
- c) Upon receipt of a petition for RCRA variance, the Agency must promptly give notice of the petition to:
 - 1) Federal agencies as designated by USEPA;
 - 2) Illinois Department of Transportation;
 - 3) Department of Natural Resources;
 - 4) Illinois Department of Public Health;
 - 5) The Governor of any other state adjacent to the county in which the facility or pollution source is located; and
 - 6) Elected officials of any counties, in other states, adjacent to the county in which the facility or pollution source is located, and elected officials in any municipality, in another state, if it is the closest population center to the facility or pollution source.
- d) In addition to the methods of notice stated in subsection (c) of this Section, in a RCRA variance the Agency must also give notice by broadcast over at least one local radio station in the area of the facility or pollution source containing the information required by subsections (e) and (f) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- e) All notices required by this Section must include the following:
- 1) The street address of the facility or pollution source, and if there is no street address, then the legal description or the location with reference to any well known landmark, highway, road, thoroughfare or intersection;
 - 2) A description of the requested relief;
 - 3) An indication that any person may request a hearing by filing with the Board a written objection to the grant of the variance within 21 days after the publication of the Agency's notice, together with a written request for hearing;
 - 4) The Clerk of the Board's address and phone number, the Board's Web site address, and a statement that a copy of the variance may be obtained through the Clerk's Office or the Board's Web site;
 - 5) A statement that the Agency is preparing a recommendation, the date on which the recommendation is to be filed, and the name, address and telephone number of the Agency employee responsible for the recommendation;
 - 6) A statement that a hearing may be held after the filing of the recommendation and that the record will remain open for written comments for 45 days after filing of the recommendation. The notice will include the address of the Board to which the comments must be mailed;
 - 7) A statement that the record in the variance proceeding is available at the Board office for inspection, except those portions that are protected from disclosure under 35 Ill. Adm. Code 130, and that procedures are available whereby disclosure may be sought by the public;
 - 8) A statement that variances may be granted pursuant to Section 35 of the Act [415 ILCS 5/35] and 35 Ill. Adm. Code 104, and a reference to the Board regulations or order from which a variance is sought; and
 - 9) Any additional information considered necessary or proper.
- f) Within 21 days after the publication of notice, the Agency must file with the Board a certification of publication that states the date on which the notice was published and must attach a copy of the published notice.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 104.216 Agency Investigation and Recommendation

- a) Upon receipt of a petition for variance, *the Agency shall promptly investigate such petition and consider the views of persons who might be adversely affected by the grant of a variance* [415 ILCS 5/37(a)].
- b) *The Agency shall make a recommendation to the Board as to the disposition of the*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

petition [415 ILCS 5/37(a)]. Unless otherwise ordered by the hearing officer or the Board, the recommendation must be filed with the Board within 45 days after the filing of the petition or amended petition, or where there has been a hearing scheduled, at least 30 days before hearing, whichever is earlier. The Agency must serve a copy of its recommendation ~~by First Class mail~~ on the petitioner, joined parties, and assigned hearing officer, if applicable. At a minimum, the recommendation must include:

- 1) A description of the efforts made by the Agency to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained;
- 2) The location of the nearest air monitoring station maintained by the Agency where applicable;
- 3) A statement of the degree to which, if at all, the Agency disagrees with the facts as alleged in the petition, including facts refuting any allegations in the petition for variance;
- 4) Allegations of any other facts the Agency believes relevant to the disposition of the petition, including any past or pending enforcement actions against petitioner;
- 5) The Agency's estimate of the costs that compliance would impose on the petitioner and on others;
- 6) The Agency's estimate of the injury that the grant of the variance would impose on the public, including the effect that continued discharge of contaminants will have upon the environment;
- 7) The Agency's analysis of applicable federal laws and regulations and an opinion concerning the consistency of the petition with such federal laws and regulations;
- 8) The status of any permits or pending permit applications that are associated with or affected by the requested variance;
- 9) Allegation of any facts that the Agency believes are relevant to whether the Board should condition a grant of variance on the posting of a performance bond pursuant to Section 104.246 of this Part;
- 10) Citation to supporting documents or legal authorities whenever such are used as a basis for the Agency's recommendation. Relevant portions of the documents and legal authorities, other than Board decisions, reported state and federal court decisions, state and federal regulations and statutes, must be appended to the recommendation if not already in the record of the proceeding;
- 11) The Agency's recommendation of what disposition should be made of the petition, deny or grant, and suggested conditions. If the Agency recommends that variance be granted, a recommended beginning and end

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- date of the requested variance, and any recommended conditions on the variance; and
- 12) An affidavit verifying any facts outside the record referenced in the recommendation.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 104.224 Objections to Petition, Written Comments and Request for Hearing

- a) A person who files an objection, request for hearing, or comment is a "participant" as defined in 35 Ill. Adm. Code 101.Subpart B.
- b) Except as provided in subsection (e) of this Section for RCRA variances, any person may file with the Clerk, within 21 days after the publication of the Agency's notice pursuant to Section 104.214 of this Part, a written objection to the grant of variance. The Clerk will provide mail a copy of the objection to the petitioner, the Agency, the hearing officer, and any joined parties ~~by First Class mail~~.
- c) Any person may also file a written request for hearing. The written request must be filed within 21 days after the publication of the Agency's notice pursuant to Section 104.214 of this Part in order for a hearing to be held in accordance with Section 104.236 of this Part and 35 Ill. Adm. Code 101.Subpart F.
- d) Any person may file written comments in a variance proceeding. If a hearing is held, public comments must be filed within 14 days after the close of the hearing unless the hearing officer specifies a different date. If there is no hearing, comments must be filed no later than 30 days before the decision date, unless the hearing officer orders otherwise to prevent material prejudice. (See 35 Ill. Adm. Code 101.628(c)(1).)
- e) In RCRA variances, subsections (b) and (c) of this Section do not apply. However, persons may file written comments within 45 days after the Agency files its recommendation.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: ADJUSTED STANDARDS

Section 104.408 Petition Notice Requirements

- a) *The petitioner shall submit to the Board proof that, within 14 days after the filing of the petition, it has published notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected by the*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

petitioner's activity that is the subject of the adjusted standard proceeding [415 ILCS 5/28.1].

- b) The title of the notice must be in the form as follows: "Notice of Petition by [petitioner's name] for an Adjusted Standard before the Illinois Pollution Control Board." The notice must contain the name and address of the petitioner and the statement that the petitioner has filed with the Board a petition for an adjusted standard. The notice must also provide the date upon which the petition was filed, the Board docket number, the regulatory standard (with appropriate Administrative Code citation) from which an adjusted standard is sought, the proposed adjusted standard, and a general description of the petitioner's activity that is the subject of the adjusted standard proceeding, and the location of that activity. This information must be presented so as to be understood in accordance with the context of this Section's requirements. The concluding portion of the notice must read as follows:

"Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request, and must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or submitted electronically to the Clerk's Office On-Line (COOL), located on the Board's Web site (www.ipcb.state.il.us)."

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 104.420 Request for Public Hearing

- a) Any person can request that a public hearing be held in an adjusted standard proceeding. The requests must be filed not later than 21 days after the date of the publication of the petition notice in accordance with Section 104.408 of this Part. Requests for hearing should make reference to the Board docket number assigned to the proceeding. A copy of each timely hearing request will be provided mailed to the petitioner and Agency by the Clerk of the Board. Participation by the public at the hearing must be in accordance with 35 Ill. Adm. Code 101.110 and 101.628.
- b) Where all parties and participants who have requested a hearing pursuant to this Subpart have withdrawn their requests for a hearing, the hearing will not be held unless the Board in its discretion deems it advisable.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 104.APPENDIX A Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 104	CURRENT SECTION
104.102	104.200
104.104	104.206
104.120	104.202
104.121	104.204
104.122	104.208
104.123	104.210
104.124	104.234 104.236
104.125	104.228 104.230
104.126	104.206
104.140	104.214
104.141	104.224
104.142	104.214
104.160	104.228 104.234 104.236 104.232 104.230
104.180	104.216
104.181	104.220
104.182	104.218
104.183	104.224
104.200	104.236
104.201	104.238 101.Subpart F
104.221	104.238

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Appeals of Final Decisions of State Agencies
- 2) Code citation: 35 Ill. Adm. Code 105
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
105.116	Amend
105.214	Amend
105.504	Amend
APPENDIX B	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 26, 27, 39, 39.5, 40, 40.1, 40.2, and 57 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in Part 101 and eliminate the requirement for filing multiple copies.
- 6) Will these proposed amendments replace any 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 amendments pending on this Part? No
- 10) Statement of statewide policy objectives: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

- 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 appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
- 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.
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This proposal did not appear in the Board's two most recent regulatory agendas, as the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 105

APPEALS OF FINAL DECISIONS OF STATE AGENCIES

SUBPART A: GENERAL PROVISIONS

Section

105.100	Applicability
105.102	Severability
105.104	Definitions
105.106	Computation of Time, Filing and Service Requirements
105.108	Dismissal of Petition
105.110	Hearing Process
105.112	Burden of Proof
105.114	Calculation of Decision Deadline
105.116	Record Filing
105.118	Sanctions for Untimely Filing of the Record

SUBPART B: APPEAL OF AGENCY PERMIT DECISIONS AND OTHER FINAL
DECISIONS OF THE AGENCY

Section

105.200	Applicability
105.202	Parties
105.204	Who May File a Petition for Review
105.206	Time to File the Petition or Request for Extension
105.208	Extension of Time to File a Petition for Review
105.210	Petition Content Requirements
105.212	Agency Record
105.214	Board Hearing

SUBPART C: CAAPP PERMIT APPEALS

Section

105.300	Applicability
105.302	General Requirements
105.304	Petition Content Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: APPEAL OF AGENCY LEAKING UNDERGROUND
STORAGE TANK (LUST) DECISIONS

Section

105.400	Parties
105.402	Who May File a Petition for Review
105.404	Time for Filing the Petition
105.406	Extension of Time to File a Petition for Review
105.408	Petition Content Requirements
105.410	Agency Record
105.412	Board Hearing

SUBPART E: APPEAL OF OSFM LUST DECISIONS

Section

105.500	Applicability
105.502	General Overview
105.504	General Requirements
105.506	Petition Content Requirements
105.508	OSFM Record and Appearance
105.510	Location of Hearing

APPENDIX A Agency LUST Final Decisions that are Reviewable

APPENDIX B Comparison of Former and Current Rules (Repealed)

AUTHORITY: Authorized by Sections 26 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/26 and 27] and implementing Sections 5, 39, 39.5, 40, 40.1, 40.2, and 57 of the Act [415 ILCS 5/5, 39, 39.5, 40, 40.1, 40.2 and 57].

SOURCE: Filed with Secretary of State January 1, 1978; amended 4 Ill. Reg. 52, page 41, effective December 11, 1980; codified 6 Ill. Reg. 8357; amended in R93-24 at 18 Ill. Reg. 4244, effective March 8, 1994; amended in R94-11 at 18 Ill. Reg. 16594, effective November 1, 1994; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 406, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 105.116 Record Filing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The State agency must file with the Board the entire record of its decision within 30 days after the filing of the petition for review, unless this Part provides otherwise, or the Board or hearing officer orders a different filing date. If the State agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed.

The State agency must file the record with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART B: APPEAL OF AGENCY PERMIT DECISIONS AND OTHER FINAL
DECISIONS OF THE AGENCY

Section 105.214 Board Hearing

- a) Except as provided in subsections (b), (c) and (d) of this Section, the Board will conduct a public hearing, in accordance with 35 Ill. Adm. Code 101.Subpart F, upon an appropriately filed petition for review under this Subpart. The hearing will be based exclusively on the record before the Agency at the time the permit or decision was issued, unless the parties agree to supplement the record pursuant to Section 40(d) of the Act. If any party desires to introduce evidence before the Board with the respect to any disputed issue of fact, the Board will conduct a separate hearing and receive evidence with respect to the issue of fact.
- b) The Board will not hold a hearing on a petition for review under this Subpart if the Board disposes of the petition on a motion for summary judgment brought pursuant to 35 Ill. Adm. Code 101.516.
- c) The Board will not hold a hearing on a petition for review under Section 105.204(c) of this Subpart if the Board determines that:
 - 1) The petition is duplicative ~~duplicitous~~ or frivolous; or
 - 2) The petitioner is so located as to not be affected by the permitted facility.
- d) The Board will not hold a hearing on a petition for review under Section 105.204(b) or (d) of this Subpart if the Board determines that the petition is duplicative ~~duplicitous~~ or frivolous.
- e) If the Board determines to hold a hearing, the Clerk will give notice of the hearing pursuant to 35 Ill. Adm. Code 101.602.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART E: APPEAL OF OSFM LUST DECISIONS

Section 105.504 General Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) Who May File. Any owner or operator of an underground storage tank who has been issued an "Eligibility and Deductibility Determination" letter or who has not received an "Eligibility and Deductibility Determination" letter from the OSFM within the time prescribed by Section 57.9(c)(2) of the Act, which is deemed to be a final decision appealable to the Board, may file a petition with the Board seeking review of that final decision. The owner/operator must be named as the petitioner, and the OSFM must be named as the respondent. Filing requirements are set forth at 35 Ill. Adm. Code 101.Subpart C.
- b) Timely Petition. The petition for review must be filed with the Board within 35 days after the date of the OSFM's "Eligibility and Deductibility Determination" letter or within 35 days from the OSFM's final decision due to its failure to act as required under Section 57.9(c)(3) of the Act. There will be a rebuttable presumption that petitioner received the OSFM's "Eligibility and Deductibility Final Determination" letter four days from the date indicated on the letter.
- c) Service and Filing. The petitioner must serve all filings upon the OSFM ~~at the address listed in 35 Ill. Adm. Code 101.Subpart C.~~ All filings must be accompanied by a notice of filing. Methods and proof of service, as well as the effective date of service, are governed by 35 Ill. Adm. Code 101.Subpart C.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 105.APPENDIX B Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 105	CURRENT SECTION
105.102	105.202 105.204 105.206 105.212 105.Subpart C
105.103	105.204

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Proceedings Pursuant to Specific Rules or Statutory Provisions
- 2) Code citation: 35 Ill. Adm. Code 106
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
106.707	Amend
106.708	Amend
106.720	Amend
APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5, and 52.3 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in Part 101 and eliminate the requirement for filing multiple copies.
- 6) Will these proposed amendments replace emergency rulemakings 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 amendments pending on this Part? No
- 10) Statement of statewide policy objective: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

- 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 appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: as the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 106

PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
106.100	Applicability
106.102	Severability
106.104	Definitions

SUBPART B: HEATED EFFLUENT, ARTIFICIAL COOLING LAKE
AND SULFUR DIOXIDE DEMONSTRATIONS

Section	
106.200	General
106.202	Petition Requirements
106.204	Additional Petition Requirements in Sulfur Dioxide Demonstration
106.206	Notice
106.208	Recommendation and Response
106.210	Burden of Proof

SUBPART C: WATER WELL SETBACK EXCEPTION PROCEDURES

Section	
106.300	General
106.302	Initiation of Proceeding
106.304	Petition Content Requirements
106.306	Response and Reply
106.308	Hearing
106.310	Burden of Proof

SUBPART D: REVOCATION AND REOPENING OF CLEAN AIR ACT
PERMIT PROGRAM (CAAPP) PERMITS

Section	
106.400	General

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

106.402	Definitions
106.404	Initiation of Proceedings
106.406	Petition Content Requirements
106.408	Response and Reply
106.410	Hearing
106.412	Burden of Proof
106.414	Opinion and Order
106.416	USEPA Review of Proposed Determination

SUBPART E: MAXIMUM ACHIEVABLE CONTROL
TECHNOLOGY DETERMINATIONS

Section	
106.500	General
106.502	Definitions
106.504	Initiation of Proceedings
106.506	Petition Content Requirements
106.508	Response and Reply
106.510	Hearing
106.512	Burden of Proof
106.514	Board Action

SUBPART F: CULPABILITY DETERMINATIONS FOR PARTICULATE MATTER
LESS THAN OR EQUAL TO 10 MICRONS (PM-10)

Section	
106.600	General
106.602	Initiation of Proceedings
106.604	Petition Content Requirements
106.606	Response and Reply
106.608	Hearing
106.610	Burden of Proof

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)

Section	
106.700	Purpose
106.702	Applicability
106.704	Termination Under Section 52.3-4(b) of the Act

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

106.706	Who May Initiate, Parties
106.707	Notice, Statement of Deficiency, Answer
106.708	Service
106.710	Notice of Hearing
106.712	Deficient Performance
106.714	Board Decision
106.716	Burden of Proof
106.718	Motions, Responses
106.720	Intervention
106.722	Continuances
106.724	Discovery, Admissions
106.726	Subpoenas
106.728	Settlement Procedure
106.730	Authority of Hearing Officer, Board Members, and Board Assistants
106.732	Order and Conduct of Hearing
106.734	Evidentiary Matters
106.736	Post-Hearing Procedures
106.738	Motion After Entry of Final Order
106.740	Relief from Final Orders

APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing and authorized by Sections 5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3 of the Environmental Protection Act (the Act) [415 ILCS 5/5, 14.2(c), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3].

SOURCE: Subpart B: Originally adopted as Chapter I: Procedural Rules, Part IV: Variances, in R70-4, at 1 PCB 43, October 8, 1970; amended in R77-16, 29 PCB 503, at 2 Ill. Reg. 16, p. 3, effective May 1978; amended in R79-9, 35 PCB 433, at 3 Ill. Reg. 51, p. 128, effective December 7, 1979; amended in R80-12, 40 PCB 451, at 5 Ill. Reg. 2763, effective March 2, 1981; codified at 6 Ill. Reg. 8357; amended in R84-10, 62 PCB 87, at 9 Ill. Reg. 1409, effective January 16, 1985; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 550, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)**Section 106.707 Notice, Statement of Deficiency, Answer**

- a) A proceeding to terminate an EMSA will be commenced when the Agency serves

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a notice of filing and a statement of deficiency upon the respondent and files ~~one original plus 9 copies of~~ the notice of filing and statement of deficiency with the Clerk. The notice of filing and statement of deficiency must be filed in accordance with 35 Ill. Adm. Code 101.302(h).

- b) The statement of deficiency must contain:
- 1) The stated basis for the respondent's alleged deficient performance under Section 106.712(a) of this Subpart;
 - 2) The dates, location, nature, extent and duration of any act or omission, and amount and other characteristics of any discharges or emissions, alleged to violate provisions of the Act or regulations that apply to the pilot project that the EMSA does not address;
 - 3) The dates, location, nature, extent and duration of any act or omission, and amount and other characteristics of any discharges or emissions, alleged to violate the EMSA; and
 - 4) With respect to subsections (b)(1) through (b)(3) of this Section, the statement of deficiency must contain sufficient detail to advise the respondent of the extent and nature of the alleged violations to reasonably allow the respondent to prepare a defense.
- c) The respondent must file an answer within 15 days after receipt of the statement of deficiency, unless the Board or the hearing officer extends the 15-day period for good cause. All material allegations of the statement of deficiency will be taken as admitted if not specifically denied by the answer, or if no answer is filed. Any facts that constitute an affirmative defense that would be likely to surprise the complainant must be plainly set forth in the answer before hearing.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 106.708 Service

- a) The Agency must serve a copy of the notice of filing and statement of deficiency either personally on the respondent or the respondent's authorized agent, or by registered or certified mail or messenger service with return receipt signed by the respondent or the respondent's authorized agent. Proof must be made by affidavit of the person who makes personal service, or by properly executed registered or certified mail receipt or messenger service receipt. The Agency must file proof of service of the notice of filing and statement of deficiency with the Clerk immediately upon completion of service.
- b) The Agency and the respondent must serve all motions and all other notices personally, by First Class United States mail, with sufficient postage, ~~or~~ by overnight delivery by a nationally recognized courier service, or electronically in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

accordance with 35 Ill. Adm. Code 101.Subpart J. The Agency and the respondent must file ~~an original and 9 copies of the~~ motions and notices with the Clerk in accordance with 35 Ill. Adm. Code 101.302(h) with proof of service.

- c) Service is presumed complete upon personal service, four days after deposit in the United States First Class mail, with sufficient postage, ~~or~~ the next business day upon deposit with a nationally recognized courier service for overnight delivery, or on the date of successful electronic transmission in accordance with 35 Ill. Adm. Code 101.1010.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 106.720 Intervention

- a) Upon timely written motion and subject to the need to conduct an orderly and expeditious hearing, the Board will permit a person to intervene in an involuntary termination proceeding under this Subpart if the person submitted written comments on the respondent's EMSA or participated in the public hearing on the respondent's EMSA by signing an attendance sheet or signature card at hearing under the procedures set forth in 35 Ill. Adm. Code 187.404, or is named or listed in the respondent's EMSA as a stakeholder, and if the Board's final order may adversely affect the person.
- b) The movant must file ~~the an original and 9 copies of a~~ motion to intervene with the Board in accordance with 35 Ill. Adm. Code 101.302(h) and serve a copy on each party in accordance with 35 Ill. Adm. Code 101.304(c) not later than 48 hours before the hearing. The Board may permit a person to intervene at any time before the beginning of the hearing when that person shows good cause for the delay.
- c) An intervenor has all the rights of an original party, except that the Board may limit the rights of the intervenor in accordance with 35 Ill. Adm. Code 101.402.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 106.APPENDIX A Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 106	CURRENT SECTION
106.101	106.200
106.102	106.202
106.103	106.200
106.104	106.208
106.201	106.202
106.202	101.602 106.200 106.210
106.301	106.202 106.204
106.302	106.202
106.303	106.200
106.304	106.208
106.305	101.602 106.200 106.210
106.411	104.402
106.412	104.404
106.413	104.406
106.414	104.416
106.415	104.422 104.424
106.416	104.428
106.501	104.400
106.502	104.402
106.503	104.404
106.504	104.406
106.505	104.416
106.506	104.422 104.424
106.507	104.428
106.601	106.300

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

106.602	106.302 106.304
106.603	106.306
106.604	106.308
106.701	104.400
106.702	104.104
106.703	104.402
106.704	104.404
106.705	104.406
106.708	106.100 106.306
106.709	106.100 101.Subpart E
106.710	106.100 101.304
106.711	104.408
106.712	104.410
106.713	104.420
106.714	104.416
106.715	104.418
106.801	104.422
106.802	104.424
106.803	104.400
106.804	101.616 104.100
106.805	101.626 104.100 104.400
106.807	104.400
106.808	104.426
106.902	104.414
106.903	104.426 104.428
106.904	104.428
106.906	104.428
106.907	104.412
106.910	106.400
106.911	104.104

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

106.912	106.400 106.404 106.406
106.913	106.408
106.914	106.410 106.412
106.915	106.414
106.916	106.416
160.920	106.500
106.921	106.502
106.922	106.504 106.506
106.923	106.508
106.924	106.510 106.512
106.925	106.514
106.930	106.600
106.931	106.600 106.602 106.604
106.932	106.606
106.933	106.608 106.610
106.940	106.700 106.702
106.942	101.202
106.944	106.102
106.945	106.704
106.946	106.706
106.948	106.707
106.950	106.708
106.952	106.710
106.954	106.712
106.956	106.714
106.958	106.716
106.960	106.718
106.962	106.720
106.964	106.722

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

106.966	106.724
106.968	106.726
106.970	106.728
106.972	106.730
106.974	106.732
106.976	106.734
106.978	106.736
106.980	106.738
106.982	106.740

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Tax Certifications
- 2) Code citation: 35 Ill. Adm. Code 125
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
125.216	Amend
- 4) Statutory authority: Implementing and authorized by Sections 11-5, 11-10, 11-20, 11-25, 11-30, 11-35, 11-40, 11-50, and 11-55 of the Property Tax Code [35 ILCS 200], and Sections 26 and 27 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in the proposed Part 101 and eliminate the requirement for filing multiple copies.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

- 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 appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 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.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: As the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARDPART 125
TAX CERTIFICATIONS

SUBPART A: GENERAL PROVISIONS

Section	
125.100	Applicability
125.102	Severability
125.104	Definitions

SUBPART B: TAX CERTIFICATION OF POLLUTION CONTROL FACILITIES
AND LOW SULFUR DIOXIDE EMISSION COAL FUELED DEVICES

Section	
125.200	General
125.202	Tax Certification Application
125.204	Agency Recommendation
125.206	Petition to Contest
125.208	Agency Record
125.210	Public Hearing
125.212	Hearing Notice
125.214	Burden of Proof
125.216	Board Action

AUTHORITY: Implementing and authorized by Sections 11-5, 11-10, 11-20, 11-25, 11-30, 11-35, 11-40, 11-50, and 11-55 of the Property Tax Code [35 ILCS 200/11-5, 11-10, 11-20, 11-25, 11-30, 11-35, 11-40, 11-50, and 11-55] and Sections 26 and 27 of the Environmental Protection Act (the Act) [415 ILCS 5/26 and 27].

SOURCE: Adopted in R00-20 at 25 Ill. Reg. 642, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART B: TAX CERTIFICATION OF POLLUTION CONTROL FACILITIES
AND LOW SULFUR DIOXIDE EMISSION COAL FUELED DEVICES**Section 125.216 Board Action**

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- a) Pollution Control Facilities. *If it is found that the claimed facility or relevant portion thereof is a pollution control facility as defined in Section 125.200(a)(1) of this Part, the Board shall enter a finding and issue a certificate to that effect. The certificate shall require tax treatment as a pollution control facility, but only for the portion certified if only a portion is certified. The effective date of a certificate shall be the date of the ~~application petition~~ for the certificate or the date of the construction of the facility, whichever is later. [35 ILCS 200/11-25]*
- b) Low Sulfur Dioxide Emission Coal Fueled Devices. *If it is found that the claimed device meets the definition of low sulfur dioxide emission coal fueled device as set forth in Section 125.200(b)(1) of this Part, the Board shall enter a finding and issue a certificate that requires tax treatment as a low sulfur dioxide emission coal fueled device. The effective date of a certificate shall be on January 1 preceding the date of certification or preceding the date construction or installation of the device commences, whichever is later. [35 ILCS 200/11-55]*
- c) After notice to the holder of the certificate and an opportunity for a hearing pursuant to this Subpart, *the Board may on its own initiative revoke or modify a pollution control certificate or a low sulfur dioxide emission coal fueled device certificate whenever any of the following appears:*
- 1) *The certificate was obtained by fraud or misrepresentation;*
 - 2) *The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of pollution control facilities or a low sulfur dioxide emission coal fueled device; or*
 - 3) *The pollution control facility to which the certificate relates has ceased to be used for the primary purpose of pollution control and is being used for a different purpose. [35 ILCS 200/11-30]*
- d) The Clerk will provide the applicant and the Agency with a copy of the Board's order setting forth *the Board's findings and certificate, if any* [35 ILCS 200/11-30].

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Identification and Protection of Trade Secrets and Other Non-Disclosable Information
- 2) Code citation: 35 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.110	Amend
130.302	Amend
130.304	Amend
130.404	Amend
130.408	Amend
APPENDIX A	Repeal
- 4) Statutory authority: 415 ILCS 5/7, 7.1, 26, and 27 of the Environmental Protection Act [415 ILCS 5].
- 5) A complete description of the subjects and issues involved: The Board's rulemaking docket R03-10 proposes to amend the Board's procedural rules to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in the proposed Part 101 and eliminate the requirement for filing multiple copies.
- 6) Will these proposed amendments replace any 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 amendments pending on this Part? No
- 10) Statement of statewide policy objectives: Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

Illinois Pollution Control Board
Hearing Room 403
600 S. Second Street
Springfield IL

The second hearing will be December 19, 2002 at 1:00 p.m. at:

James R. Thompson Center
Room 9-040
100 W. Randolph Street
Chicago IL

- 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 appear before the Board.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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.
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This proposal did not appear in the Board's two most recent regulatory agendas, as the Board has been able to make technological advancements much more rapidly than anticipated.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 130

IDENTIFICATION AND PROTECTION OF TRADE SECRETS AND OTHER
NON-DISCLOSABLE INFORMATION

SUBPART A: GENERAL PROVISIONS

Section

130.100	Purpose and Applicability
130.102	Additional Procedures
130.104	Definitions and Severability
130.106	Segregation of Articles
130.108	Disposal of Articles
130.110	Articles Containing Emission Data

SUBPART B: PROCEDURES FOR IDENTIFYING ARTICLES
THAT REPRESENT TRADE SECRETS

Section

130.200	Initiation of a Claim that an Article Represents a Trade Secret
130.201	State Agency Request for Justification of Claims
130.202	Time Limit for Delayed Submission of Justification
130.203	Contents of Statement of Justification
130.204	Waiver of Statutory Deadlines
130.206	Deadline for State Agency Trade Secret Determination
130.208	Standards for State Agency Determination
130.210	State Agency Actions Following a Negative Determination
130.212	State Agency Actions Following a Positive Determination
130.214	Review of State Agency Trade Secret Determination
130.216	Effect of a Determination of Trade Secret Status on Other State Agencies
130.218	Status of Article Determined or Claimed to Represent a Trade Secret Before January 1, 2001
130.220	Extension of Deadlines to Participate in Proceedings

SUBPART C: PROCEDURES FOR PROTECTING ARTICLES
THAT REPRESENT TRADE SECRETS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

130.300	Applicability
130.302	Owner's Responsibility to Mark Article
130.304	State Agency's Responsibility to Mark Article
130.306	Transmission of Article Between State Agencies
130.308	Public Access to Information Related to Article
130.310	Access to Claimed or Determined Article
130.312	Unauthorized Disclosure or Use of Article
130.314	Limitation on Copying Article

SUBPART D: NON-DISCLOSABLE INFORMATION
OTHER THAN TRADE SECRETS

Section

130.400	General
130.402	Who May View Non-Disclosable Information
130.404	Application for Non-Disclosure
130.406	Public Inspection
130.408	Board Order

APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 7 and 7.1 of the Environmental Protection Act (Act) [415 ILCS 5/7 and 7.1] and authorized by Sections 7, 7.1, 26, and 27 of the Act [415 ILCS 5/7, 7.1, 26, 27].

SOURCE: Subparts A, B, and C originally adopted in R81-30 at 7 Ill. Reg. 16149, effective November 23, 1983. Subpart D originally adopted in R88-5(A) at 13 Ill. Reg. 12055, effective July 10, 1989; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 516, effective January 1, 2001; amended in R03-10 at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 130.110 Articles Containing Emission Data

- a) *All emission data reported to or otherwise obtained by the Illinois Environmental Protection Agency, the Board, or DNR in connection with any examination, inspection or proceeding under the Act shall be available to the public to the extent required by the federal Clean Air Act ~~Amendments of 1977 (P.L. 95-95)~~ as amended [415 ILCS 5/7(c)].*

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) For purposes of this Section, "emission data" means:
- 1) The identity, amount, frequency, concentration, or other characteristics (related to air quality) of any contaminant that:
 - A) Has been emitted from an emission unit;
 - B) Results from any emission by the emission unit;
 - C) Under an applicable standard or limitation, the emission unit was authorized to emit; or
 - D) Is a combination of any of the items described in subsection (b)(1)(A), (B), or (C) of this Section.
 - 2) The name, address (or description of the location), and the nature of the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation constituting the emission unit.
- c) In addition to subsection (b) of this Section, information necessary to determine or calculate emission data, including rate of operation, rate of production, rate of raw material usage, or material balance, will be deemed to represent emission data for the purposes of this Section if the information is contained in a permit to ensure that the permit is practically enforceable.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: PROCEDURES FOR PROTECTING ARTICLES
THAT REPRESENT TRADE SECRETS

Section 130.302 Owner's Responsibility to Mark Article

- a) When an entire article is claimed to represent a trade secret, the owner must mark the article with the words "Trade Secret" in red or bold letters ~~ink~~ on the face or front of the article.
- b) When less than an entire article is claimed to represent a trade secret, the owner must:
- 1) Mark the article with the words "Trade Secret" in red or bold letters ~~ink~~ on the face or front of the article;
 - 2) Indicate on the face or front of the article which page or portion of the article is claimed to represent a trade secret;
 - 3) Mark every page or portion of the article that is claimed to represent a trade secret with the words "Trade Secret;" in red or bold letters; and
 - 4) Furnish the State agency with a second copy of the article that is marked pursuant to subsections (b)(1) and (2) of this Section and from which the page or portion of the article that is claimed to represent a trade secret is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

deleted.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 130.304 State Agency's Responsibility to Mark Article

- a) When an entire article is determined to represent a trade secret pursuant to Section 130.208 of this Part, the State agency must mark the article with the word "DETERMINED" in red or bold letters ~~ink~~ on the face or front of the article and must also mark any claim letter submitted for the article.
- b) When less than an entire article is determined to represent a trade secret pursuant to Section 130.208 of this Part, the State agency must:
 - 1) Mark the article with the word "DETERMINED" in red or bold letters ~~ink~~ on the face or front of the article;
 - 2) Indicate on the face or front of the article and any claim letter submitted for the article which page or portion of the article is determined to represent a trade secret; and
 - 3) Mark every page or portion of the article that is determined to represent a trade secret with the word "DETERMINED-" in red or bold letters.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

**SUBPART D: NON-DISCLOSABLE INFORMATION
OTHER THAN TRADE SECRETS****Section 130.404 Application for Non-Disclosure**

- a) Except as provided in subsection (c)(4) of this Section, the applicant must file a single copy of the following:
 - 1) The article that is sought to be protected from disclosure; and
 - 2) The application for non-disclosure.
- b) When an entire article is sought to be protected from disclosure, the applicant must mark the article with the words "NON-DISCLOSABLE INFORMATION" in red or bold letters ~~ink~~ on the face or front of the article.
- c) When less than an entire article is sought to be protected from disclosure, the applicant must:
 - 1) Mark the article with the words "NON-DISCLOSABLE INFORMATION" in red or bold letters ~~ink~~ on the face or front of the article;
 - 2) Indicate on the face or front of the article which page or portion of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- article is claimed to be non-disclosable information;
- 3) Mark every page or portion of the article sought to be protected from disclosure with the words "NON-DISCLOSABLE INFORMATION;" in red or bold letters;
 - 4) File with the Clerk a second copy of the article that is marked pursuant to subsections (c)(1) and (c)(2) of this Section and from which the page or portion sought to be protected from disclosure is deleted.
- d) The applicant is not required to serve any other persons with the article or the page or portion thereof for which the applicant seeks protection from disclosure.
- e) The application for non-disclosure must contain the following:
- 1) Identification of the particular non-disclosure category into which the material that is sought to be protected from disclosure falls (see 35 Ill. Adm. Code 101.202 for the definition of "non-disclosable information");
 - 2) A concise statement of the reasons for requesting non-disclosure;
 - 3) Data and information on the nature of the material that is sought to be protected from disclosure, identification of the number and title of all persons familiar with the data and information, and a statement of how long the material has been protected from disclosure;
 - 4) An affidavit verifying the facts set forth in the application for non-disclosure that are not of record in the proceeding; and
 - 5) A waiver of any decision deadline in accordance with Section 130.204 of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 130.408 Board Order

- a) If the Board determines that the article or any page or portion thereof is non-disclosable information, the Board will mark the word "DETERMINED" in red or bold letters on the face or front and on every page or portion determined to be non-disclosable information.
- b) If the Board determines that the article, or any page or portion thereof is not non-disclosable information, the Board may enter a conditional non-disclosure order allowing the applicant to withdraw the material addressed in the order. If the applicant fails to withdraw the material by the deadline given in the Board order, the material ~~will be returned to the Clerk's normal file and~~ will be made available for the public to inspect.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 130.APPENDIX A Comparison of Former and Current Rules (Repealed)

The following table compares the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001).

FORMER PART 120	CURRENT SECTION
120.101	130.100
120.102	130.100
120.103	101.200 101.202 130.104
120.201	130.200
120.202	130.203
120.203	130.204
120.215	130.201
120.220	130.202
120.225	130.206
120.230	130.208
120.240	130.210
120.245	130.212
120.250	130.214
120.260	130.216
120.265	130.218
120.270	130.220
120.301	130.300
120.305	130.302
120.310	130.304
120.315	130.306
120.320	130.106
120.325	130.308
120.330	130.310
120.340	130.310
120.350	130.312
120.360	130.108
120.401	130.102

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: 148.126 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: This proposed rulemaking provides fiscal year 2003 budget implementation changes that affect specified inpatient hospital services. Reimbursement levels are being increased under the Safety Net Adjustment Payment program to provide additional funding to high volume Medicaid providers of hospital services. These proposed changes are expected to result in a spending increase of \$2.5 million during fiscal year 2003.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.105	New Section	August 30, 2002 (26 Ill. Reg.13046)
148.115	New Section	August 30, 2002 (26 Ill. Reg.13046)
148.295	Amendment	August 30, 2002 (26 Ill. Reg.13046)
148.310	Amendment	August 30, 2002 (26 Ill. Reg.13046)

- 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:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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].

Any interested persons may review these proposed amendments on the Internet at <http://www.state.il.us/dpa/html/publicnotice.htm>. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

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: Medicaid funded hospitals that are eligible for Safety Net Adjustment Payments
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991 Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- 148.500 Definitions
- 148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

TABLE A	Renal Participation Fee Worksheet
TABLE B	Bureau of Labor Statistics Equivalence
TABLE C	List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired on February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
 - 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
 - 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
 - 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
 - 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
 - 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) of this Section:
 - 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
 - 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
 - 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

qualifies:

- A) A qualifying hospital – \$15.00.
- B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
- C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
- D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
 - i) Located within HSA 6 or HSA 7 – \$80.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
- E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$35.00.
 - ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$12.00.
 - ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – \$92.00.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located in HSA 6 and that:
 - i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
 - K) A qualifying hospital that provided greater than 35,000 days in the safety net hospital base year – \$6.00.
 - L) A qualifying hospital with two or more graduate medical education programs, as listed in the “2000-2001 Graduate Medical Education Directory”, with an average length of stay fewer than 4 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
- 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
- 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
- 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
 - A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
 - B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- d) Payment to a Qualifying Hospital
 - 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) For the safety net adjustment period occurring in State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

this Section. For the period January 1, 2003, through June 30, 2003, payment will equal the State fiscal year 2003 amount less the amount the hospital received under the safety net adjustment period for the quarters ending September 30, 2002 and December 31, 2002. The total annual adjustment amount shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

- 3) For safety net adjustment periods occurring after State fiscal year 2003, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

e) Definitions

- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (f)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (f)(7) of this Section.
- 9) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- 10) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.
- 11) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.
- 12) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Land Application Authorization Program
- 2) Code Citation: 8 Ill. Adm. Code 258
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
258.10	Amend
258.30	Amend
258.40	Amend
258.50	Amend
258.60	Amend
258.70	Amend
258.80	Amend
258.90	Amend
258.100	Amend
APPENDIX A	Amend
APPENDIX B	Amend
APPENDIX C	Renumber, add
APPENDIX D	Renumber, amend
- 4) Statutory Authority: Section 19 of the Illinois Pesticide Act [415 ILCS 60/19]
- 5) Effective Date of amendments: November 18, 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) Notices of Proposal Published in Illinois Register: July 5, 2002; 26 Ill. Reg. 9521
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Non-substantive changes
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? JCAR did not issue any agreements.
- 13) Will these amendments replace any emergency amendments currently in effect? No

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Recent amendments to the Illinois Pesticide Act expand the authority of the Department of Agriculture to issue written authorizations for the land application of contaminated media onto farmland. The original authority included contaminated media originating from agrichemical facility sites while the expanded authority includes contaminated media from transportation spills and field of application spills. Also, the recent completion of a companion regulation, the Agrichemical Facility Response Action Program (8 Ill. Adm. Code 259) creates the need for certain changes to ensure consistency between these two related regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER i: PESTICIDE CONTROL

PART 258
 LAND APPLICATION AUTHORIZATION PROGRAM

Section

258.10	Applicability
258.20	Severability
258.30	Definitions
258.40	Incorporation by Reference
258.50	Remediation Suitability Determination
258.60	Written Authorization for Land Application
258.70	Operational Control Practices, Limitations and Restrictions
258.80	Closure Reporting
258.90	Remediation Media and Land Application Area Sampling and Analysis
258.100	Penalties and Enforcement

APPENDIX A Soil Remediation Suitability Determination Levels of Pesticides Listed as Hazardous Constituents in 35 Ill. Adm. Code 721

APPENDIX B Target Priority Analyte List

APPENDIX C Soil Closure Objectives ~~Land Application Area Sampling~~

APPENDIX D Land Application Area Sampling

AUTHORITY: Authorized by Section 19 of the Illinois Pesticide Act [415 ILCS 60/19].

SOURCE: Adopted at 23 Ill. Reg. 7721, effective June 25, 1999; amended at 26 Ill. Reg. _____, effective _____.

Section 258.10 Applicability

- a) This Part applies to the owner or operator of an agrichemical facility who requests, pursuant to 415 ILCS 60/19(9), requesting Department issuance of a written authorization for land application of agrichemical-contaminated soil or soils and groundwater, hereinafter referred to as remediation media, at agronomic rates pursuant to 415 ILCS 60/19(9) and resulting from the cleanup of the on-site release of agrichemicals. The contaminated soil or groundwater must be the product of the environmental cleanup of agrichemical spill sites at:
- 1) agrichemical facilities,
 - 2) in transit locations from an agrichemical facility to the field of application,

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- or
3) the field of application.
- b) This Part does not apply to the land application of contaminated soil or groundwater remediation media to any land other than farmland.
- c) This Part does not apply to spill sites at which the contaminated soil exhibits a characteristic of hazardous waste as defined in 35 Ill. Adm. Code 721.120 through 124.

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.30 Definitions

Definitions for this Part can be located in Section 4 and Section 19 of the Illinois Pesticide Act [415 ILCS 60/4 and 19]. The following definitions shall also apply to this Part:

"Agrichemical" means pesticides or commercial fertilizers at an agrichemical facility, in transit from an agrichemical facility to the field of application, or at the field of application.

~~"Agronomic Rate" means the optimum rate for crop yields as determined by the soil, climate, and the science of agronomy.~~

"Applicant" means an owner, operator or designated officer of an agrichemical facility who requests ~~that is required to obtain~~ a Written Authorization for Land Application.

~~"Application Area" means the farmland upon which remediation media is or will be applied at or below agronomic rates.~~

"Authorization" means a Written Authorization for Land Application.

"Commercial Fertilizer" is defined in 505 ILCS 80/3. For the purposes of this Part, commercial fertilizer also includes custom mixes as defined in 505 ILCS 80/3.

"Cropland" means land used for the agricultural production of plants and plant part commodities.

"Department" means the Illinois Department of Agriculture.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~"Detection" means the identification of a contaminant in a sample at a value equal to or greater than the:~~

~~Method Detection Limit or MDL, which means the minimum concentration of a substance that can be measured as reported with 99% confidence that the true value is greater than zero pursuant to 40 CFR 136, Appendix B (July 1997);~~

~~Method Quantitation Limit or MQL, which means the minimum concentration of a substance that can be measured and reported pursuant to "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".~~

"Family of Pesticides" means a group of structurally similar ~~agrichemical~~ compounds that exhibit common biochemical actions.

"Farmland" means lands utilized for agricultural purposes, including both areas used for cropland and areas used for field access lanes.

"Field Access Lane" means a private road utilized for admittance by vehicles of husbandry to cropland, but does not include private roads that provide primary access to a structure being used for human habitation.

"Groundwater" means groundwater as defined in the Illinois Groundwater Protection Act [415 ILCS 55/3].

"Incorporation" means mixing into the soil at a land application area.

"Label" means the written, printed graphic matter on or attached to the pesticide or device or any of its containers or wrappings. [415 ILCS 60/4]

~~"Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.~~

"Land Application" means the environmental treatment of contaminated soil or groundwater ~~remediation media~~ by incorporation into ~~with~~ farmland soils.

"Land Application Area" means the farmland upon which contaminated soil or groundwater is or will be applied.

~~"Modification" means changes in the remediation media concentration, its~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~volume, the agrichemicals present, the application rate, the location or size of the application area, or sample collection and associated analysis protocol.~~

"Pesticide" means any substance or mixture of substances intended for preventing, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant [415 ILCS 60/4.29].

"Regulated Recharge Area" means a compact geographic area, as determined by the Pollution Control Board pursuant to Section 17.4 of the Environmental Protection Act [415 ILCS 5/17.4], the geology of which renders a potable resource groundwater particularly susceptible to contamination [415 ILCS 5/3.67].

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of pesticides into the environment, but excludes application of pesticides at agronomic rates under regulations established by the Department in accordance with the Illinois Pesticide Act [415 ILCS 60].

"Remediation Suitability Determination Level" or "RSDL" means the concentration of a pesticide residue in soil or groundwater that represents a level below which the Department considers the contaminated soil or groundwater to be suitable for land application.

~~"Remediation Media" means soil, mixture of soil and gravel, or groundwater containing an agrichemical that is being managed as part of a cleanup.~~

"Setback Zone" means a geographic area, designated pursuant to the Environmental Protection Act, containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters [415 ILCS 5/3.61].

"Sinkhole" means any natural depression formed as a result of subsurface removal of soil or rock materials causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS 7½ minute quadrangle topographic maps or as determined by field investigations.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

"Soil", for the purposes of this Part, means the unconsolidated earth materials present at a spill site, including natural soils, gravel and soil/gravel mixtures.

"Spill Site" means the land area at which a pesticide or commercial fertilizer was released.

"Stockpile" means the storage, temporary storage, or containment of contaminated soil or groundwater remediation media in such a manner as not to constitute final disposal or land application.

"Written Authorization for Land Application" means a written statement issued by the Department granting approval for the land application of contaminated soil or groundwater to remediation media onto farmland in accordance with the provisions of this Part.

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.40 Incorporation by Reference

a) The Department incorporates the following material by reference:

~~1) ASTM—American Society for Testing Materials, 1916 Race Street, Philadelphia PA 19103, (215) 299-5400.~~

~~"Standard Practice D 4220 for Preserving and Transporting Soil Samples", ASTM 1995.~~

~~"Standard Practice D 4840 for Sampling Chain-of-Custody Procedures", ASTM 1995.~~

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

"Methods for the Determination of Organic Compounds in Drinking Water", USEPA, Publication No. EPA-600/4-88-039 (December 1998).

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II", USEPA Publication No. EPA/600/R-92/129 (August 1992).

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", USEPA Publication No. EPA/600/R-95/131 (August 1995).

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA Publication Number SW 846 (Third Edition, Final Update III, December 1996), as amended by Updates I, IIA, and III (Document No. 955-001-00000-1).

- 23) University of Illinois Board of Trustees, 1401 South Maryland Drive, Urbana IL 61801 (217)333-2007.

"Illinois Agronomy Handbook 2001-2002", University of Illinois at Urbana-Champaign, College of Agricultural, Consumer and Environmental Sciences, ~~Department of Crop Sciences, Cooperative Extension Service, Circular 1360~~ (December 2000 ~~1998~~).

- b) These incorporations by reference do not include any amendments or editions beyond the dates specified.

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.50 Remediation Suitability Determination

Contaminated soil ~~Remediation media~~ that is the subject of an application for Department issuance of written authorization for land application must be evaluated for ~~media composition~~ and remediation suitability in accordance with this Section.

- a) The applicant must develop an appropriate, site-specific list of agricultural chemicals known or suspected to have been released at the spill site. ~~analytes for sample analysis based on an evaluation of the source area at the agricultural facility and interviews with the facility management.~~ The compounds ~~analytes~~ included in Appendices A and B of this Part ~~may should~~ serve as a guide to the applicant in the development of the site-specific list of target pesticides and nutrients. Unless affirmatively demonstrated that an agricultural chemical has not been stored, mixed or loaded at the spill site, all pesticides listed in Appendix B must be considered target agricultural chemicals ~~analytes~~.
- b) The contaminated soil ~~remediation media~~ must be sampled in accordance with the requirements of this Part and analyzed for the presence and concentration of the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~target agrichemicals analytes~~ included on the list of ~~compounds analytes~~ required in subsection (a) of this Section.

- c) If the list required in subsection (a) of this Section includes any of the pesticides ~~listed contained~~ in Appendix A of this Part, the ~~mean~~ concentration of the pesticide in ~~the soil must be determined in accordance with the sampling and analysis procedures of Section 258.90. The mean pesticide concentrations of the remediation media-contaminated soil~~ must be compared to its associated Remediation Suitability Determination Level (~~RSDL~~) ~~obtained from Appendix A of this Part~~. If the ~~mean~~ remediation media concentration for any pesticide listed in Appendix A of this Part is equal to or greater than its associated Remediation Suitability Determination Level, ~~then the contaminated soil may not be media-is NOT considered~~ suitable for ~~Department issuance of a~~ land application authorization at its current concentration, ~~unless the applicant demonstrates to the Department, using an appropriate risk-based model, that the remediation media may be safely land applied.~~
- d) ~~Nothing in this Part limits the applicant from pre-treating the remediation media to achieve suitable concentrations below the Remediation Suitability Determination Levels in Appendix A of this Part pursuant to review and approval by the Department in response to a request for written authorization for land application.~~

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.60 Written Authorization for Land Application

- a) An Authorization issued by the Department pursuant to this Part must be obtained by an applicant prior to the commencement of any stockpiling ~~of contaminated soil~~ or land application of ~~contaminated soil or groundwater-remediation media~~ at a proposed application area. ~~If In the case of the ownership transfer~~ of an agrichemical facility ~~is transferred~~, an Authorization may be transferred to the new owner or operator of the agrichemical facility upon written notification by the applicant to the Department and approval by the Department.
- b) An application for an Authorization must be submitted on forms provided by the Department. Information submitted in an application must include the following:
- 1) The facility name, address, ~~and~~ telephone number, ~~and facility identification number, if applicable; and~~ the applicant's full legal names, addresses and telephone numbers, including any authorized agents of the applicant and any contact persons to whom correspondence must be addressed; ~~;~~ and the applicant's signature authorizing the application;
 - 2) The full legal ~~name-names~~, ~~address addresses~~ and telephone ~~number of the~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- ~~owners numbers~~ of the proposed land application area ~~owners~~, including any authorized agents acting on behalf of such owners and any contact persons to whom correspondence must be addressed, and the ~~land owners'~~ signatures of the landowners authorizing the application;
- 3) The name, address, telephone number, and signature of the persons responsible for the project design and management ~~and his/her address, telephone number, and signature~~;
- 4) Topographic and plat maps of the proposed land application area;
- 5) A location area map of the proposed land application area;
- 6) A soil survey map of the proposed land application area;
- ~~7) A map of the proposed transportation route from the agrichemical facility to the proposed land application area;~~
- ~~78) A listing of the agrichemical remediation media analyte concentrations, a description of the methods utilized to determine the agrichemical remediation media analyte concentrations, and the volume of contaminated soil or groundwater remediation media proposed to be land applied;~~
- ~~89) A description of the agricultural crop to be grown on the land application area and date of the proposed land application;~~
- ~~940) A proposed remediation media application method or procedure for contaminated soil or groundwater, application rate, and supporting data and calculations, including the label rates associated with each pesticide present and the identification of the most-limiting compound analyte on which the contaminated soil or groundwater remediation media application rate is to be based, each of which must be consistent with the requirements found at Section 258.70(e) (~~d~~) of this Part;~~
- ~~1044) A description of the proposed method to be utilized for the calibration of the application device to ensure consistent distribution of contaminated soil or groundwater remediation media to the land application area and how the contaminated soil or groundwater will be incorporated into the soil; and~~
- ~~1142) The legal description of the land application area and the acreage available at each site.~~
- c) Applications for an Authorization must be accompanied by a letter of agreement from the owner of the application area, or the owner's authorized agent, indicating he or she understands the nature of the project and has agreed to participate. If land application to a field access lane is proposed, the owner or owners of the field access lane and all properties contiguous to the field access lane must provide letters of agreement to the Department indicating approval of the land application of contaminated soil or groundwater to the field access lane.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- d) ~~If contaminated soil or groundwater is~~ In the case of remediation media applied to field access lanes or farmland currently enrolled in the Conservation Reserve Program, applications for an Authorization must include a statement of commitment by the applicant to collect and analyze soil samples from the land application area within six months prior to the application of remediation media, ~~one year~~ after the application of contaminated soil or groundwater remediation media, and any subsequent sampling and analysis required pursuant to Section 258.80 of this Part. Such samples must be analyzed for the presence and concentration of all analytes detected in the samples of contaminated soil or groundwater remediation media collected at the spill site agricultural facility that have been established as the basis for the proposed application rate. ~~Results of pre-application sampling must be submitted to the Department within 30 days after receipt and must also be submitted as part of the Closure Report as described in Section 258.80 of this Part.~~ Analytical results of the soil sampling conducted ~~one year~~ after the application of contaminated soil or groundwater remediation media and any ~~other subsequent~~ sampling required pursuant to Section 258.80 of this Part must be submitted to the Department as part of the Closure Reports Report(s).
- e) ~~If contaminated soil or groundwater is~~ In the case of remediation media applied to cropland, applications for an Authorization must include a statement of commitment by the applicant to collect and analyze soil samples from the land application area at least two months prior to planting of the following crop. ~~prior to the application of remediation media, no more than two years after the application of remediation media, and any subsequent sampling and analysis required pursuant to Section 258.80 of this Part.~~ ~~Results of pre-application sampling must be submitted to the Department within 30 days after receipt and must also be submitted as part of the Closure Report as described in Section 258.80 of this Part.~~ Analytical results of the soil sampling conducted ~~no greater than two years~~ after the application of contaminated soil or groundwater remediation media and any ~~other subsequent~~ sampling required pursuant to Section 258.80 of this Part must be submitted to the Department as part of the Closure Reports.
- f) Applications for an Authorization must include a description of the methods to be used to determine and document the actual amount of contaminated soil or groundwater remediation media applied to the land application area expressed in tons/acre or gallons/acre, as appropriate. Such methods must result in documentation that will be submitted to the Department as part of the Closure Report pursuant to Section 258.80 of this Part.
- g) Upon receipt of an application Application, the Department shall review the application for compliance with the provisions of this Part completeness and

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~technical feasibility.~~

- 1) If the submittal is ~~deemed~~-incomplete, the Department shall notify the applicant in writing within 30 days after receipt and identify the deficiencies.
- 2) If the submittal is not in compliance with the provisions of this Part, the Department shall provide written notification of the reasons for denial to the applicant within 90 days after receipt.
- 32) If the submittal is deemed-complete and in compliance with the provisions of this Part, the Department shall issue written an Authorization to the applicant in writing within 90 days after receipt.
- h) The Department ~~may shall have the authority to~~ revoke any Authorization that has not been implemented within two years after the date of issuance. Upon request by the applicant, such Authorizations ~~Such Authorization(s)~~ may be renewed ~~or denied~~ by the Department ~~after review upon request by an applicant.~~
- i) The applicant shall submit a modified application if the concentrations of agrichemicals in the contaminated soil or groundwater, or the volume or application rate of contaminated soil or groundwater, are greater than specified in the original application; or if the applicant proposes changes in the location or size of the application area or in procedures for sample collection and analyses. Authorizations shall be amended and approved by the Department prior to modification and implementation of the Authorization.

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.70 Operational Control Practices, Limitations and Restrictions

- a) No applicant shall land apply contaminated soil or groundwater or stockpile contaminated soil-remediation media:
 - 1) within any Illinois Groundwater Protection Act (IGPA) [415 ILCS 55/14] defined wellhead setback zone or regulated recharge area;
 - 2) within 200 feet of any surface water or within 1,000 feet of any surface water body that is the subject of any health advisory regarding agrichemicals listed in Appendix A;
 - 3) within 20 feet of a farmland edge unless the application is to a field access lane and is performed consistent with Section 258.60(c)-subsection (g) of this Section;
 - 4) within any flood plain with a return frequency of 10 years or less;
 - 5) within 200 feet of a drainage tubing surface inlet;
 - 6) within 200 feet of a sinkhole;
 - 7) within 200 feet of a structure being used for human habitation at the time

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

of the proposed application. In addition, no applicant shall land apply remediation media within 200 feet of a structure being used as a common place of assembly, such as a church, school or business;

- 8) ~~on onto~~ frozen farmland with a frost depth of one inch or greater;
 - 9) ~~on onto~~ a portion of farmland that has a slope in excess of five percent; and
 - 10) within 200 feet of any Class III: Special Resource Groundwater as defined by 35 Ill. Adm. Code 620.230.
- b) No applicant shall stockpile groundwater at the application area.
- c) No applicant shall stockpile contaminated soil at the application area for more than 30 calendar days without prior approval of the Department.
- d) ~~Stockpiles Stockpiling of contaminated soil, gravel or mixture of soil and gravel~~ at the application area must be located in such a manner that agrichemical migration, due to surface water, into setbacks established under subsection subsections (a) and (h) of this Section and potential agrichemical migration to surface water ~~or and~~ groundwater is prevented.
- e) ~~Application rates and pesticide labeled uses.~~ No applicant shall land apply contaminated soil or groundwater at rates in excess of remediation media inconsistent with pesticide label rates or generally accepted agronomic fertilizer application rates, as specified below. The most-limiting application rate shall govern the land application of contaminated soil or groundwater remediation media.
- 1) ~~If In the event that~~ a pesticide that is not labeled for use with the specific crop to be grown on a land application area ~~and~~ is present in contaminated soil or groundwater remediation media with other pesticides that are labeled for use with the proposed crop, consideration must be given to any potential phytotoxic effects that could arise from the proposed land application to the crop to be grown when developing a proposed application rate. In such instances, the application rate of the non-labeled pesticide must not exceed 10 percent of its most limited label rate for use on other agricultural crops.
 - 2) ~~If In the event that~~ more than one pesticide from a family of pesticides is present in the contaminated soil or groundwater, remediation media or when additive effects of the pesticides may be possible, consideration must be given to possible phytotoxic effects resulting from a contaminated soil or groundwater remediation media application rate based only on the single highest concentration present, and the proposed application rate must be reduced below such potential phytotoxic application rates.
 - 3) ~~If In the event that~~ more than one pesticide is present in the contaminated soil or groundwater remediation media, consideration must be given to

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

commercially available blends that contain those pesticides and the labeled rate of application associated with those commercially available blends. In such cases, the application rate of the ~~contaminated soil or groundwater remediation media~~ must be ~~not greater than based on~~ the labeled application rate of the commercially available blend.

- 4) ~~If In the event that~~ fertilizer ~~containing nitrogen or phosphorus~~ is present in the ~~contaminated soil or groundwater remediation media~~, the land application rate must ~~not exceed be based upon~~ the most limiting of either the nutrient application rate or the pesticide label rate, whichever is ~~more most~~-restrictive. ~~Nitrogen and phosphorus Nutrient~~ application rates must be based upon ~~the accepted agronomic rates of nutrient application~~ for the crop or commodity to be grown ~~such as those recommendations~~ contained in the Illinois Agronomy Handbook, ~~published by the University of Illinois at Urbana-Champaign and~~ incorporated by reference in Section 258.40.
- ~~f~~e) In addition to the other provisions of this Part, applications of ~~contaminated soil or groundwater on remediation media onto~~ farmland currently enrolled in the Conservation Reserve Program shall only be allowed when the application ~~submittal~~ includes a written ~~statement acknowledgment~~ from a representative of the United States Department of Agriculture – Natural Resource Conservation Service of the county where the proposed land application area is located ~~that indicates~~ that the proposed activity will not adversely affect the program status of the land application area.
- ~~f~~) ~~No applicant shall stockpile remediation media at the application area for more than 30 calendar days without prior approval of the Department.~~
- ~~g~~) ~~No applicant shall land apply remediation media to a field access lane unless:~~
- ~~1) the owner of the field access lane and contiguous properties of the field access lane are the same; or~~
 - ~~2) the owner or owners of the field access lane and the owners of property contiguous with the field access lane provide letters of agreement to the Department indicating approval of the land application of remediation media to the field access lane.~~
- ~~h~~) ~~In the case of remediation media applied to farmland proposed to be conducted within the watershed of any surface water body that is the subject of a health advisory regarding any pesticide included in Appendix A of this Part, the activity must include operational control practices to control possible movement of the remediation media from the application site. Such operational control practices may include immediate incorporation of the remediation media after application onto farmland, or other techniques as may be appropriate and approved by the Department.~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.80 Closure Reporting

- a) A Closure Report must be submitted to the Department within 60 days after receipt of analytical results associated with closure sampling required under subsection (b) ~~(1)-(2)~~ of this Section ~~for the land application of remediation media authorized by the Department pursuant to Section 258.60 of this Part.~~
- b) The Closure Report ~~shall~~ **must** include the following information:
- ~~1)~~ ~~Analytical results from the pre-application soil sampling of the land application area;~~
 - 12) Analytical results, including the mean and standard deviation for each analyte, from the soil sampling of the land application area:
 - A) conducted no later than two months prior to planting of the following crop~~two years after the application of remediation media~~; or
 - B) in the case of field access lanes or farmland currently enrolled in the Conservation Reserve Program, conducted no later than six months~~one year~~ after the application of contaminated soil or groundwater remediation media;
 - 23) Documentation of the actual amounts of contaminated soil or groundwater remediation media that was land applied ~~during the project~~ and calculations indicating that the application rates were equal to or less than those authorized by the Department;
 - 34) Documentation of how the contaminated soil or groundwater was incorporated into the soils in the land application area. ~~of all agrichemical applications that were made to the land application area in addition to those agrichemicals present in the remediation media; and~~
 - ~~5)~~ ~~A summary and discussion of the results of the project including the changes in land application area agrichemical concentrations based on the pre-spreading land application area sampling required at Section 258.80(b)(1), the projected amounts of agrichemicals applied via the remediation media required at Section 258.80(b)(3), the amounts of agrichemicals applied via normal crop production required at Section 258.80(b)(4), and the post-spreading or closure land application area sampling required at Section 258.80(b)(2).~~
- c) Upon receipt of a Closure Report, the Department shall review the submittal and evaluate whether the report indicates that ~~detected~~ agrichemical levels in the soil at the proposed time of closure are below the soil closure objective concentrations

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~listed in Appendix C of this Part have been elevated above the pre-application levels or have returned to the pre-application values.~~

- 1) If the submittal indicates that agricultural concentrations in the land application area are below the soil closure objective concentrations listed in Appendix C of this Part~~has returned to pre-application conditions~~, the Department shall issue a Notice of Closure within 45 days after receipt. The Notice of Closure shall indicate the applicant has land applied ~~contaminated soil or groundwater remediation media~~ to the application area in accordance with the Authorization and all requirements of this Part. An applicant that has been issued a Notice of Closure shall no longer be subject to the requirements of this Part.
- 2) If the submittal indicates that agricultural concentrations in the land application area are not below the soil closure objective concentrations as listed in Appendix C of this Part~~has not returned to the pre-application condition~~, the Department shall, within 45 days from the date of receipt of the Closure Report, notify the applicant in writing as to why a Notice of Closure was not issued. The Department may require additional ~~soil and/or groundwater~~ sampling, and analyses of samples of the land application area and analysis and result reporting in the form of a Supplemental Closure Report if a Notice of Closure is not issued. ~~The Department may also~~ prescribe remedial measures to be conducted by the applicant to reduce the concentrations of agriculturals in the land application area or to mitigate any potential adverse effects on crops or the environment ~~mitigate any identified adverse effects of the land application of remediation media~~. The applicant must conduct the prescribed activities and must prepare and submit a Closure Report detailing the results of the additional sampling and other measures as prescribed by the Department.
- 3) The Department shall send a copy of the notice of closure or the denial of the Notice of Closure to the owners of the land application area.

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.90 ~~Remediation Media and Land Application Area~~ Sampling and Analysis

- a) ~~Remediation media subject to a land application authorization must be sampled and analyzed for the analytes in accordance with requirements of Section 258.50 (Remediation Suitability Determination) and included in Appendix B of this Part unless modified by the Department.~~
- a**b**) Contaminated soil or groundwater must be sampled in accordance with the

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~requirements of this Part and analyzed for the presence and concentration of the target agrichemicals included on the list of compounds required in 8 Ill. Adm. Code 255.50 (a). Soil samples may be composited. Composited soil samples may be utilized to meet the requirements of remediation media characterization. Such composited soil samples must be representative of the remediation media proposed for land application. At least one composite composited soil sample is required suggested per one-eighth acre of the spill remediation media site land area, using six subsamples specimens per composite, for the purposes of compliance with this Part.~~

- ~~b)~~ b) ~~Soil samples from the land application area, excluding field access lanes, must be collected to the depth of incorporation or three inches, whichever is less. Soil samples from field access lanes must be collected to a depth of six inches.~~
- ~~c)~~ c) ~~Soil samples collected from the land application area, excluding field access lanes, must be analyzed for the agrichemicals that were the basis for determining the application rate of the contaminated soil or groundwater pursuant to Section 258.70(e) five analytes detected at the highest concentrations and the most-limiting application rate analytes in the samples collected from the remediation media at the agrichemical facility unless modified by the Department, and submitted in the form of an application.~~
- ~~d)~~ d) ~~Sampling and analysis of remediation media and the land application area must be performed to provide results representative of the subject being monitored and must be consistent with the sampling and analytical methods specified in Section 258.40 of this Part.~~
- ~~e)~~ e) ~~The applicant must follow sample preservation, shipment, quality control and chain of custody procedures to prevent tampering and contamination, and provide for reliability of sample analysis as specified in Section 258.40 of this Part.~~
- ~~d)f)~~ d)f) ~~Sampling of the land application area must be conducted in accordance with Appendix D C- of this Part, except field access lanes that must be sampled at the rate of at least one composite soil sample per 500 250-lineal feet.~~
- ~~g)~~ g) ~~Sampling and analytical methods must allow for detection and quantification of contaminants as required in accordance with the provisions of this Part. The Department may approve alternative equivalent testing methods for any specific remediation media. The approval may be conveyed by special condition in the written authorization for land application or by letter from the Department.~~
- ~~e)~~ e) ~~All field and laboratory activities must satisfy the following to ensure that all data are scientifically valid and of known precision and accuracy:~~
 - 1) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures must be conducted in accordance with "Test

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 258.40 of this Part.
- 2) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling must be conducted in accordance with SW-846, or with an equipment or instrument manufacturer's or vendor's published standard operating procedures.
 - 3) All laboratory quantitative analyses of soil samples to determine concentrations of pesticides must be conducted fully in accordance with SW-846, relative to all facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected must be less than or equal to the RSDLs contained in Appendix A of this Part.
 - 4) All laboratory quantitative analyses of soil samples to determine concentrations of pesticides or nutrients must be conducted on the less than 2-mm fraction.
 - 5) All laboratory quantitative analyses of soil samples to determine concentrations of pesticides that require more sensitive detection limits or cannot be analyzed by standard methods identified in SW-846 must be conducted in accordance with analytical protocols developed in consultation with and approved by the Department.
 - 6) All groundwater monitoring and analytical procedures must be conducted in accordance with 35 Ill. Adm. Code 620.505 and 620.510.
 - 7) All quantitative analyses of soil and groundwater samples that utilize any of the approved test methods identified in 35 Ill. Adm. Code 186.180 shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

Section 258.100 Penalties and Enforcement

Applicants who fail ~~Enforcement actions and penalties taken as a result of a suspected failure to~~ comply with the provisions or conditions of a written authorization for the land application of ~~agrichemical~~ contaminated soil-soils or groundwater issued by the Department shall be subject to the administrative actions and penalties contained in Section 24.1 of the Illinois Pesticide Act

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

[415 ILCS 60/24.1].

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section 258.APPENDIX A Soil Remediation Suitability Determination Levels of Pesticides Listed as Hazardous Constituents in 35 Ill. Adm. Code 721

PESTICIDES	CAS NO. ^{a1}	<u>RECOMMENDED</u> TEST METHOD ^{b2}	SOIL(mg/kg) ³	GROUNDWATER (mg/L) ⁴
Aldicarb	116-06-3	8321	0.2	0.003
Aldrin	309-00-2	8081	<u>0.10</u> 3	<u>5.00</u> E-06
Butylate	2008-41-5	8270	<u>150</u> 1040	—
Carbofuran	1563-66-2	8270	<u>32</u> 5	0.04
Chlordane	57-74-9	8081	<u>160</u> 140	0.002
2,4-D	94-75-7	8151	<u>64</u>	0.07
4,4-DDD	72-54-8	8081	<u>130</u> 28	0.0004
4,4-DDT	50-29-3	8081	<u>380</u> 280	0.0003
Dieldrin	60-57-1	8081	<u>0.080</u> 2	<u>5.00</u> E-06
Dimethoate	60-51-5	8141	<u>0.070</u> 4	—
Dinoseb	88-85-7	8151	<u>0.45</u>	0.007
Disulfoton	298-04-4	8141	<u>0.51</u>	—
Endosulfan	115-29-7	8081	<u>3400</u> 560	0.2
Endothall	145-73-3	8270	<u>146</u>	0.1
Endrin	72-20-8	8081	<u>27</u> 30	0.002
EPTC	759-94-4	8270	<u>572</u> 80	—
Heptachlor	76-44-8	8081	<u>135</u>	0.0004
Lindane	58-89-9	8081	<u>0.40</u> 3	0.0002
Methoxychlor	72-43-5	8081	<u>4100</u> 4400	0.04
Parathion, Ethyl	56-38-2	8141	<u>440</u> 1500	—
Parathion, Methyl	298-00-0	8141	<u>1564</u>	—
Phorate	298-02-2	8141	<u>210</u>	—
<u>2, 4, 5-TP</u>	<u>93-72-1</u>	<u>8270</u>	<u>370</u>	
Toxaphene	8001-35-2	8081	<u>400</u> 390	0.003

Sources: ^{a1} Chemical Abstract Service^{b2} USEPA Test Method (SW-846)³ ~~Illinois Department of Agriculture~~⁴ ~~Illinois Environmental Protection Agency~~

Notes: (—) Not currently available

This table was last modified on December 16, 1998.

Values subject to change based on best available data.

For new chemistry or pesticides not listed—please call the Illinois Department

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~of Agriculture, Bureau of Environmental Programs at 217/785-2427.~~

(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section 258.APPENDIX B ~~Target Priority~~-Analyte List

PESTICIDES	CAS NO. ^{a1}	<u>RECOMMENDED</u> TEST METHOD ^{b2}
Acetochlor	34256-82-1	8151
Alachlor	15972-60-8	8081
Atrazine	1912-24-9	8141
Butylate	2008-41-5	8270
Chlorpyrifos	2921-88-2	8141
Cyanazine	21725-46-2	8141
Carbofuran	1563-66-2	8270
2,4-D	94-75-7	8151
Metolachlor	51218-45-2	8151
Metribuzin	21087-64-9	8270
Pendimethalin	40487-42-1	8091
Simazine	122-34-9	8141
Terbufos	13071-79-9	8141
Trifluralin	1582-09-8	8091

NUTRIENTS

Ammonia (as N)

Nitrate (as N)

Phosphorous (Bray P1)~~Potassium~~~~Total Organic Matter~~~~Water pH~~~~Sources:~~ ^{a1} Chemical Abstract Service~~^{b2} USEPA Test Method (SW-846)~~~~Notes: This table was last modified on December 16, 1998.~~~~List subject to change based on best available data.~~~~For new chemistry or pesticides not listed — please call the Illinois Department of Agriculture, Bureau of Environmental Programs at 217/785-2427.~~(Source: Amended at 26 Ill. Reg. 17155, effective November 18, 2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section 258.APPENDIX C Soil Closure Objectives Land Application Area Sampling

<u>PESTICIDES</u>	<u>CAS No.^a</u>	<u>RECOMMENDED TEST METHOD^b</u>	<u>SURFACE (mg/kg)</u>
<u>acetochlor</u>	<u>34256-82-1</u>	<u>8151</u>	<u>0.9*</u>
<u>acifluorfen sodium</u>	<u>62476-59-9</u>	<u>8151</u>	<u>2.8</u>
<u>alachlor</u>	<u>15972-60-8</u>	<u>8081</u>	<u>1.7*</u>
<u>aldicarb</u>	<u>116-06-3</u>	<u>8321</u>	<u>1.6*</u>
<u>aldrin</u>	<u>309-00-2</u>	<u>8081</u>	<u>0.02</u>
<u>atrazine</u>	<u>1912-24-9</u>	<u>8141</u>	<u>1.7*</u>
<u>bentazon sodium</u>	<u>50723-80-3</u>	<u>8151</u>	<u>2.6</u>
<u>bromacil</u>	<u>314-40-9</u>	<u>8321</u>	<u>5.2</u>
<u>bromoxynil (o)</u>	<u>1689-99-2</u>	<u>8270</u>	<u>6.9</u>
<u>butylate</u>	<u>2008-41-5</u>	<u>8270</u>	<u>27</u>
<u>carbofuran</u>	<u>1563-66-2</u>	<u>8270</u>	<u>0.6</u>
<u>chlordane</u>	<u>57-74-9</u>	<u>8081</u>	<u>29</u>
<u>chlorimuron-ethyl</u>	<u>90982-32-4</u>	<u>8081</u>	<u>3.6</u>
<u>chlorpyrifos</u>	<u>2921-88-2</u>	<u>8141</u>	<u>50</u>
<u>cyanazine</u>	<u>21725-46-2</u>	<u>8141</u>	<u>1.1*</u>
<u>2,4-D</u>	<u>94-75-7</u>	<u>8151</u>	<u>1.1</u>
<u>4,4'-DDD</u>	<u>72-54-8</u>	<u>8081</u>	<u>22</u>
<u>4,4'-DDE</u>	<u>72-55-9</u>	<u>8081</u>	<u>64</u>
<u>4,4'-DDT</u>	<u>50-29-3</u>	<u>8081</u>	<u>66</u>
<u>diazinon</u>	<u>333-41-5</u>	<u>8141</u>	<u>0.2</u>
<u>dicamba</u>	<u>1918-00-9</u>	<u>8151</u>	<u>1.4</u>
<u>dieldrin</u>	<u>60-57-1</u>	<u>8081</u>	<u>0.01</u>
<u>dimethoate</u>	<u>60-51-5</u>	<u>8141</u>	<u>0.3*</u>
<u>dinoseb</u>	<u>88-85-7</u>	<u>8151</u>	<u>0.08</u>
<u>disulfoton</u>	<u>298-04-4</u>	<u>8141</u>	<u>0.2*</u>
<u>endosulfan</u>	<u>115-29-7</u>	<u>8081</u>	<u>600</u>
<u>endothall</u>	<u>145-73-3</u>	<u>8270</u>	<u>2.4</u>
<u>endrin</u>	<u>72-20-8</u>	<u>8081</u>	<u>5</u>
<u>EPTC</u>	<u>759-94-4</u>	<u>8270</u>	<u>10</u>
<u>glyphosate</u>	<u>1071-83-6</u>	<u>8321</u>	<u>350</u>
<u>HCH-alpha</u>	<u>319-84-6</u>	<u>8081</u>	<u>0.01</u>
<u>heptachlor</u>	<u>76-44-8</u>	<u>8081</u>	<u>2.3</u>
<u>heptachlor epoxide</u>	<u>1024-57-3</u>	<u>8081</u>	<u>3.8</u>
<u>lindane</u>	<u>58-89-9</u>	<u>8081</u>	<u>0.07</u>
<u>linuron</u>	<u>330-55-2</u>	<u>8321</u>	<u>1.7</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

<u>malathion</u>	<u>121-75-5</u>	<u>8141</u>	<u>41</u>
<u>methoxychlor</u>	<u>72-43-5</u>	<u>8151</u>	<u>730</u>
<u>metolachlor</u>	<u>51218-45-2</u>	<u>8151</u>	<u>22</u>
<u>metribuzin</u>	<u>21087-64-9</u>	<u>8270</u>	<u>2.8</u>
<u>parathion, ethyl</u>	<u>56-38-2</u>	<u>8141</u>	<u>77</u>
<u>parathion, methyl</u>	<u>298-00-0</u>	<u>8141</u>	<u>2.6</u>
<u>pendimethalin</u>	<u>40487-42-1</u>	<u>8091</u>	<u>900</u>
<u>permethrin</u>	<u>52645-53-1</u>	<u>8081</u>	<u>3300</u>
<u>phorate</u>	<u>298-02-2</u>	<u>8141</u>	<u>1.1*</u>
<u>simazine</u>	<u>122-34-9</u>	<u>8141</u>	<u>1.7*</u>
<u>2,4,5-TP</u>	<u>93-72-1</u>	<u>8270</u>	<u>65</u>
<u>terbufos</u>	<u>13071-79-9</u>	<u>8141</u>	<u>0.4*</u>
<u>toxaphene</u>	<u>8001-35-2</u>	<u>8081</u>	<u>72</u>
<u>trifluralin</u>	<u>1582-09-8</u>	<u>8091</u>	<u>100</u>

NUTRIENTSSURFACE

<u>Ammonia (as N) plus Nitrate (as N)</u>	<u>100 mg/kg</u>
<u>Phosphorous (Bray P1)</u>	<u>150 mg/kg</u>

Notes: ^a Chemical Abstract Service (CAS)

^b USEPA Test Methods (SW-846)

* Application Rate Equivalents (AREs) are based on USEPA-approved pesticide label rates for the specific pesticide active ingredient and conservative assumptions about soil properties. AREs only apply to the upper three inches of soil and are used as the Soil Cleanup Objective (SCO) if the ARE is greater than the SCO value calculated using the Equation in 8 Ill. Adm. Code 259.350(a).

The application rate equivalents can be determined using the equation below:

$$\text{ARE (mg/kg)} = \frac{\text{Application Rate (lb/acre)} \times (1 \text{ acre-foot} / 43,560 \text{ ft}^3) \times (1 \text{ ft}^3 / 110 \text{ lb}) \times (1 / 0.25 \text{ ft}) \times (1.0 \times 10^6 \text{ mg/kg})}{1}$$

Where:

ARE = application rate equivalent (mg/kg) for coarse-textured, low organic matter content soils

Application_{rate} = current label application rate (lb/acre)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

(Source: Old Section 258.APPENDIX C renumbered to Section 258.APPENDIX D,
New Section 258.APPENDIX C added at 26 Ill. Reg. 17155, effective November 18,
2002)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Section 258.APPENDIX D Land Application Area Sampling

The number of composite ~~sample samples~~ collected from the land application area will depend on the size of the land application area. For areas up to 20 acres in size, the land application area must be divided into quadrants and a composite sample will be collected from each quadrant, providing four samples. Land application areas larger than 20 acres will be divided into five-acre square grids approximately 467 feet long on each side. ~~A Four~~ composite ~~sample samples~~ will be collected from ~~each of 4~~ randomly selected five-acre squares in land application areas up to 80 acres in size, representing no less than 25 percent of the five-acre grids. Land application areas larger than 80 acres will have 25 percent of the five-acre squares randomly sampled. The five-acre squares will be sampled by dividing the square into quadrants and ~~obtaining a composite grab sample will be collected~~ from ~~each of~~ the four quadrants. The number of composite samples for each land application area must be determined by multiplying the number of five-acre squares by ~~0.25 25 percent~~ and rounding to the nearest whole number.

TABLE 1:--SAMPLE NUMBER DETERMINATION

LAND APPLICATION AREA (ACRES) <u>(A)</u>	NUMBER OF FIVE ACRE SQUARES <u>(N)</u>	NUMBER OF SAMPLES <u>(S)</u>
5	N/A	<u>41</u>
10	N/A	<u>42</u>
15	N/A	<u>43</u>
20	N/A	4
40	8	4
60	12	4
80	16	4
100	20	5
120	24	6
140	28	7
160	32	8
A	N=A/5	S=N/4

The sample locations must be determined by assigning consecutive numbers to each five-acre square. ~~A five-acre square can only be counted if 50 percent or more of the land application area makes up its area.~~ A series of random numbers must be generated using a computer spreadsheet program ~~or a random number table~~. The numbered five-acre squares that correspond to the random numbers must be sampled until the required number of samples is obtained. ~~This sampling plan is designed to statistically represent agrichemical concentrations in the land application areas by sampling no less than 20 percent of the five-acre squares in a field larger~~

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

~~than 80 acres.~~

The laboratory results must be evaluated to determine the mean concentration and standard deviation of the sample. The value of the concentration reported as present but below detection limit will be used in the calculations. A value of zero will be used for results that are reported as non-detectable. ~~The laboratory results, mean concentration, and standard deviation will be included in the closure report submitted to the Department.~~

All ~~land field~~ application area samples must be collected from the soil profile, starting at the soil surface and extending to a depth specified in Section 258.90 of this Part ~~no greater than six inches.~~

(Source: Section 258.APPENDIX D renumbered from Section 258.APPENDIX C and amended at 26 Ill. Reg. 17155, effective November 18, 2002)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
112.251	Amendment
112.252	Amendment
112.253	Amendment
112.254	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 5) Effective Date of Amendments: November 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) Notice of Proposal Published in Illinois Register: July 12, 2002 (26 Ill. Reg. 10190)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.78	Amendment	26 Ill. Reg. 14416, October 4, 2202
112.83	Amendment	26 Ill. Reg. 14416, October 4, 2002

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: A change in State law has authorized an increase in the cash assistance payment levels. As a result, this rulemaking increases the payment levels for Group I, Group II, and Group III Counties. This increase is effective for all Refugee and TANF cases beginning with the July 2002 cash assistance payments.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert Doyle, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

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

SUBPART F: EXCHANGE PROGRAM

Section

112.98	Exchange Program (Repealed)
--------	-----------------------------

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	Income Limit

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels
112.252	Payment Levels in Group I Counties
112.253	Payment Levels in Group II Counties
112.254	Payment Levels in Group III Counties
112.255	Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Reporting Requirements for Clients with Earnings
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
112.308	Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
112.309	Institutional Status
112.310	Child Care for Representative Payees
112.315	Young Parents Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section	
112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002.

SUBPART H: PAYMENT AMOUNTS

Section 112.251 Payment Levels

- a) The Payment Levels are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:
 - 1) the number in the assistance unit except as specified in subsection (b) of this Section below;
 - 2) the presence or absence of an adult in the assistance unit; and
 - 3) the grouping of the county in which the assistance unit lives.
- b) Effective January 1, 1996 cash assistance will not increase solely because of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. Medicaid coverage, food stamps and child care are not included in the cap.

- 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
 - A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 - B) for cases active as of January 1, 1996 the birth occurs within ten months after the date of implementation (by October 31, 1996);
 - C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
 - D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
 - E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
 - F) the child (including all children in the case of multiple births) was born to a minor included in the grant who became a first-time minor parent.
- c) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.
- d) ~~All rounding in determining payment levels is done by rounding down to the next whole dollar amount.~~

(Source: Amended at 26 Ill. Reg. 17182, effective November 15, 2002)

Section 112.252 Payment Levels in Group I Counties

- a) The following Payment Levels are established for Group I Counties.
- b) The counties included in Group I are:

Boone
Champaign

Kane
Kankakee

Ogle
Whiteside

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
Dupage	McHenry	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVES AND CHILD OR CHILDREN	CHILD OR CHILDREN ONLY
1	<u>223212</u>	<u>107402</u>
2	<u>292278</u>	<u>211201</u>
3	<u>396377</u>	<u>261249</u>
4	<u>435414</u>	<u>335319</u>
5	<u>509485</u>	<u>398379</u>
6	<u>572545</u>	<u>427407</u>
7	<u>603574</u>	<u>460438</u>
8	<u>634604</u>	<u>492469</u>
9	<u>667635</u>	<u>528503</u>
10	<u>702669</u>	<u>565538</u>
11	<u>740705</u>	<u>605576</u>
12	<u>778741</u>	<u>645614</u>
13	<u>820781</u>	<u>689</u>
14	<u>863822</u>	<u>734</u>
15	<u>909866</u>	<u>781</u>
16	<u>957911</u>	<u>833</u>
17	<u>1,007959</u>	<u>885</u>
18	<u>1,0614010</u>	

- e) ~~For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50 or \$38, respectively, for each person above 18 or 12.~~

(Source: Amended at 26 Ill. Reg. 17182, effective November 15, 2002)

Section 112.253 Payment Levels in Group II Counties

- a) The following Payment Levels are established for Group II Counties.
 b) The counties included in Group II are:

Adams	Lee	Stephenson
Bureau	Livingston	Tazewell
Carroll	Logan	Vermilion
Clinton	Macon	Wabash

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Coles	Macoupin	Warren
DeWitt	Madison	Will
Douglas	McDonough	
Effingham	McLean	
Ford	Mercer	
Fulton	Monroe	
Grundy	<u>Morgan</u>	
Henry	Moultrie	
Iroquois	Peoria	
Jackson	Piatt	
Jo Daviess	Putnam	
Knox	Rock Island	
LaSalle	Sangamon	
	St. Clair	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVES AND CHILD OR CHILDREN	CHILD OR CHILDREN ONLY
1	<u>214204</u>	<u>10297</u>
2	<u>282269</u>	<u>204194</u>
3	<u>383365</u>	<u>254242</u>
4	<u>423403</u>	<u>327311</u>
5	<u>495471</u>	<u>387369</u>
6	<u>555529</u>	<u>417397</u>
7	<u>585557</u>	<u>448427</u>
8	<u>617588</u>	<u>482459</u>
9	<u>650619</u>	<u>516491</u>
10	<u>684651</u>	<u>551525</u>
11	<u>719685</u>	<u>589561</u>
12	<u>757721</u>	<u>629599</u>
13	<u>798760</u>	<u>665</u>
14	<u>839799</u>	<u>710</u>
15	<u>883841</u>	<u>756</u>
16	<u>930886</u>	<u>805</u>
17	<u>981934</u>	<u>856</u>
18	<u>1,031982</u>	

- e) ~~For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48 or \$38, respectively, for each person above 18 or 12.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 17182, effective November 15, 2002)

Section 112.254 Payment Levels in Group III Counties

- a) The following Payment Levels are established for Group III Counties.
 b) The counties included in Group III are:

Alexander	Edgar	Jasper	Montgomery	Shelby
Bond	Edwards	Jefferson	Perry	Stark
Brown	Fayette	Jersey	Pike	Union
Calhoun	Franklin	Johnson	Pope	Washington
Cass	Gallatin	Lawrence	Pulaski	Wayne
Christian	Greene	Marion	Randolph	White
Clark	Hamilton	Marshall	Richland	Williamson
Clay	Hancock	Mason	Saline	
Crawford	Hardin	Massac	Schuyler	
Cumberland	Henderson	Menard	Scott	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVES AND CHILD OR CHILDREN	CHILD OR CHILDREN ONLY
1	<u>182173</u>	<u>9994</u>
2	<u>270257</u>	<u>197488</u>
3	<u>366349</u>	<u>249237</u>
4	<u>408389</u>	<u>317302</u>
5	<u>476453</u>	<u>377359</u>
6	<u>537511</u>	<u>406387</u>
7	<u>565538</u>	<u>435414</u>
8	<u>594566</u>	<u>467445</u>
9	<u>627597</u>	<u>501477</u>
10	<u>659628</u>	<u>536510</u>
11	<u>695662</u>	<u>572545</u>
12	<u>731696</u>	<u>610581</u>
13	<u>770733</u>	<u>635</u>
14	<u>810771</u>	<u>678</u>
15	<u>853812</u>	<u>723</u>
16	<u>898855</u>	<u>771</u>
17	<u>945900</u>	<u>821</u>
18	<u>995948</u>	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) ~~For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48 or \$36, respectively, for each person above 18 or 12.~~

(Source: Amended at 26 Ill. Reg. 17182, effective November 15, 2002)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
114.350	Amendment
114.351	Amendment
114.352	Amendment
114.353	Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and Public Act 92-538
- 5) Effective Date of Amendments: November 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) Notice of Proposal Published in Illinois Register: July 12, 2002 (26 Ill. Reg. 10192)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rulemaking: A change in State law has authorized an increase in the cash assistance payment levels. As a result, this rulemaking increases the payment levels for Group I, Group II, and Group III Counties. This increase is effective for all General Assistance – Family and Children Assistance cases beginning with the July 2002 cash assistance payments.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Robert Doyle, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 ~~Work and Training Programs Project Chance Participation/Cooperation Requirements (Renumbered)~~
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants ~~Receiving Income On Date of Application And/Or Date of Decision~~
- 114.203 Initial Receipt of Unearned Income
- 114.204 Termination of Unearned Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for <u>for</u> Contractual Employees
114.247	Budgeting Earned Income for <u>for</u> Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 ~~Retrospective~~ Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)
- 114.516 Fees for Service for Transitional Child Care (Repealed)
- 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and Public Act 92-538.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002)

SUBPART F: PAYMENT AMOUNTS

Section 114.350 Payment Levels

- a) The payment levels for GA cases are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:
- 1) the number in the assistance unit;
 - 2) the presence or absence of an adult in the assistance unit;
 - 3) the grouping of the county in which the assistance unit lives.
- b) ~~All rounding in determining payment levels is done by rounding down to the next whole dollar amount.~~
- be) Local governmental units which receive State state-funds and whose administration is thus subject to the Department's supervision may not establish payment levels whose amounts exceed the payment standards established herein without prior permission of the Department. Such permission will be granted only if proper administrative controls and agreements can be established which will insure that the Department will not thereby be required to expend more funds than it would have expended had the payment levels in this Part been employed by the local governmental unit.

(Source: Amended at 26 Ill. Reg. 17198, effective November 15, 2002)

Section 114.351 Payment Levels in Group I Counties

- a) The following payment levels are established for the GA Program.
- b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
Dupage	McHenry	

- 1) Family and Children Assistance Case Payment Levels

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVE AND CHILD OR CHILDREN CURRENT	CHILD ONLY CURRENT
1	<u>223212</u>	<u>107102</u>
2	<u>292278</u>	<u>211201</u>
3	<u>396377</u>	<u>261249</u>
4	<u>435414</u>	<u>335319</u>
5	<u>509485</u>	<u>398379</u>
6	<u>572545</u>	<u>427407</u>
7	<u>603574</u>	<u>460438</u>
8	<u>634604</u>	<u>492469</u>
9	<u>667635</u>	<u>528503</u>
10	<u>702669</u>	<u>565538</u>
11	<u>740705</u>	<u>605576</u>
12	<u>778741</u>	<u>645614</u>
13	<u>820781</u>	<u>689</u>
14	<u>863822</u>	<u>734</u>
15	<u>909866</u>	<u>781</u>
16	<u>957911</u>	<u>833</u>
17	<u>1,007959</u>	<u>885</u>
18	<u>1,0611010</u>	

- 2) The Transitional Assistance case payment level in Group I Counties ~~counties~~ is \$100.
- e) ~~For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50 or \$38 respectively for each person above 18 or 12.~~

(Source: Amended at 26 Ill. Reg. 17198, effective November 15, 2002)

Section 114.352 Payment Levels in Group II Counties

- a) The following payment levels are established for the GA Program in Group II Counties.
- b) The counties included in Group II are:

Adams	Lee	St. Clair
Bureau	Livingston	Stephenson
Carroll	Logan	Tazewell
Clinton	Macon	Vermilion

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Coles	Macoupin	Wabash
DeWitt	Madison	Warren
Douglas	McDonough	Will
Effingham	McLean	
Ford	Mercer	
Fulton	Monroe	
Grundy	Morgan	
Henry	Moultrie	
Iroquois	Peoria	
Jackson	Piatt	
Jo Daviess	Putnam	
Knox	Rock Island	
LaSalle	Sangamon	

1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVE AND CHILD OR CHILDREN CURRENT	CHILD OR CHILDREN ONLY CURRENT
1	<u>214160</u>	<u>10297</u>
2	<u>282269</u>	<u>204194</u>
3	<u>383365</u>	<u>254242</u>
4	<u>423403</u>	<u>327311</u>
5	<u>495471</u>	<u>387369</u>
6	<u>555529</u>	<u>417397</u>
7	<u>585557</u>	<u>448427</u>
8	<u>617588</u>	<u>482459</u>
9	<u>650619</u>	<u>516491</u>
10	<u>684651</u>	<u>551525</u>
11	<u>719685</u>	<u>589561</u>
12	<u>757721</u>	<u>629599</u>
13	<u>798760</u>	<u>665</u>
14	<u>839799</u>	<u>710</u>
15	<u>883841</u>	<u>756</u>
16	<u>930886</u>	<u>805</u>
17	<u>981934</u>	<u>856</u>
18	<u>1,031982</u>	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) The Transitional Assistance case payment level in Group II Counties ~~counties~~ is \$100.
- e) ~~For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.~~

(Source: Amended at 26 Ill. Reg. 17198, effective November 15, 2002)

Section 114.353 Payment Levels in Group III Counties

- a) The following payment levels are established for the GA Program in Group III Counties.
- b) The counties included in Group III are:

Alexander	Edgar	Jasper	Montgomery	Shelby
Bond	Edwards	Jefferson	Perry	Stark
Brown	Fayette	Jersey	Pike	Union
Calhoun	Franklin	Johnson	Pope	Washington
Cass	Gallatin	Lawrence	Pulaski	Wayne
Christian	Greene	Marion	Randolph	White
Clark	Hamilton	Marshall	Richland	Williamson
Clay	Hancock	Mason	Saline	
Crawford	Hardin	Massac	Schuyler	
Cumberland	Henderson	Menard	Scott	

- 1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVE AND CHILD OR CHILDREN CURRENT	CHILD OR CHILDREN ONLY CURRENT
1	<u>182154</u>	<u>9994</u>
2	<u>270257</u>	<u>197188</u>
3	<u>366349</u>	<u>249237</u>
4	<u>408389</u>	<u>317302</u>
5	<u>476453</u>	<u>377359</u>
6	<u>537511</u>	<u>406387</u>
7	<u>565538</u>	<u>435414</u>
8	<u>594566</u>	<u>467445</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

9	<u>627597</u>	<u>501477</u>
10	<u>659628</u>	<u>536540</u>
11	<u>695662</u>	<u>572545</u>
12	<u>731696</u>	<u>610584</u>
13	<u>770733</u>	<u>635</u>
14	<u>810774</u>	<u>678</u>
15	<u>853812</u>	<u>723</u>
16	<u>898855</u>	<u>771</u>
17	<u>945900</u>	<u>821</u>
18	<u>995948</u>	

- 2) The Transitional Assistance case payment level in Group III Counties ~~counties~~ is \$100.
- e) ~~For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.~~

(Source: Amended at 26 Ill. Reg. 17198, effective November 15, 2002)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

Salazar, 98C2930, Federal District Court, N.D. Illinois, Eastern Division. As a result of this amendment, the parties may participate more fully in the request for review process.

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

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago IL 60601
Telephone number: 312-814-1906
T.D.D.: 312-263-1579

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

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER X: DEPARTMENT OF HUMAN RIGHTSPART 926
ACCESS TO INFORMATION

SUBPART A: GENERAL PROVISIONS

Section	
926.10	Summary and Purpose (Repealed)
926.20	Definitions (Renumbered)
926.110	Publications (Repealed)
926.120	Speakers Bureau (Repealed)
926.130	Requests and Inquiries (Repealed)
926.200	Definitions
926.210	Investigation Records and Files
926.220	Conciliation Records (Repealed)
926.230	Public Contracts Records
926.231	Other Record Systems
926.235	Access by Government Agencies
926.236	Copies
926.240	Other Record Systems (Renumbered)

SUBPART B: FOIA

926.250	Requests for Access to Records
926.260	Response to Request
926.270	Appeal of Denial of Access
926.280	Copies (Renumbered)
926.290	Access by Governmental Agencies (Renumbered)

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Freedom of Information Act [5 ILCS 140], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

SOURCE: Access to Records rules adopted November 17, 1975, by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981;

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

amended at 7 Ill. Reg. 7940, effective July 1, 1983; repealed by operation of law October 1, 1984; new rules adopted at 8 Ill. Reg. 20678, effective October 10, 1984; amended at 18 Ill. Reg. 512, effective January 4, 1994; expedited correction at 20 Ill. Reg. 7559, effective January 4, 1994; amended at 22 Ill. Reg. 1346, effective December 29, 1997; amended at 26 Ill. Reg. 17212, effective November 18, 2002.

SUBPART A: GENERAL PROVISIONS

Section 926.210 Investigation Records and Files

- a) All contents of files maintained by the Department pertaining to charges shall be confidential and not subject to public disclosure. The only exceptions are as follows:
- 1)a) ~~The~~ ~~the~~ parties to a charge may request permission to inspect portions of a file, pursuant to subsection (b) of this Section, excluding:
 - A)1) internal memoranda;
 - B)2) work papers and draft documents;
 - C)3) fact finding conference notes and EEOC investigator's notes , ~~including staff notes~~;
 - D)4) materials reflecting the deliberative processes, mental impressions, or legal theories and advice of the Department;
 - E)5) material generated in preparation for judicial or administrative proceedings;
 - F)6) ~~notes concerning confidential witnesses and/or~~ the identities of ~~any~~ confidential witnesses; and
 - G)7) ~~any~~ documents maintained by the Department pertaining to conciliation, mediation, or other settlement effort conducted upon any charge, including but not limited to any reports furnished to or prepared by the Department in connection with such conciliation efforts, unless all parties and the Department agree in writing to disclosure and to the persons to whom they may be disclosed.
- ~~Parties to a charge may inspect materials which are disclosable pursuant to this subsection only after all of the allegations of the charge have been disposed of by the following: filing of a complaint; dismissal of allegations and no request for review; approval of terms of settlement by the Human Rights Commission; or entry of an order of default by the Human Rights Commission based on a petition for default filed by the Department;~~
- b) ~~the Department may acknowledge publicly the existence of a charge, the names of the parties and the stage of proceedings at which it is pending;~~
 - 2)e) After ~~after~~ the filing of a complaint with the Commission or the institution of judicial proceedings involving a charge, the Director may release

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

information pertaining to the charge if:

~~A)1)~~ such information is requested of the Department; or

~~B)2)~~ the Director finds such information newsworthy, useful in education or training materials, relevant to an issue before the General Assembly, or similarly appropriate for disclosure;

~~3)4)~~ If ~~if~~ the Director determines that the disclosure of such information is in the public interest, at any stage of the proceedings, the Director may authorize release; however, documents ~~that which~~ are privileged pursuant to subsection (a)(1) of this Section may not be disclosed unless the Director finds in writing that disclosure would be in the public interest;

- b) Parties to a charge may inspect materials that are disclosable pursuant to subsection (a)(1) of this Section upon making arrangements with the Department at any time subsequent to:
- 1) Written notification of substantial evidence, notice of default, or notice of dismissal;
 - 2) Administrative closure; or
 - 3) Approval of terms of settlement by the Human Rights Commission.
- c) During Request for Review proceedings, the Department's Chief Legal Counsel may inspect the Department's investigation file, except for documents listed in subsections (a)(1)(A) through (E) and (G) of this Section. The Chief Legal Counsel may review documents listed in subsection (a)(1)(F) of this Section.
- d) The Department may acknowledge publicly the existence of a charge, the names of the parties and the stage of the proceedings at which it is pending.
- e) Notwithstanding ~~notwithstanding~~ any other provision of this Section, the Director may assert a privilege with respect to any item available for inspection by a party under this Section ~~hereunder~~ if disclosure might jeopardize or prejudice pending proceedings or reveal the identity of a confidential informant, or if such item otherwise qualifies for a privilege against disclosure under applicable law.

(Source: Amended at 26 Ill. Reg. 17212, effective November 18, 2002)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of Human Rights
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2520.573	Amendment
2520.575	Amendment
2520.580	Amendment
2520.583	Amendment
2520.585	Amendment
2520.587	Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- 5) Effective date of Amendments: November 18, 2002
- 6) Will these amendments 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 Proposed Amendment was published in the Illinois Register: August 9, 2002; 26 Ill. Reg. 12118
- 10) Has JCAR has issued a Statement of Objection to these amendments? No
- 11) Differences between the proposal and the 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 any emergency amendments currently in effect? No

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments: These adopted amendments codify changes to the request for review procedures. These changes are being made because of an injunction in *Cooper v. Salazar*, 98C2930, Federal District Court, N.D. Illinois, Eastern Division. As a result of these adopted amendments, the parties may participate more fully in the request for review process.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago IL 60601
312-814-1906
T.D.D.: 312-263-1579

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

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: SETTLEMENTS

Section

2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section

2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

SUBPART F: REQUESTS FOR REVIEW

2520.573	Filing with Chief Legal Counsel
2520.575	Contents of for -Request for Review
2520.577	Notice by the Chief Legal Counsel
2520.580	Extensions of Time Extension of time
2520.583	Reply to Request for Review and Surreply
2520.585	Additional Investigation
2520.587	Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section

2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements
2520.650	Training and Technical Assistance
2520.660	Promotion of Communication and Goodwill

SUBPART ~~H-G~~: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
BY STATE EXECUTIVE AGENCIES

Section

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

APPENDIX A Contents of Affirmative Action Plans

APPENDIX B Value Weight Assignment Chart

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective October 10, 1997; amended at 26 Ill. Reg. 17217, effective November 18, 2002.

SUBPART F: REQUESTS FOR REVIEW

Section 2520.573 Filing with Chief Legal Counsel

For charges filed on or after January 1, 1996:

- a) Aa Complainant may request review by the Chief Legal Counsel of a

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

determination by the Director to dismiss one or more allegations of a charge for that:

- 1) lack of there is no substantial evidence;
 - 2) the Department lack lacks of jurisdiction;
 - 3) a charge should be dismissed for failure of a Complainant to proceed; or
 - 4) a charge should be dismissed for failure of a Complainant to accept a settlement offer.
- b) A a Respondent may request review by the Chief Legal Counsel of a decision by the Director to issue a notice of default.
- c) Any such request for review must be filed with the Chief Legal Counsel at the Department's Chicago office within 30 days after receipt of the Department's notice of the its decision.
- d) Neither the parties nor the Department may communicate directly or indirectly with the Chief Legal Counsel or staff attorney assigned to a request for review in connection with any issue, except in writing with copies to all parties and the Department.
- e) If resources permit, the Chief Legal Counsel shall not assign a request for review to the staff attorney who has conducted the substantial evidence review. The Chief Legal Counsel shall have sole discretion over assignment of requests for review.

(Source: Amended at 26 Ill. Reg. 17217, effective November 18, 2002)

Section 2520.575 Contents of Request for Review

A request for review must state the reasons the party disagrees with the Director's decision. A request for review may also present relevant or supporting documents and/or identify witnesses with direct knowledge and state how to contact each named witness. The party should state how each document and/or witness is relevant to the request for review. If such names or documents were not previously provided to the Department, in order for them to be considered, good cause must be shown for not providing such names or documents during the Department's investigation.

(Source: Amended at 26 Ill. Reg. 17217, effective November 18, 2002)

Section 2520.580 Extensions of Time

- a) For good cause shown, a party may request in writing an extension of time to file a request for review, reply or surreply of no more than 14 days. Requests for extensions of time must be filed with the Chief Legal Counsel no later than the original deadline for filing the request for review and will be granted if the Chief

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- Legal Counsel determines that good cause has been established.
- b) To determine whether there is good cause for extensions, the Chief Legal Counsel will consider, among other factors:
- 1) complexity of the issues;
 - 2) death or serious illness of a party or a party's representative; and
 - 3) death or serious illness of an immediate family member of a party or a party's representative.
- c) Such determinations shall be ~~sent mailed to all parties and the Department the party who has filed the request for an extension~~
- d) If a party files a timely request for an extension that is granted but does not file a request for review, ~~reply or surreply~~ on or before the extended deadline, the Chief Legal Counsel will consider the ~~pleading request for review~~ to be one filed without evidence or argument.

(Source: Amended at 26 Ill. Reg. 17217, effective November 18, 2002)

Section 2520.583 Reply to Request for Review and Surreply

- a) Reply. When a party files a timely request for review, the Chief Legal Counsel may request other parties and the Department to submit a reply to the request for review. Such reply must be ~~filed received~~ within 14 days after the request by the Chief Legal Counsel. The reply must be served on all other parties and proof of service must be provided or the Chief Legal Counsel cannot consider it. Replies should be limited to the issues raised in the request for review.
- b) Surreply. If a reply to a request for review is timely filed with the Department, the party requesting review may file a surreply to the reply with the Chief Legal Counsel within 14 days after the deadline for filing the reply. The surreply must be served on all other parties and proof of service must be provided or the Chief Legal Counsel cannot consider it. Surreplies should be limited to the issues raised in the reply.

(Source: Amended at 26 Ill. Reg. 17217, effective November 18, 2002)

Section 2520.585 Additional Investigation

- a) If the Chief Legal Counsel requests additional investigation pursuant to Section 7-101.1(B) of the Act, all parties and the Department shall be:
- 1) informed of the request in writing;
 - 2) informed of the results of the additional investigation and provided copies of any documents submitted in response to the additional investigation;

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- and
3) given 14 days to file a supplemental request for review, reply and surreply to address the results of the additional investigation.
- ba) If the ~~Director or staff attorney conducts~~ additional investigation pursuant to Section 7-101.1(B) of the Act that affects the findings of the Chief Legal Counsel, the pertinent parts of the such investigation shall be included in the order entered pursuant to Section 2520.587 of this Part.
- cb) Before assigning a request for review to a staff attorney for additional investigation or any other work, the Chief Legal Counsel will consider whether the staff attorney has conducted a substantial evidence review of that charge. ~~If resources permit, the Chief Legal Counsel shall not assign a request for review to the staff attorney who has conducted the substantial evidence review. The Chief Legal Counsel shall have sole discretion over assignment of requests for review.~~

(Source: Amended at 26 Ill. Reg. 17217, effective November 18, 2002)

Section 2520.587 Decision

If, after a de novo review of the Director's decision to dismiss a charge or issue a Notice of Default, the Chief Legal Counsel determines that the Director's decision should be sustained, he/she shall enter an order stating the findings and reasons for that determination~~therefor~~. Otherwise, the Chief Legal Counsel shall order that the dismissal or default be vacated and either that the charge be returned to the Charge Processing Division of the Department for additional work or ~~that~~ a substantial evidence finding be entered. The Chief Legal Counsel shall immediately cause the order to be served on the Director and all parties to the charge. In the case of a default that is sustained, a copy of the order shall also be served on the Human Rights Commission, so that it may conduct further proceedings pursuant to Section 7-101.1(C) of the Act.

(Source: Amended at 26 Ill. Reg. 17217, effective November 18, 2002)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act – Registered Professional Nurse and Licensed Practical Nurse
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1300.20	Amendment
1300.25	Amendment
1300.30	Amendment
1300.35	Amendment
1300.40	Amendment
1300.44	Amendment
- 4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65]
- 5) Effective Date of Amendments: November 18, 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: June 21, 2002, 26 Ill. Reg. 8728
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Proposed Section 1300.80 providing for a nursing survey was deleted from this rulemaking and will be proposed at a later date. Various technical, nonsubstantive changes were also 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 these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Public Act 92-39, effective June 29, 2001, states that if the licensure examination is not passed within 3 years of the date of application, the applicant shall not be allowed to retake the exam without reCompleting the nursing education program or completing an approved remedial nursing program; this rulemaking implements this provision and clarifies that it does not apply to applicants already licensed in another jurisdiction. Changes are also made to various sections to clarify that work histories and certifications are required from the last 5 years rather than since originally licensed. Section 1300.40 is amended to require that RN curriculums must include starting intravenous therapy, while Section 1300.44 permits LPN curriculum to include starting IV therapy. Section 1300.40 also clarifies that all programs approved through the National League of Nursing or the Commission on Collegiate Accreditation meet our requirements except for those programs whose curriculums do not include a concurrent theory and clinical practice education component.
- 16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax #: 217/782-7645

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1300
NURSING AND ADVANCED PRACTICE NURSING ACT -
REGISTERED PROFESSIONAL NURSE AND LICENSED PRACTICAL NURSE

Section

1300.10	Definitions
1300.15	Fees
1300.20	Application for Examination or Licensure
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination (Repealed)
1300.30	Licensure by Endorsement
1300.35	Remedial Education
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.65	Unethical or Unprofessional Conduct in Nursing Practice
1300.70	Fines
1300.75	Refusal to Issue a Nurse License Based on Criminal History Record
APPENDIX A	Minimal Skills List for Registered Professional Nurses
APPENDIX B	Minimal Assignment List for Registered Professional Nurses
APPENDIX C	Minimal Skills List for Licensed Practical Nurses
APPENDIX D	Minimal Assignment List for Licensed Practical Nurses

AUTHORITY: Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171,

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. 13552, effective September 19, 1995; amended at 22 Ill. Reg. 3895, effective February 5, 1998; amended at 22 Ill. Reg. 19273, effective October 13, 1998; amended at 24 Ill. Reg. 1191, effective January 4, 2000; amended at 25 Ill. Reg. 3850, effective March 1, 2001; amended at 26 Ill. Reg. 17225, effective November 18, 2002.

Section 1300.20 Application for Examination or Licensure

- a) Each applicant shall file, with the Department of Professional Regulation (Department) or the testing service designated by the Department ~~of Professional Regulation (the Department)~~, a completed, signed application, on forms supplied by the Department, ~~that which~~ includes:
- 1) proof of graduation from a nursing education program that meets the requirements of Section 1300.40 of this Part;
 - ~~2) signature of the Director of the nursing education program or other person designated by the Director of the nursing education program;~~
 - ~~23) a complete work history within the last 5 years since graduation~~ from a practical nurse education program or a professional nurse education program, whichever came first;
 - ~~34) verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1300.15. Fingerprints shall be taken within the 60 days prior to application;~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ~~45)~~ the required fees set forth in Section 1300.15 of this Part;
- ~~56)~~ proof of passage for registered professional nurse applicants of:
- A) the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination for all persons applying after January 1, 1984, who completed a nursing education program in a country other than the United States or its territories; or
 - B) the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test for those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories and determined by the Board educationally prepared in nursing;
- ~~67)~~ official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service. This education must meet the standards set forth in Section 1300.40; and
- ~~78)~~ verification certification, on forms provided by the Department, from the jurisdictions jurisdiction(s) in which the applicant was originally licensed, current state of licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years, has ever been licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted under Section 5-15(g) or (i) of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses course(s) in an approved nursing education program.
- c) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the Director of nursing education shall include an explanation in the certification.
- d) Pursuant to Section 10-35 of the Act, when an applicant has completed a nonapproved program that is a correspondence course or a program of nursing that does not require coordinated or concurrent theory and clinical practice, the Department may grant a license to an applicant who has applied in accordance

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

with subsection (a) and who has received an advanced graduate degree in nursing from an approved program with concurrent theory and clinical practice or who is currently licensed in another state and has been actively practicing in clinical nursing for a minimum of 2 years. Clinical practice for purposes of this Section means nursing practice that involves direct physical (psychomotor and psychosocial) patient (client) care with an acute care facility.

- 1) Clinical practice areas that would meet the requirements for clinical practice include the following:
 - A) Adult Medical Surgical Nursing
 - B) Pediatric Nursing
 - C) Maternity Nursing
 - D) Emergency Nursing
 - E) Critical Care Nursing
 - F) Post-Anesthesia Care Nursing
- 2) Clinical practice shall not include:
 - A) Telephone or Triage Nursing
 - B) Patient Education (i.e., diabetic education)
 - C) Patient Counseling
- 3) A year of clinical practice consists of not less than 1500 hours of direct patient care.
- 4) The Board of Nursing will review clinical practice documentation that does not meet the requirements of this subsection (d).
- e) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.
- f) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.
- g) If an applicant has taken and passed the National Council Licensure Examination (NCLEX) in accordance with Section 1300.25 of this Part, the applicant shall file an application in accordance with subsection (a) ~~above~~ and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 26 Ill. Reg. 17225, effective November 18, 2002)

Section 1300.25 The Licensure Examination

- a) The Board of Nursing (~~Board the "Board"~~) shall make recommendations to the Department regarding content, design, and contractor for a licensure examination. A licensure examination contract shall be negotiated and approved by the Department of Professional Regulation.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) Registered Professional Nurse Examination
- 1) The passing grade on the National Council Licensure Examination (NCLEX) for registered professional nurses shall be based on an ability scale designed to measure minimum professional nurse competency. A pass/fail grade will be assigned.
 - 2) A registered professional nurse applicant who fails the examination is not eligible for licensure. If ~~the such~~ applicant has been practicing professional nursing under Section 5-15(i) of the Act, ~~the such~~ applicant shall discontinue ~~such~~ practice until a passing grade is achieved on the examination and a license has been received from the Department.
 - 3) If the examination is not passed within 3 ~~three~~ years from the date of ~~application the first examination taken~~, regardless of jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until such time as the applicant has successfully recompleted the entire approved nursing education program as set forth in Section 1300.40(f)(9) or completion of an approved remedial nursing education program or course as set forth in Section 1300.35. Upon successful completion of the approved nursing education program or remedial program or course, the applicant shall submit proof to the Department. This subsection (b)(3) does not apply to applicants who are licensed in another jurisdiction that utilizes the examination set forth in 68 Ill. Adm. Code 1320.25.
 - 4) If 3 ~~three~~ years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Department pursuant to Section 10-30 of the Act and provide evidence of meeting the requirements in force at the time of the new application.
- c) Licensed Practical Nurse Examination
- 1) The passing grade on the National Council Licensure Examination (NCLEX) for licensed practical nurses shall be based on an ability scale designed to measure minimum licensed practical nurse competency. A pass/fail grade will be assigned.
 - 2) A licensed practical nurse applicant who fails the examination is not eligible for licensure. If ~~the such~~ applicant has been practicing as a licensed practical nurse under Section 5-15(g) of the Act, ~~the such~~ applicant shall discontinue ~~such~~ practice until a passing grade has been achieved on the examination and a license has been received from the Department.
 - 3) If the examination is not passed within 3 ~~three~~ years from the date of the first examination taken, regardless of the jurisdiction in which the examination was written, the applicant shall not be permitted to retake the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

examination until such time as the applicant has successfully recompleted the entire approved nursing education program as set forth in Section 1300.40(f)(10) or completed an approved remedial licensed practical nurse education program or course as set forth in Section 1300.35. Upon successful completion of the approved nursing education program or remedial program or course, the applicant shall submit proof to the Department. This subsection (c)(3) does not apply to applicants licensed in another jurisdiction that utilizes the examination set forth in 68 Ill. Adm. Code 1320.25.

- 4) If ~~3 three~~ years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Department pursuant to Section 10-30 of the Act.
- d) Eligibility for Licensed Practical Nurse Examination
Any candidate who is unable to pass the registered professional nurse examination will not be permitted to write the practical nurse examination until or unless ~~that such~~ applicant has graduated from an approved practical nursing education program.

(Source: Amended at 26 Ill. Reg. 17225, effective November 18, 2002)

Section 1300.30 Licensure by Endorsement

- a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Department. The application shall include:
- 1) the required fee in Section 1300.15 of this Part;
 - 2) proof of graduation from a nursing education program that meets the requirements of Section 1300.40;
 - 3) proof of passage of an examination recognized by the Department, upon recommendation of the Board (i.e., National Council Licensure Examination for professional nurses or practical nurses, or State Board Test Pool Examination for professional nurses or practical nurses);
 - 4) a complete work history within the last 5 years since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
 - 5) verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out-of-

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1300.15. Fingerprints shall be taken within the 60 days prior to application;

- 6) for registered nurse applicants who received education outside of the United States:
 - A) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination for all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories. An applicant shall be exempt from taking the CGFNS examination if the applicant:
 - i) has passed the examination authorized by the Department as set forth in Section 1300.25;
 - ii) holds an active, unencumbered license in another state; and
 - iii) has been actively practicing for a minimum of 2 years in the other state.Applicants who are exempt from taking the CGFNS examination shall submit a copy of the evaluation (the Nursing and Science Course Report) of nursing education credentials submitted by a Department approved nursing credentialing evaluation service. The Department has determined, upon recommendation of the Board, that the Commission on Graduates of Foreign Nursing Schools is an approved evaluation service;
 - B) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 or 213 on the TOEFL computer based test is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;
- 7) official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received his/her education in the military service. Education must meet the standards for education as set forth in Section 1300.40;
- 8) verification of licensure status from the jurisdiction in which the applicant was originally licensed, current licensure and any other jurisdiction in which the applicant has been actively practicing~~all jurisdictions in which licensure has ever been granted that includes active practice in another~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ~~jurisdiction~~ within the last 5 years; and
- 9) a certified translation for all credentials of education and licensure, if not in English.
- b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.
- c) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required ~~courses~~ ~~course(s)~~ in an approved nursing education program.
- d) Compliance with the provisions of Section 1300.25(b)(3) and (c)(3) for each registered professional nurse applicant and each practical nurse applicant, respectively, shall be a requirement for Illinois nurse licensure by endorsement.
- e) Eligibility for Practical Nurse Endorsement
A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until ~~the such~~ candidate has graduated from an approved practical nursing education program.
- f) Individuals applying for licensure by endorsement may apply to the Department, on forms provided by the Department, to receive a Temporary Endorsement Permit pursuant to Section 10-40 of the Act. ~~The Such~~ permit shall allow the applicant to work pending the issuance of a license by endorsement.
- 1) The temporary endorsement permit application shall include:
- A) a completed, signed endorsement application, along with the required endorsement licensure fee as set forth in Section 1300.15 of this Part. All supporting documents shall be submitted to the Department before a permanent license by endorsement shall be issued;
- B) photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the National Council Network (NCNET) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file;
- C) Verification that fingerprints have been submitted to the Department or the Illinois Department of State Police or its designated agent; and
- D) the fee for a temporary permit as required in Section 1300.15 of this Part.
- 2) The Department shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (f)(1)~~above~~.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Temporary permits shall be terminated upon:
- A) the issuance of a permanent license by endorsement;
 - B) failure to complete the application process within 6 months from the date of issuance of the permit;
 - C) a finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
 - i) felony, or
 - ii) misdemeanor directly related to the practice of nursing within the last 5 years;
 - D) a finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or
 - E) a finding by the Department that the applicant does not meet the licensure requirements for endorsement as set forth in this Section. The Department shall notify the applicant in writing of such termination.

The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (f)(3)(D) and (E) ~~above~~ and/or Section 10-30 of the Act.

- 4) A temporary permit shall be renewed beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship, ~~as defined~~ as below:
- A) serving full-time in the Armed Forces;
 - B) an incapacitating illness as documented by a currently licensed physician;
 - C) death of an immediate family member; or
 - D) extenuating circumstances beyond the applicant's control as approved by the Director.

(Source: Amended at 26 Ill. Reg. 17225, effective November 18, 2002)

Section 1300.35 Remedial Education

Pursuant to Section 10-30 of the Act, no applicant (unless licensed in another jurisdiction) shall be issued a license as a registered nurse or practical nurse unless he/she has passed the examination set forth in Section 1300.25 within 3 years after filing an application completion

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

~~and graduation from an approved nursing program~~, unless ~~the such~~ applicant submits proof of successful completion of the entire nursing education program or one of the following remedial nursing education requirements:

- a) Registered nurse and practical nurse applicants licensed in another U.S. jurisdiction on the basis of successful completion of the national licensure examination may complete the current nursing practice update course set forth in Section 1300.41.
- b) Registered nurse applicants, not licensed in another jurisdiction, may enroll in an approved professional nursing education program's medical/surgical theory and clinical course that includes the content and clinical experiences as set forth in Appendix A (Minimal Skills List for Registered Nurses) and Appendix B (Minimal Assignment List for Registered Nurses) of this Part;.
- c) Practical nurse applicants, not licensed in another jurisdiction, may enroll in an approved practical nursing education program's medical/surgical theory and clinical course that includes the content and clinical experiences as set forth in Appendix C (Minimal Skills List for Licensed Practical Nurses) and Appendix D (Minimal Assignment List for Licensed Practical Nurses) of this Part.
- d) Registered nurse applicants and practical nurse applicants may participate in an individual self-study plan developed by an approved nursing education program in Illinois that includes theory and coordinated clinical practice components.
 - 1) The theory component shall have the following minimum components:
 - A) Assessment of theory learning needs through use of published tests measuring knowledge in medical/surgical nursing, growth and development across the life span and pharmacology;
 - B) Specification by a nursing education program of units of content, objectives and unit plans for study;
 - C) Documented hours equivalent to at least 48 contact hours of theory for registered nurse applicants and 32 contact hours of theory for licensed practical nurse applicants;
 - D) Use of a medical/surgical nursing text currently used in basic nursing education programs;
 - E) A means for demonstrating achievement of objectives.
 - 2) The clinical practice component shall be sponsored by a nursing education program. The clinical practice experience shall include the following minimum components:
 - A) Assessment of skill learning needs, arranged by the applicant with the nursing education program prior to assignment to a unit of the institution;
 - B) Mastery of the registered nurse or practical nurse minimal skills set forth in Appendix A and C of this Part;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- C) Clinical practice component of at least 96 contact hours for registered nurse applicants and 64 contact hours for licensed practical nurse applicants that includes the clinical practice experience set forth in Appendix B and D of this Part; and
 - D) Identification of a faculty member or registered nurse preceptor.
- e) Registered nurse or licensed practical nurse applicants, taking a self-study course approved by another state board, shall have the course approved by the Department in order for the course to be accepted. The clinical practice component of the course must be provided by an Illinois health care delivery institution and must incorporate the Department's minimal requirements for the clinical practice component. The nurse taking the course must make arrangements with the health care delivery institution for the clinical practice component and identification of a registered nurse preceptor.
- f) Individuals may request a review, by the Board of Nursing, of any other pertinent documents or training that are not set forth in this Section for approval as meeting these requirements.

(Source: Amended at 26 Ill. Reg. 17225, effective November 18, 2002)

Section 1300.40 Approval of Programs

- a) Program Approval
- Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure, ~~or~~ change the level of educational preparation of the program, or establish an extension of an existing program shall:
- 1) Submit a letter of intent to the Department.
 - 2) Provide a feasibility study to the Department, on forms provided by the Department, ~~that which~~ includes, at least, documentation of:
 - A) Need for the program in the community;
 - B) Need for graduates of the proposed program;
 - C) Availability of students;
 - D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
 - E) Potential for qualified faculty;
 - F) Adequacy of clinical practicum and academic resources;
 - G) Financial commitment to support the initial and continuing program;
 - H) Community support of the scope and philosophy of the program;
 - I) Authorization by the appropriate education agency of the State of Illinois; and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- J) A timetable for development of the program and the intended date of the first class beginning.
- 3) Identify a qualified nurse administrator with a minimum of a master's degree in nursing and with experience as a nurse educator.
- 4) Submit 15 copies of curriculum proposal including:
 - A) Program philosophy and objectives;
 - B) A plan of organization that is logical and internally consistent;
 - C) Proposed plans of study including requisite and elective courses with rationale;
 - D) Course outlines or syllabi for all nursing courses;
 - E) Student handbook;
 - F) Faculty qualifications;
 - G) Instructional approaches to be employed;
 - H) Evaluation plans for faculty and students; and
 - I) Facilities and utilization plan.

A site visit will be conducted by the Department prior to the program being approved.

b) Continued Program Approval

- 1) Nursing education programs shall submit annual evaluation reports to the Department on forms provided by the Department. These reports shall contain information regarding curriculum, faculty and students and other information as deemed appropriate by the Department.
- 2) Full routine site visits shall be conducted by the Department for periodic evaluation. The visits will be utilized to determine compliance with the Act. Full routine site visits shall be announced. Unannounced site visits may be conducted when the Department obtains evidence that would indicate the program is not in compliance with the Act or this Part.
- 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.
 - A) A pass rate of 75% of first time writers will be required for a school to remain in good standing.
 - B) A nursing education program having an annual pass rate of less than 75% of first time writers for one year will receive a written warning of noncompliance from the Department.
 - C) A nursing education program having an annual pass rate of less than 75% of first time writers for 2 consecutive years will receive a site visit for evaluation and recommendation by the Department and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 1110.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- D) The nursing education program shall have 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
 - E) If 2 years after implementing ~~of~~ the strategies to correct deficiencies in the program the annual pass rate is less than 75%, the program will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 1110.
- c) Major Curricular Revision
Nursing education programs desiring to make a major curricular revision: addition or deletion of content; a substantive change in philosophy or conceptual framework; or length of program shall:
- 1) Submit a letter of intent to the Department; and
 - 2) Submit 15 copies of the proposed changes and new material to the Department, at least one term prior to implementation, for Board recommendation and Department approval in accordance with the standards set forth in subsection (f).
- d) Minor Curricular Revisions
Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Department in their annual report.
- e) Organization and Administration
- 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board);
 - 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Department;
 - 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;
 - 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures;
 - 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and shall be

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- reviewed by members of the program on a regular schedule;
- 6) The philosophy, purpose, and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.
- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy and objectives;
 - 2) Levels of progression in relation to the stated program objectives shall be established;
 - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program objectives;
 - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
 - 5) The entire curriculum shall be based on sound nursing, education and instructional principles;
 - 6) The curriculum may include a Nursing Student Internship/Cooperative Education Course that meets the following minimum requirements:
 - A) The course must be available with the nursing major and identified on the transcript. ~~Must be course available with nursing major and identified on transcript.~~
 - B) Faculty must meet approved nursing education program qualifications and hold faculty status with educational unit.
 - C) Clinical content must be coordinated with theoretical content.
 - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the program and shall work under the direction of a nurse faculty member.
 - E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.
 - F) Course shall be based on program purpose philosophy, objectives and framework.
 - G) Course evaluation shall be consistent with plan for program evaluation.
 - H) Articles of affiliation shall clearly delineate student, educational institution and health care agency roles and responsibilities;
 - 7) The curriculum shall be evaluated by faculty with student input according to a stated plan;
 - 8) The program shall be approved by the appropriate educational agency;
 - 9) Curriculum for professional nursing programs shall:
 - A) Include, at a minimum, concepts in anatomy, physiology,

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the administration of medication, nutrition and diet therapy, patho-physiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;
- B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject matters;
 - C) Provide theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration, and maintenance of health in individuals and groups across the life span and in a variety of clinical settings;
 - D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume beginning level professional nursing positions;
 - F) Be at least 2 academic years in length;
 - G) Prepare the professional nurse to start intravenous therapy;
- 10) Curriculum for the practical nursing programs shall:
- A) Include, at a minimum, basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology, sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.44), nutrition and diet therapy, vocational, legal and ethical aspects of nursing;
 - B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject areas;
 - C) Provide basic theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration, and maintenance of health in individuals and groups across the life span and in a variety of clinical settings;
 - D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills;
 - F) Be at least one academic year in length; and
 - G) If a military program, consist of a minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum as

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

outlined in subsection (f)(10)(A).

- g) Faculty
- 1) The institution responsible for conducting the nursing program and the Nurse Administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
 - 2) Nursing education programs shall be administered by the Nurse Administrator of the nursing education program.
 - 3) The Nurse Administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
 - 4) The Nurse Administrator of a nursing education program shall have at least:
 - A) 2 years experience in clinical nursing practice;
 - B) 2 years of experience as an instructor in a nursing education program; and
 - C) a master's degree or higher with a major in nursing.
 - 5) Nurse faculty of a professional nursing program shall have:
 - A) At least 2 years experience in clinical nursing practice;
 - B) A master's degree or higher with a major in nursing.
 - 6) Nurse faculty of a practical nursing program shall have:
 - A) At least 2 years experience in clinical nursing practice; and
 - B) A baccalaureate degree or higher with a major in nursing.
 - 7) The requirements of subsections (g)(4), (5) and (6) ~~above~~ shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
 - 8) Nurse Administrators of nursing education programs shall be responsible for:
 - A) Administration of the nursing education program;
 - B) Liaison with other units of the sponsoring institution;
 - C) Preparation and administration of the budget;
 - D) Facilitation of faculty development and performance review;
 - E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation;
 - F) Notification to the Department of program changes.
 - 9) Faculty shall be responsible for:
 - A) Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
 - B) Design, implementation and evaluation of curriculum for the nursing education program;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- C) Participation in academic advising of students;
 - D) Development and evaluation of student policies; and
 - E) Evaluation of student performance in meeting the objectives of the program.
- 10) Faculty shall participate in:
- A) Selection, promotion and tenure activities;
 - B) Academic activities of the institution;
 - C) Professional and health related community activities;
 - D) Self-development activities for professional and personal growth;
 - E) Research and other scholarly activities for which qualified; and
 - F) Activities that maintain educational and clinical expertise in areas of teaching.
- 11) Clinical experience must be under direct supervision of qualified faculty as set forth in this subsection (g) or with a registered nurse ~~preceptor~~ ~~perceptor~~. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- 12) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:
- A) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 - B) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- h) Financial Support, Facilities, Records
- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
 - 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
 - 3) Articles of Affiliation
 - A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility ~~that which~~ define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.
 - B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites or by distance learning, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

school.

- 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.
 - 5) There shall be access to learning resource facilities, including library and multi-media technology, that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
 - 6) Cooperating agencies shall be identified to the Department and shall be suitable to meet the objectives of the program.
 - 7) Addition or deletion of cooperating agencies shall be reported in writing to the Department on the program annual report.
 - 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
 - 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Faculty Variance
- 1) The nursing program may request a variance for a faculty member who has not received a master's degree if:
 - A) the faculty member is within one year of completion of the master's in nursing;
 - B) the faculty member is continuously enrolled in the master's in nursing program;
 - C) a plan exists for the timely completion of the master's program; and
 - D) no other faculty members are teaching with a current variance.
 - 2) The Board of Nursing will consider each request for a variance and if a variance is granted the nursing program shall be placed on probation until the faculty member has completed the master's degree. A variance will be granted for one year and consecutive variances will not be granted to any program.
- j) Discontinuance of a Nursing Program
- 1) A nursing education program shall:
 - A) Notify the Department, in writing, of its intent to discontinue its program;
 - B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;
 - C) Notify the Department of the date on which the last student will graduate and the program terminate; and
 - D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- student graduating.
- 2) Upon closure of the nursing education program, the institution shall notify the Department, in writing, of the location of student and graduate records storage.
- k) Disapproval of a Program
- 1) The following are grounds for disapproval of a nursing education program:
 - A) A violation of any provision of the Act;
 - B) Fraud or dishonesty in applying for approval of a nursing education program;
 - C) Failure to continue to meet criteria of an approved nursing education program as set forth in this Section; or
 - D) Failure to comply with recommendations made by the Department as a result of a site visit.
 - 2) Upon written notification of the Department's proposed action, the nursing education program may:
 - A) Submit a written response;
 - B) Request a hearing before the Board.
- l) Out-of-state Education Programs Seeking Student Nurse Clinical Placement in Illinois
- 1) Out-of-state nursing education programs offering clinical experiences in Illinois are expected to maintain the standards for approved nursing education programs set forth in this Section.
 - 2) Programs desiring to seek approval for student nurse clinical placement in Illinois shall submit the following documents:
 - A) Evidence of approval/accreditation by the Board of Nursing or other appropriate approval bodies in the state in which the institution is located.
 - B) A letter requesting approval to provide the clinical offering that indicates the time-frame during which the clinical experience will be conducted, the clinical agencies ~~agency(s)~~ and the clinical units ~~unit(s)~~ to be utilized.
 - C) A course syllabus for the clinical experiences ~~experience(s)~~ to be offered that specifies the related objectives of the offering.
 - D) A copy of the executed contractual agreement between the academic institution and the clinical facility.
 - E) A faculty qualification and/or preceptor form for individuals providing instruction in Illinois.
 - 3) Faculty
 - A) The institution responsible for conducting the nursing program and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

the administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.

- B) Nurse faculty of a professional nursing program shall have:
 - i) at least 2 years experience in clinical nursing practice; and
 - ii) a master's degree or higher with a major in nursing.
- C) Nurse faculty of a practical nursing program shall have:
 - i) at least 2 years experience in clinical nursing practice; and
 - ii) a baccalaureate degree or higher with a major in nursing.
- D) The faculty shall be currently licensed as registered professional nurses in Illinois.
- E) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- F) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience.
 - i) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
 - ii) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- 4) Approval for clinical offerings by out-of-state nursing programs shall be approved for a period of ~~2 two~~ years. A program representative may request renewal of the approval every ~~2 two~~ years. In order to renew, the program shall submit a written report that provides updated and current data as required by this subsection (1).
- 5) A written report of current clinical offerings and current data shall be submitted to the Department annually. Faculty qualification and preceptor forms shall be submitted when instructors are added or changed.
- 6) Failure to comply with the requirements set forth in this Part shall result in the immediate withdrawal of approval of the clinical experience offering.
- m) If the name of the program is changed or the institution in which the program is located or with which it is affiliated changes its name, the program shall notify the Department within 30 days after the of such name change. If the Department is not notified within the 30 days, the program's approval may be withdrawn.
- n) The Department has determined that nurse programs approved through the National League of Nursing or the Commission on Collegiate Accreditation meet the requirements set forth in this Section, except for those programs whose curriculums do not include a concurrent theory and clinical practice education

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

component as required by Section 10-35 of the Act.

(Source: Amended at 26 Ill. Reg. 17225, effective November 18, 2002)

Section 1300.44 Standards for Pharmacology/Administration of Medication Course for Practical Nurses

- a) Approved licensed practical nursing programs shall include a course designed to educate practical nursing students and/or licensed practical nurses to administer medications via oral, topical, subcutaneous, intradermal and intramuscular routes under the direction of a registered professional nurse, licensed physician, or licensed dentist ~~that~~ ~~which~~ contains the following minimum components:
- 1) Prerequisites
 - A) Basic computational math and high school algebra with proficiency in the following concepts, including, but not limited to, ratios and proportions and metric, apothecary and household measurements as documented via examination and/or coursework completed.
 - B) Basic scientific knowledge, including, but not limited to, microbiology/asepsis and anatomy and physiology with a basic understanding of fluid and electrolytes, the inflammatory response, the immune response, and body systems as documented via examination or coursework.
 - 2) Pharmacology
 - A) An introduction to pharmacology including the areas of:
 - i) Terminology and abbreviations
 - ii) Federal and State laws related to pharmacology (e.g., Illinois Controlled Substances Act [720 ILCS 570]; federal Food, Drug and Cosmetic Act (21 USC 360))
 - iii) Drug standards and references (i.e., United States Pharmacopoeia/National Formulary)
 - iv) Generic versus brand name drugs
 - v) Misuse/abuse of drugs
 - B) Classifications of drugs (with commonly used examples) including:
 - i) Action/Physiological effect
 - ii) Interactions
 - iii) Side effects and contraindications
 - iv) Dosages and routes
 - v) Nursing implications (including legal implications)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Administration of Medication
 - A) Following procedures of safety as described in subsections (a)(3)(C), ~~(a)(3)(D)~~, ~~(a)(3)(E)~~, and ~~(a)(3)(F)~~ in administering medications.
 - B) Developmental adaptations for administering medications to patients of all ages.
 - C) Assessment of patient condition.
 - D) Planning for administration of medication including:
 - i) Checking for doctor's order
 - ii) Securing proper equipment
 - iii) Verifying proper packaging of medication
 - E) Implementation of administration of medication including:
 - i) Site selection
 - ii) Verifying route of administration
 - iii) Administering the medication
 - iv) Recording medication administration
 - v) Patient education for compliance
 - F) Evaluation of patient response including:
 - i) Effects/side effects/allergic responses
 - ii) Recording/reporting of effects
- b) These requirements shall not preclude a flexible curriculum that would provide appropriate integration into other practical nursing courses.
- c) The course/instruction shall include at least 32 hours of theory and 64 hours of lab and clinical with administration of medication to patients performed under direct supervision of qualified faculty as set forth in subsection (d) of this Section.
- d) Nurse faculty of pharmacology and administration of medication courses shall have:
 - 1) At least two years experience in clinical nursing practice;
 - 2) A baccalaureate degree with a major in nursing;
 - 3) A current Illinois Registered Professional Nurse license.
- e) Approved licensed practical nursing programs shall include a curriculum designed to educate practical nursing students and/or licensed practical nurses to perform the following activities related to intravenous therapy under the supervision of a registered professional nurse, licensed physician, or licensed dentist:
 - 1) Monitoring the flow rate of existing intravenous lines.
 - 2) Regulating peripheral fluid infusion rates.
 - 3) Observing sites for local reaction and reporting results to the registered nurse.
 - 4) Discontinuing intravenous therapy with an order from a physician.
 - 5) Adding non-medicated solutions to existing patent lines.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 6) Changing peripheral intravenous tubings and dressings.
 - 7) Monitoring existing transfusions of blood and blood components.
 - 8) Documenting intravenous procedures performed and observations made. Practical nursing programs have until August 2000 to add the intravenous therapy content set forth in this subsection (e) to their curriculum.
- f) This curriculum ~~may is not designed to~~ prepare the licensed practical nurse to start intravenous therapy.
- g) The curriculum shall not include the following procedures:
- 1) Administering chemotherapeutic agents via intravenous routes.
 - 2) Starting or adding blood or blood components.
 - 3) Administering medications via intravenous push.
 - 4) Adding medication to existing intravenous infusions, including heparin in heparin locks.

(Source: Amended at 26 Ill. Reg. 17225, effective November 18, 2002)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

100.2490 New Section 26 Ill. Reg. 13790, 09/20/02

- 15) Summary and Purpose of Amendments: Regulations Section 100.2480, relating to dividends paid by a corporation that conducts all or substantially all of its business activities within an Illinois Enterprise Zone, is clarified. The previous regulation required that a corporation use only its property and payroll factors, and not its sales factor, to determine whether dividends may be eligible for subtraction under IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) or 203(d)(2)(K). The adopted regulation makes clear that such requirement is not affected by the amendment of IITA Section 304 by Section 5 of Public Act 90-613. Therefore, even though a corporation's apportionment factor may consist solely of its sales factor, such corporation still determines whether it conducts all or substantially all of its business activities within an Illinois Enterprise Zone by means of its property and payroll factors.

The amendment to Section 100.9720 clarifies the regulation on nexus by stating that a person does not have nexus with this State merely because the apportionment and allocation rules in IITA Article 3 would cause that person to have Illinois net income.

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

Paul Caselton
Deputy General Counsel - Income Tax
Brian Stocker
Associate Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business 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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Residents (IITA Section 303)

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

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)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section

100.9800 Letter Ruling Procedures

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

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. 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 October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002.

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

- a) Taxpayers are entitled to subtract from taxable income (adjusted gross income, in the case of an individual) an amount equal to dividends paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts all or substantially all of its operations in the Enterprise Zone or zones (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K)).
- b) A corporation conducts substantially all of its business within an Enterprise Zone when 95% or more of its total business activity during a taxable year is operated within an Enterprise Zone. For the purpose of this Section, business activity within an Enterprise Zone shall be measured by means of the factors ordinarily applicable to the corporation under subsection (a), (b), (c), or (d) of IITA Section 304 except that, in the case of a corporation ordinarily required to apportion business income ~~by means of the 3 factor formula of property, payroll and sales specified in under~~ subsection (a) of Section 304, such corporation shall not use the sales factor in the computation. Thus, for example, for taxable years ending on or after December 31, 2000, for purposes of determining whether dividends may be subtracted under this Section, a corporation that apportions its business income under subsection (a) of Section 304 using only the sales factor in accordance with subsection (h) of Section 304 must still compute its property and payroll factors.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

In measuring the business activity of a corporation within an Enterprise Zone, the apportionment factors of that corporation shall be determined without regard to the factors or business activity of any other corporation and, in the case of a corporation engaged in a unitary business with any other person, the apportionment factors of that corporation shall be determined as if it were not engaged in a unitary business with such other person.

- 1) ~~Section 304(a)3-Factor~~ Corporations: A corporation using Section 304(a) property, payroll and sales to apportion business income to Illinois ~~under subsection (a) of Section 304~~ shall compare the corporation's property and payroll within an Enterprise Zone to the corporation's property and payroll everywhere. The result of the property and payroll factor computations shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). If the amount so computed is 95% or greater, the dividends paid by the corporation shall qualify for this subtraction. In the case where a corporation does not have any payroll or property within an Enterprise Zone, the corporation is not conducting any of its business operations within an Enterprise Zone for the purpose of this Section.
- 2) All Other Corporations: A corporation using a 1-factor apportionment formula under subsection (b), (c) or (d) of IITA Section 304 shall determine business activity conducted within an Enterprise Zone by comparing business income from sources within the Enterprise Zone and everywhere else pursuant to its ordinarily applicable factor under subsection (b), (c) or (d) of Section 304. A corporation using an alternative method of apportionment under Section 304(f) shall petition the Department for approval of an appropriate method of determining its qualification under this Section, and only upon the Department's approval shall the corporation be allowed to use a method not provided in this Section.
- 3) Example: In the tax year ending December 31, 1995, Taxpayer received dividends from a bank holding company, whose sole asset was the stock in a bank with which it was conducting a unitary business. Both the bank holding company and the bank are headquartered in an Enterprise Zone created under the Illinois Enterprise Zone Act. During 1995, the operations of the bank consisted of accepting deposits, making loans and purchasing investments. The bank conducted business in its branches located throughout the State. However, the bank holding company's sole source of income on a separate-company basis was the dividends it received from the bank, and all of this income was received within the Enterprise Zone. In determining its business income apportionable to Illinois in 1995, the bank holding company and the bank used the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

apportionment formula under IITA Section 304(c) on a combined basis. In order to determine whether 95% or more of its income is from sources within the Enterprise Zone, the bank holding company is required to use the same apportionment formula under IITA Section 304(c) as if it were not engaged in a unitary business with the bank. Pursuant to the formula, dividends which are received within this State are apportionable to Illinois. As a result, the bank holding company in this case must compute the percentage of dividends which are received within the Enterprise Zone to determine income apportionable to the Enterprise Zone. Since it received all of its business income from sources within the Enterprise Zone, the bank holding company would meet the 95% test.

- c) Taxpayers are entitled to this subtraction in the taxable year in which qualifying dividends are paid by corporations. Corporations paying dividends shall be deemed to have started business operations within an Enterprise Zone from the later of:
- 1) The date the Enterprise Zone in which the corporation paying the dividends is located was officially designated by the Department of Commerce and Community Affairs;
 - 2) The date the corporation paying dividends commenced operations in the Enterprise Zone; or
 - 3) The effective date of the Public Act enacting this subtraction (December 7, 1982).
- d) Limitations.
- 1) This Section allows taxpayers to subtract distributions from a corporation only to the extent:
 - A) such distributions are characterized as dividends;
 - B) such dividends are included in federal taxable income (in the case of an individual, adjusted gross income) of the taxpayer; and
 - C) the taxpayer has not subtracted such dividends from federal taxable income (in the case of an individual, adjusted gross income) under any other provision of Section 203 of the IITA.
 - 2) Example: Taxpayer, an S corporation shareholder, receives a distribution from an S corporation which conducts substantially all of its business in an Enterprise Zone. Although the S corporation satisfies the 95% test, Taxpayer is not entitled to this subtraction modification since a distribution by an S corporation is generally not characterized as a dividend. See Section 1368 of the Internal Revenue Code.
 - 3) Example: Taxpayer, a corporation, receives a dividend from another corporation which qualifies for the 70% dividends received deduction under Section 243(a)(1) of the Internal Revenue Code. Because only 30%

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

of the dividend is included in Taxpayer's federal taxable income, this Section allows Taxpayer to subtract only 30% of the dividend from its federal taxable income.

(Source: Amended at 26 Ill. Reg. 17250, effective November 18, 2002)

Section 100.9720 Nexus

- a) IITA Section 201(a) imposes the Illinois Income Tax, a tax measured by net income, on *individuals, corporations, trusts and estates for the privilege of earning or receiving income in or as a resident of this State*. IITA Section 201(c) imposes a second tax measured by net income, the Personal Property Tax Replacement Income Tax, on *corporations, partnerships and trusts for the privilege of earning or receiving income in or as a resident of this State*. In general, a resident of this State will always be subject to these taxes. Activity conducted in interstate commerce may establish sufficient nexus with Illinois to permit imposition of these taxes on a non-resident taxpayer, as well, when the non-resident earns or receives income in this State within the meaning of the IITA. *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 97 S. Ct. 1076 (1977); *Quill v. North Dakota*, 504 U.S. 298, 112 S. Ct. 1904 (1992). However, the fact that Article 3 of the IITA requires a non-resident taxpayer to allocate or apportion income to this State does not create a presumption that the taxpayer has nexus.
- b) Standards for determining sufficient tax nexus are found in federal statutes regulating interstate commerce, in United States Constitutional jurisprudence, and in Illinois tax statutes.
- c) The scope of federal statutes limiting nexus for imposition of Illinois income and replacement taxes are described in this subsection (c):
 - 1) Public Law 86-272. In 1959, Congress enacted PL 86-272 (15 USC 381-384), which prohibits states and their political subdivisions from imposing a net income tax on nonresident taxpayers who operate primarily in interstate commerce and whose activity within a state is limited. PL 86-272 provides in pertinent part:
 - A) No state or political subdivision thereof shall have the power to impose . . . a net income tax on the income derived within such state by any person from interstate commerce if the only business activities within such state by or on behalf of such person during such taxable year are either, or both of the following:
 - i) the solicitation of orders by such person, or his representative, in such state for sales of tangible personal property, which orders are sent outside the state for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- approval or rejection, and, if approved, are filled by shipment or delivery from a point outside the state; and
- ii) the solicitation of orders by such person, or his representative, in such state in the name of or for the benefit of a prospective customer of such person, if orders by such customer to such person to enable such customer to fill orders resulting from such solicitation are orders described in subsection (c)(1)(A)(i).
- B) The provisions of subsection (c)(1)(A) of this Section shall not apply to the imposition of a net income tax by any State or political subdivision thereof, with respect to –
- i) Any corporation which is incorporated under the laws of such state; or
 - ii) any individual who, under the laws of such state, is domiciled in, or a resident of, such state.
- C) For the purposes of subsection (c)(1)(A) of this Section, a person shall not be considered to have engaged in business activities within a state during any taxable year merely by reason of sales in such state, or the solicitation of orders for sales in such state, of tangible personal property on behalf of such person by one or more independent contractors whose activities on behalf of such person in such state consist solely of making sales, or soliciting orders for sales, of tangible personal property.
- D) For purposes of this subsection (c)(1) –
- i) The term "independent contractor" means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of tangible personal property for more than one principal and who holds himself out as such in the regular course of his business activities; and
 - ii) the term "representative" does not include an independent contractor.
- 2) The terms of PL 86-272 affect nexus for taxation under the IITA according to the following principles:
- A) If a nonresident taxpayer's activities exceed "mere solicitation", as set forth in subsection (a) of PL 86-272 (subsection (c)(1)(A) of this Section), it obtains no immunity under that federal statute. The taxpayer is subject to Illinois income tax and personal property tax replacement income tax for the entire taxable year and its business income is apportioned under IITA Section 304. Whether

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

a nonresident taxpayer's conduct exceeds "mere solicitation" depends upon the facts in each particular case.

- B) Nature of Property Being Sold
- i) PL 86-272 immunizes solicitation only for sale of tangible personal property. Efforts to sell intangibles, such as services, franchises, patents, copyrights, trademarks and service marks, are not protected, nor is solicitation for the leasing, renting or licensing of tangible personal property.
 - ii) The sale, delivery and the solicitation for the sale or delivery of any type of service that is not either ancillary to solicitation, or otherwise set forth as a protected activity under subsection (c)(5), is also not protected under PL 86-272 or this Section.
- C) Solicitation of Orders. Solicitation of orders means speech or conduct that explicitly or implicitly invites an order and activity ancillary to invitations for an order.
- i) To be ancillary to invitations for orders, an activity must serve no independent business function for the seller apart from its connection to the solicitation of orders.
 - ii) Activity that a seller would engage in apart from soliciting orders shall not be considered ancillary to the solicitation of orders.
 - iii) Assignment of an activity to a salesperson does not, merely by such assignment, make that activity ancillary to solicitation of orders.
 - iv) Activity that attempts to promote sales is not ancillary, nor is activity that facilitates sales. PL 86-272 only protects ancillary activity that facilitates the invitation of an order.
- D) De minimus activities are those that, when taken together, establish only a trivial additional connection with this State. An activity regularly conducted within this State on a regular or systematic basis or pursuant to a company policy (whether such policy is in writing or not) shall normally not be considered trivial. Whether an activity consists of a trivial or non-trivial additional connection with this State is to be measured on both a qualitative and quantitative basis. If the activity either qualitatively or quantitatively creates a non-trivial connection with this State, then the activity exceeds the protection of PL 86-272. The amount of unprotected activities conducted within this State relative to the amount of protected activities conducted within this State is not

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

determinative of the issue of whether the unprotected activities are de minimus. The determination of whether an unprotected activity creates a non-trivial connection with this State is made on the basis of the taxpayer's entire business activity, not merely its activities conducted within this State. An unprotected activity that would not be de minimus if it were the only business activity of the taxpayer conducted in this State will not be de minimus merely because the taxpayer also conducts a substantial amount of protected activities within this State, nor will an unprotected activity that would be de minimus if conducted in conjunction with a substantial amount of protected activities fail to be de minimus merely because no protected activities are conducted in this State.

- 3) Listing of Specific Unprotected and Protected Activities.
 - A) Subsection (c)(4) lists specific activities that are considered to be beyond "mere solicitation" and, therefore, unprotected by PL 86-272.
 - B) Subsection (c)(5) lists specific activities that are considered by this State to be "protected activities". Included on the list of "protected activities" are those specific activities that are protected by PL 86-272 and those specific activities that this State, in its discretion, deems worthy of protection. Inclusion of an activity on the listing of "protected activities" is neither a declaration nor an admission by this State that the activity must be afforded protection under PL 86-272.
- 4) Unprotected Activities. The following activities (assuming they are not de minimus) do not constitute "mere solicitation" of orders, nor are they ancillary, nor otherwise protected under PL 86-272. If one or more of the following activities are ~~to the solicitation of orders~~ conducted within this State, an otherwise protected nonresident taxpayer shall become subject to taxation by Illinois.
 - A) Making repairs or providing maintenance or service to the property sold or to be sold.
 - B) Collecting current or delinquent accounts, whether directly or by third parties, through assignment or otherwise.
 - C) Investigating credit worthiness.
 - D) Installation or supervision of installation at or after shipment or delivery.
 - E) Conducting training courses, seminars or lectures for personnel other than personnel involved only in solicitation of sales of tangible personal property.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- F) Providing any kind of technical assistance or services, including, but not limited to, engineering assistance or design service, when one of the purposes of the assistance or service is other than the facilitation of the solicitation of orders.
- G) Investigating, handling, or otherwise assisting in resolving customer complaints, other than mediating direct customer complaints when the sole purpose of such mediation is to ingratiate the sales personnel with the customer.
- H) Approving or accepting orders.
- I) Repossessing property.
- J) Securing deposits on sales.
- K) Picking up or replacing damaged or returned property.
- L) Hiring, training, or supervising personnel, other than personnel involved only in solicitation.
- M) Maintaining a sample or display room in excess of two weeks (14 days) at any one location within the State during the tax year.
- N) Carrying samples for sale, exchange or distribution in any manner for consideration.
- O) Owning, leasing, or maintaining any of the following facilities or property in-state:
 - i) Repair shop.
 - ii) Parts department.
 - iii) Any kind of office other than an in-home office as described as permitted under subsections (c)(4)(Q) and (c)(5)(B).
 - iv) Warehouse.
 - v) Meeting place for directors, officers, or employees.
 - vi) Stock of goods other than samples for sales personnel or that are used entirely ancillary to solicitation.
 - vii) Telephone answering service that is publicly attributed to the nonresident or to an employee or agent of the nonresident in his or her representative status.
 - viii) Mobile stores, i.e., vehicles with drivers who are sales personnel making sales from the vehicles.
 - ix) Real property or fixtures to real property of any kind.
- P) Consigning stock of goods or other tangible personal property to any person, including an independent contractor, for sale.
- Q) The maintenance of any office or other place of business in this State that does not strictly qualify as an "in-home" office as described in subsection (c)(5)(M) shall, by itself, cause the loss of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

protection under PL 86-272. A telephone listing or other public listing within the State for the nonresident or for an employee or other representative of the nonresident in such capacity or other indication through advertising or business literature that the nonresident or its employee or representative can be contacted at a specific address within the State shall normally be determined as the nonresident maintaining within this State an office or place of business attributable to the nonresident or to its employee or representative in a representative capacity. However, the normal distribution and use of business cards and stationary identifying the employee's or representative's name, address, telephone and fax numbers and affiliation with the nonresident shall not, by itself, be considered as advertising or otherwise publicly attributing an office to the nonresident or to its employee or other representative.

- R) Entering into franchising or licensing agreements; selling or otherwise disposing of franchises and licenses; or selling or otherwise transferring tangible personal property pursuant to such franchise or license by the franchiser or licensor to its franchisee or licensee within the State.
 - S) Conducting any activity that is not on the list of "protected activities" in subsection (c)(5), and that is not entirely ancillary to requests for orders, even if the activity helps to increase purchases.
- 5) Protected Activities. The following in-state activities will not cause the loss of immunity for otherwise protected sales:
- A) Soliciting orders for sales by any type of advertising.
 - B) Soliciting orders for sales by an in-state resident employee or representative of the nonresident, so long as that person does not maintain or use any office or place of business in the State besides an "in-home" office as described in subsection Section (c)(5)(M).
 - C) Carrying samples and promotional materials only for display or for distribution without charge or other consideration.
 - D) Furnishing and setting up display racks and advising customers on the display of the nonresident's products without charge or other consideration.
 - E) Providing automobiles to sales personnel for their use in conducting protected activities.
 - F) Passing orders, inquiries and complaints on to the home office.
 - G) Missionary sales activities; i.e., the solicitation of indirect customers for the nonresident's goods. For example, a manufacturer's solicitation of retailers to buy the manufacturer's

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- goods from the manufacturer's wholesale customers would be protected if those solicitation activities are otherwise immune.
- H) Coordinating shipment or delivery without payment or other consideration and providing information relating to shipment or delivery either prior or subsequent to the placement of an order.
 - I) Checking of customers' inventories without charge (for re-order, but not for other purposes such as quality control).
 - J) Maintaining a sample or display room for two weeks (14 days) or less at any one location within the State during the tax year.
 - K) Recruiting, training or evaluating sales personnel, including occasionally using homes, hotels or similar places for meetings with sales personnel.
 - L) Mediating direct customer complaints when the purpose is solely for ingratiating the sales personnel with the customer and facilitating requests for orders.
 - M) Owning, leasing, using or maintaining personal property for use in the employee's or representative's "in-home" office located within the residence of the employee or other representative that is not publicly attributed to the nonresident or to the employee or other representative of the nonresident in a representative capacity or automobile, when that use is solely limited to the conducting of protected activities. Therefore, the use of personal property such as a cellular telephone, facsimile machine, duplicating equipment, personal computer and computer software, shall not, by itself, remove the protection under this Section, so long as the use of the office is limited to:
 - i) soliciting and receiving orders from customers;
 - ii) transmitting orders outside the State for acceptance or rejection by the nonresident; or
 - iii) other activities that are protected under PL 86-272 or this Section.
 - N) Shipping or delivering goods into this State by means of vehicles or other modes of transportation owned or leased by the nonresident taxpayer or by means of private carrier, whether by motor vehicle, rail, water, air or other carrier and irrespective of whether a shipment or delivery fee or other charge is imposed, directly or indirectly, upon the purchaser.
- 6) Independent Contractors. PL 86-272 provides immunity to certain in-state activities, if conducted by an independent contractor, that would not be afforded if performed by the nonresident or its employees or other

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

representatives.

- A) Notwithstanding the provisions of subsection (c)(4), independent contractors may engage in the following limited activities in the State without the nonresident's loss of immunity:
 - i) soliciting sales;
 - ii) making sales;
 - iii) maintaining an office.
 - B) Sales representatives who represent a single principal are not considered to be independent contractors and are subject to the same limitations as those provided under PL 86-272 and this Section.
 - C) Maintenance of a stock of goods in the State, by the independent contractor under consignment or any other type of arrangement with the nonresident, except for purposes of display and solicitation, shall remove the protection.
- 7) Application of Destination State Law in Case of Conflict.
- A) When it appears that Illinois and one or more other states that are signatories to the "Statement of Information concerning practices of the Multistate Tax Commission and Signatory States under PL 86-272" have included or will include the same receipts from a sale in their respective sales factor numerators, at the written request of the nonresident, the states will, in good faith, confer with one another to determine which state should be assigned the receipts. The conference shall identify what law, regulation or written guideline, if any, has been adopted in the state of destination with respect to the issue. The state of destination shall be that location at which the purchaser or its designee actually receives the property, regardless of F.O.B. (Free on Board) point or other conditions of sale.
 - B) In determining which state is to receive the assignment of the receipts at issue, preference shall be given to any clearly applicable law, regulation or written guideline that has been adopted in the state of destination. However, except in the case of the definition of what constitutes "tangible personal property", Illinois is not required by this Section to follow any other state's law, regulation or written guideline should Illinois determine that to do so:
 - i) would conflict with Illinois laws, regulations, or written guidelines; and
 - ii) would not clearly reflect the income-producing activity of the nonresident within Illinois.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- C) Notwithstanding any provision set forth in this Section to the contrary, as between Illinois and any other signatory state, Illinois agrees to apply the definition of "tangible personal property" that exists in the state of destination to determine the application of PL 86-272 and issues of throwback, if any. Should the state of destination not have any applicable definition of tangible personal property so that it could be reasonably determined whether the property at issue constitutes tangible personal property, then each signatory state may treat the property in any manner that would clearly reflect the income-producing activity of the nonresident within that state.
- 8) Application of this Section to Foreign Commerce
- A) PL 86-272 specifically applies, by its terms, to "interstate commerce" and does not directly apply to foreign commerce. The states are free, however, to apply the same standards set forth in PL 86-272 to business activities in foreign commerce to ensure that foreign and interstate commerce are treated on the same basis. Such an application also avoids the necessity of expensive and difficult efforts in the identification and application of the varied jurisdictional laws and rules existing in foreign countries.
- B) Illinois will apply the provisions of PL 86-272 and of this Section to business activities conducted in foreign commerce. Therefore, whether business activities are conducted by a nonresident selling tangible personal property into a country outside of the United States from a point within Illinois or by a nonresident selling such property into Illinois from a point outside of the United States, the principles under this Section apply equally to determine whether the sales transactions are protected and the nonresident is immune from taxation in either Illinois or in the foreign country, as the case might be, and whether, if applicable, Illinois will apply its throwback provisions.
- 9) Application to Corporation Incorporated in this State or to a Person Resident or Domiciled in this State. The protection afforded by PL 86-272 and this Section does not apply to any corporation incorporated within Illinois or to any person who is a resident of or domiciled in Illinois.
- 10) Registration or Qualification to do Business. A business that registers or otherwise formally qualifies to do business within Illinois does not, by that fact alone, lose its protection under PL 86-272.
- 11) Loss of Protection for Conducting Unprotected Activity During Part of a Tax Year. The protection afforded under PL 86-272 and this Section shall

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

be determined on a tax year by tax year basis. Therefore, if at any time during a tax year the nonresident conducts activities that are not protected under PL 86-272 or this Section, no income earned or received in this State by the nonresident during any part of that tax year shall be protected from taxation under PL 86-272 or this Section.

- d) Illinois Statutory Provisions. PA 88-361 amended the Illinois Income Tax Act to provide that *a person not otherwise subject to the tax imposed under the IITA shall not become subject to the tax imposed by the IITA by reason of:*
- 1) *that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing; or*
 - 2) *activities of the person's employees or agents located solely at the premises of a printer and related to quality control, distribution, or printing services performed by a printer in the State with which the person has contracted for printing.* (IITA Section 205(f))
- e) U.S. Constitutional Jurisprudence. If not protected by U.S. or Illinois statute, an income-producing activity may, nonetheless, be protected from State taxation by principles of U.S. Constitutional jurisprudence. Controlling decisions that assert protections afforded by the Interstate Commerce Clause, the Foreign Commerce Clause and the Due Process Clause are accepted by this State as limitations on the reach of its income tax and personal property tax replacement income tax statutes. However, nothing stated in this subsection (e) shall prevent Illinois from challenging taxpayer assertions of U.S. Constitutional protection.
- f) Application of the Joyce Rule. In determining whether the activity of a nonresident taxpayer conducted in this State is sufficient to create nexus for application of Illinois income tax or replacement tax, the principles established in Appeal of Joyce Inc., Cal. St. Bd. of Equal. (11/23/66), commonly known as the "Joyce rule", shall apply. Only activity conducted by or on behalf of the nonresident taxpayer shall be considered for this purpose. Because the income of a partnership, a Subchapter S corporation or any other pass-through entity is treated as income of its owners, activity of a pass-through entity is conducted on behalf of its owners. Activity conducted by any other person, whether or not affiliated with the nonresident taxpayer, shall not be considered attributable to the taxpayer, unless the other person was acting in a representative capacity on behalf of the taxpayer.

(Source: Amended at 26 Ill. Reg. 17250, effective November 18, 2002)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Standards for Protection Against Radiation
- 2) Code Citation: 32 Ill. Adm. Code 340
- 3) Section Number: 340.1205 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].
- 5) Effective Date of Amendment: November 18, 2002
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire when the proposed amendment is adopted.
- 7) Date filed with the Index Department: November 18, 2002
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: To better protect the health and safety of Illinois citizens who may be affected by credible threats against radioactive material users.
- 10) A Complete Description of the Subjects and Issues Involved: The Department is adopting this amendment to ensure that it receives prompt notification of credible threats against radioactive material to facilitate prompt emergency response if necessary. Notification to the Department is not required if law enforcement directs otherwise.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in this issue of the *Illinois Register*, the Department is proposing, for public comment, a general rulemaking that covers the topics included in the Emergency rule.
- 11) Are there any other proposed amendments to this Part pending? Yes. Elsewhere in today's *Illinois Register*, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Amendment.
- 12) Statement of Statewide Policy Objectives: The requirements imposed by the emergency rulemaking are not expected to require local governments to establish, expand, or modify

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

their activities in such a way as to necessitate additional expenditures from local revenues.

- 13) Information and questions regarding this emergency amendment shall be directed to:

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

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

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

TITLE 32: ENERGY

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

PART 340

STANDARDS FOR PROTECTION AGAINST RADIATION

SUBPART A: GENERAL PROVISIONS

Section	
340.10	Purpose
340.20	Scope
340.25	Incorporations by Reference
340.30	Definitions
340.40	Implementation

SUBPART B: RADIATION PROTECTION PROGRAMS

Section	
340.110	Radiation Protection Programs

SUBPART C: OCCUPATIONAL DOSE LIMITS

Section	
340.210	Occupational Dose Limits for Adults
340.220	Compliance with Requirements for Summation of External and Internal Doses
340.230	Determination of External Dose from Airborne Radioactive Material
340.240	Determination of Internal Exposure
340.250	Determination of Prior Occupational Dose
340.260	Planned Special Exposures
340.270	Occupational Dose Limits for Minors
340.280	Dose to an Embryo/Fetus

SUBPART D: RADIATION DOSE LIMITS FOR INDIVIDUAL
MEMBERS OF THE PUBLIC

Section	
340.310	Dose Limits for Individual Members of the Public
340.320	Compliance with Dose Limits for Individual Members of the Public

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section

340.410 Testing for Leakage or Contamination of Sealed Sources

SUBPART F: SURVEYS AND MONITORING

Section

340.510 General

340.520 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose

340.530 Location of Individual Monitoring Devices

SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES
IN RESTRICTED AREAS

Section

340.610 Control of Access to High Radiation Areas

340.620 Control of Access to Very High Radiation Areas

340.630 Control of Access to Very High Radiation Areas – Irradiators

SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT
INTERNAL EXPOSURE IN RESTRICTED AREAS

Section

340.710 Use of Process or Other Engineering Controls

340.720 Use of Other Controls

340.730 Use of Individual Respiratory Protection Equipment

SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED
SOURCES OF RADIATION

Section

340.810 Security and Control of Licensed or Registered Sources of Radiation

SUBPART J: PRECAUTIONARY PROCEDURES

Section

340.910 Caution Signs

340.920 Posting Requirements

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

340.930	Exceptions to Posting Requirements
340.940	Labeling Containers and Radiation Machines
340.950	Exemptions to Labeling Requirements
340.960	Procedures for Receiving and Opening Packages

SUBPART K: WASTE DISPOSAL

Section

340.1010	General Requirements
340.1020	Method for Obtaining Approval of Proposed Disposal Procedures
340.1030	Disposal by Release into Sanitary Sewerage
340.1040	Treatment or Disposal by Incineration
340.1050	Disposal of Specific Wastes
340.1052	Classification of Radioactive Waste for Land Disposal
340.1055	Radioactive Waste Characteristics
340.1057	Labeling
340.1060	Transfer for Disposal and Manifests
340.1070	Compliance with Environmental and Health Protection Regulations

SUBPART L: RECORDS

Section

340.1110	General Provisions
340.1120	Records of Radiation Protection Programs
340.1130	Records of Surveys and Calibrations
340.1135	Records of Tests for Leakage or Contamination of Sealed Sources
340.1140	Records of Prior Occupational Dose
340.1150	Records of Planned Special Exposures
340.1160	Records of Individual Monitoring Results
340.1170	Records of Dose to Members of the Public
340.1180	Records of Waste Disposal
340.1190	Records of Testing Entry Control Devices for Very High Radiation Areas
340.1195	Form of Records

SUBPART M: REPORTS AND NOTIFICATIONS

Section

<u>340.1205</u>	<u>Notification of Credible Threats</u>
<u>EMERGENCY</u>	
340.1210	Reports of Stolen, Lost or Missing Sources of Radiation

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

340.1220	Notification of Incidents
340.1230	Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Limits
340.1240	Reports of Planned Special Exposures
340.1250	Notifications and Reports to Individuals
340.1260	Reports of Leaking or Contaminated Sealed Sources
340.1270	Reports of Missing Waste Shipments

SUBPART N: ADDITIONAL REQUIREMENTS

Section

340.1310	Vacating Premises
340.1320	Removal of Radioactive Contamination

APPENDIX A Decontamination Guidelines

ILLUSTRATION A Radiation Symbol

AUTHORITY: Implementing and authorized by Section 16 of the Radiation Protection Act of 1990 [420 ILCS 40/16].

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 18507, effective January 1, 1994; amended at 19 Ill. Reg. 8264, effective June 12, 1995; emergency amendment at 27 Ill. Reg. 17273, effective November 18, 2002, for a maximum of 150 days.

SUBPART M: REPORTS AND NOTIFICATIONS

Section 340.1205 Notification of Credible Threats**EMERGENCY**

Upon notification to or by any law enforcement agency that radioactive material licensed by the Department is the subject of a credible threat, the licensee shall:

- a) follow the instructions from the law enforcement agency; and
- b) notify the Department within 1 hour by calling the Department's 24-hour emergency number at (217) 785-0600. This notification is required unless otherwise instructed by the law enforcement agency.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENT

AGENCY NOTE: “Credible threat” means any threat to radioactive material that a licensee believes warrants notice to law enforcement or any threat that law enforcement believes warrants notice to a licensee.

(Source: Added by emergency rulemaking at 27 Ill. Reg. 17273, effective November 18, 2002, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
Table O	Amend
Table W	Amend
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a.]
- 6) Effective Date: November 18, 2002
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A, Table O RC-028 (Paraprofessional Human Services Employees, AFSCME), the new classifications of Health Information Associate and Health Information Technician are being included with the monthly salary ranges of \$2,129 \$2,871 and \$2,300 – \$3,149, respectively. These titles are replacing the Medical Records Assistant and Medical Records Technician.

In Section 310.Appendix A, Tables O (RC-028) and W (RC-062), a study regarding the Historic Site classifications has resulted in the new classifications of Site Interpreter (RC-028), Site Interpretive Coordinator (RC-062), Site Services Coordinator I and II (RC-062) with the monthly salary ranges of \$2,129 – \$2,871, \$2,387 – \$3,305, \$2,585 – \$3,654 and \$2,819 – \$4,057, respectively. These titles are replacing the Historic Site Interpreter, Historic Site Lead I and II (RC-028), Historic Site Assistant Manager I and II (RC-062).
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: November 18, 2002
- 10) Is this Rulemaking in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 11) Are there any proposed amendments pending to this part? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
Table AA	Amend	26 Ill. Reg. 1774; 2/15/02
310.110	Amend	26 Ill. Reg. 10094; 7/12/02
310.130	Amend	26 Ill. Reg. 10094; 7/12/02
310.230	Amend	26 Ill. Reg. 10094; 7/12/02
310.290	Amend	26 Ill. Reg. 10094; 7/12/02
310.490	Amend	26 Ill. Reg. 10094; 7/12/02
310.510	Amend	26 Ill. Reg. 10094; 7/12/02
310.530	Amend	26 Ill. Reg. 10094; 7/12/02
310.540	Amend	26 Ill. Reg. 10094; 7/12/02
Appendix B	Amend	26 Ill. Reg. 10094; 7/12/02
Appendix C	Amend	26 Ill. Reg. 10094; 7/12/02
Appendix D	Amend	26 Ill. Reg. 10094; 7/12/02
Appendix G	Amend	26 Ill. Reg. 10094; 7/12/02
Table AA	Amend	26 Ill. Reg. 13128; 9/06/02
Table AB	Amend	26 Ill. Reg. 13128; 9/06/02
310.280	Amend	26 Ill. Reg. 13735; 9/20/02
310.280	Amend	26 Ill. Reg. 15163; 10/25/02
Appendix G	Amend	26 Ill. Reg. 16592; 11/08/02

- 12) Statement of Statewide Objective: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 13) The name, address and telephone number of the person to whom information and questions concerning this preemptory rule shall be directed to:

Ms. Marianne Armento
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 Telephone: (217) 785-8609

The full text of the Preemptory Amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

Section	
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 PEREMPTORY AMENDMENTS

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)

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
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 PEREMPTORY AMENDMENTS

TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
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)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2002
APPENDIX C	Medical Administrator Rates for Fiscal Year 2002
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 PEREMPTORY AMENDMENTS

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 PEREMPTORY AMENDMENTS

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 PEREMPTORY AMENDMENTS

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 PEREMPTORY AMENDMENTS

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,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)**

Title

Apparel/Dry Goods Specialist III	RC-028-12a	01233
Assistant Reimbursement Officer	RC-028-08	02424
Child Development Aide III	RC-028-10	07183
Clinical Laboratory Associate	RC-028-07	08200
Clinical Laboratory Technician I	RC-028-10	08215
Clinical Laboratory Technician II	RC-028-12	08216
Compliance Officer	RC-028-14	08919
Conservation Resource Technician I	RC-028-10	09385
Conservation Resource Technician II	RC-028-13	09386
Construction Supervisor I	RC-028-13	09561
Construction Supervisor II	RC-028-16	09562
Crime Scene Investigator	RC-028-21	09980
Data Processing Administrative Specialist	RC-028-14	11415
Data Processing Specialist	RC-028-12	11430
Data Processing Technician	RC-028-09	11440
Data Processing Technician Trainee	RC-028-06	11443
Dental Assistant	RC-028-08	11650
Dental Assistant (Eff. 07-01-01)	RC-028-09	11650
Dental Hygienist	RC-028-12	11700
Dental Hygienist (Eff. 07-01-01)	RC-028-13	11700
Electroencephalograph Technician	RC-028-08	13300
Environmental Equipment Operator I	RC-028-12	13761
Environmental Equipment Operator II	RC-028-14	13762
Environmental Protection Technician I	RC-028-08	13831

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Environmental Protection Technician II	RC-028-10	13832
<u>Health Information Associate</u>	<u>RC-028-10</u>	<u>18045</u>
<u>Health Information Technician</u>	<u>RC-028-12</u>	<u>18047</u>
Hearing & Speech Technician I	RC-028-06	18261
Hearing & Speech Technician II	RC-028-09	18262
Historic Site Interpreter	RC-028-09	18955
Historic Site Lead I	RC-028-13	18961
Historic Site Lead II	RC-028-14	18962
Housekeeper II	RC-028-03a	19602
Inhalation Therapist	RC-028-08	21259
Intermittent Unemployment Insurance Technician (Hourly)	RC-028-06H	21690
Laboratory Assistant	RC-028-04	22995
Laboratory Associate I	RC-028-10	22997
Laboratory Associate II	RC-028-12	22998
Legal Research Assistant	RC-028-13	23350
Licensed Practical Nurse I	RC-028-09a	23551
Licensed Practical Nurse II	RC-028-10a	23552
Lock and Dam Tender	RC-028-10	24290
Medical Records Assistant	RC-028-09	26520
Medical Records Technician	RC-028-11	26575
Office Administrative Specialist	RC-028-12	29990
Office Specialist	RC-028-11	30080
Pharmacist Lead Technician	RC-028-09	32007
Pharmacist Technician	RC-028-07	32008
Public Aid Eligibility Assistant	RC-028-08	35825
Radiologic Technologist	RC-028-11	37500
Radiologic Technologist Program Coordinator	RC-028-12	37507
Ranger	RC-028-13	37725
Rehabilitation Counselor Aide I	RC-028-09	38155
Rehabilitation Counselor Aide II	RC-028-11	38156
Senior Ranger	RC-028-14	40090
<u>Site Interpreter</u>	<u>RC-028-10</u>	<u>41090</u>
Site Technician I	RC-028-10	41131
Site Technician II	RC-028-12	41132
Social Service Community Planner	RC-028-11	41295
State Police Crime Information Evaluator	RC-028-11	41801
State Police Evidence Technician I	RC-028-12	41901
State Police Evidence Technician II	RC-028-13	41902
Statistical Research Technician	RC-028-11	42748

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Veterans Service Officer	RC-028-14	47800
Vocational Instructor	RC-028-12	48200

Effective July 1, 2001

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/02
RC-028-03a	1684	1729	1775	1822	1874	1927	1978	2027	2084	2181	2203	
RC-028-03aa	1729	1775	1822	1871	1924	1979	2031	2082	2141	2240	2262	
RC-028-03am	1780	1826	1874	1922	1976	2030	2083	2133	2192	2292	2315	
RC-028-04	1684	1729	1775	1822	1877	1931	1980	2041	2090	2188	2210	
RC-028-04a	1729	1775	1822	1871	1927	1983	2033	2096	2147	2248	2270	
RC-028-04m	1780	1826	1874	1922	1979	2034	2085	2148	2198	2299	2322	
RC-028-06	1786	1834	1883	1933	1992	2050	2114	2173	2237	2340	2363	
RC-028-06a	1834	1883	1933	1985	2046	2106	2171	2232	2298	2404	2428	
RC-028-06m	1885	1935	1985	2036	2097	2157	2223	2284	2350	2456	2481	
RC-028-06H	10.99	11.29	11.59	11.90	12.26	12.62	13.01	13.37	13.77	14.40	14.54	
RC-028-06Ha	11.29	11.59	11.90	12.22	12.59	12.96	13.36	13.74	14.14	14.79	14.94	
RC-028-06Hm	11.60	11.91	12.22	12.53	12.90	13.27	13.68	14.06	14.46	15.11	15.27	
RC-028-07	1840	1889	1940	1992	2053	2119	2184	2249	2317	2430	2454	
RC-028-07a	1889	1940	1992	2046	2109	2177	2244	2310	2381	2497	2522	
RC-028-07m	1941	1991	2044	2097	2160	2228	2295	2362	2432	2548	2573	
RC-028-08	1896	1947	1999	2053	2124	2193	2269	2335	2408	2526	2551	
RC-028-08a	1947	1999	2053	2109	2182	2253	2331	2399	2474	2596	2622	
RC-028-08m	1998	2051	2104	2160	2233	2304	2383	2451	2526	2647	2673	
RC-028-09	1961	2014	2068	2124	2196	2274	2349	2429	2505	2627	2653	
RC-028-09a	2014	2068	2124	2182	2256	2336	2413	2496	2574	2700	2727	
RC-028-09m	2065	2120	2176	2233	2307	2388	2465	2547	2626	2751	2779	
RC-028-09a	2013	2067	2123	2181	2254	2337	2416	2502	2576	2704	2731	
RC-028-09aa	2067	2123	2181	2240	2316	2401	2482	2571	2647	2779	2807	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-028-09am	2119	2175	2232	2292	2367	2453	2534	2623	2699	2833	2861
RC-028-10	2029	2084	2141	2199	2286	2361	2443	2523	2606	2740	2767
RC-028-10a	2084	2141	2199	2259	2349	2426	2510	2593	2678	2818	2846
RC-028-10m	2135	2192	2251	2310	2400	2477	2562	2644	2730	2872	2901
RC-028-10a	2101	2158	2217	2278	2369	2451	2538	2625	2711	2877	2906
RC-028-10aa	2158	2217	2278	2340	2434	2519	2608	2698	2787	2960	2990
RC-028-10am	2210	2268	2329	2392	2486	2570	2660	2749	2841	3014	3044
RC-028-11	2110	2167	2226	2287	2373	2454	2545	2633	2715	2859	2888
RC-028-11a	2167	2226	2287	2350	2438	2522	2615	2706	2791	2942	2971
RC-028-11m	2219	2278	2338	2401	2490	2573	2667	2757	2845	2995	3025
RC-028-12	2200	2260	2322	2386	2478	2564	2663	2751	2852	3005	3035
RC-028-12a	2260	2322	2386	2452	2546	2635	2737	2830	2934	3093	3124
RC-028-12m	2312	2373	2437	2503	2598	2686	2789	2883	2988	3148	3179
RC-028-12a	2256	2318	2382	2447	2541	2634	2734	2829	2921	3080	3111
RC-028-12aa	2318	2382	2447	2514	2611	2707	2812	2911	3005	3173	3205
RC-028-12am	2369	2433	2499	2566	2663	2759	2866	2964	3059	3229	3261
RC-028-13	2287	2350	2415	2481	2576	2678	2779	2880	2987	3154	3186
RC-028-13a	2350	2415	2481	2549	2647	2752	2859	2963	3073	3248	3280
RC-028-13m	2401	2466	2533	2601	2699	2805	2913	3017	3129	3304	3337
RC-028-14	2388	2454	2522	2592	2694	2799	2921	3027	3143	3325	3358
RC-028-14a	2454	2522	2592	2664	2769	2880	3005	3118	3238	3426	3460
RC-028-14m	2505	2573	2643	2715	2822	2933	3059	3172	3292	3480	3515
RC-028-16	2600	2672	2746	2824	2951	3080	3210	3343	3477	3682	3719
RC-028-16a	2672	2746	2824	2906	3036	3173	3307	3442	3581	3793	3831
RC-028-16m	2724	2799	2878	2959	3091	3229	3362	3498	3637	3847	3885
RC-028-21	3351	3453	3556	3661	3849	4036	4225	4417	4600	4887	4936
RC-028-21a	3453	3556	3661	3771	3965	4156	4351	4548	4738	5034	5084
RC-028-21m	3507	3612	3717	3827	4020	4211	4407	4604	4793	5089	5140

Effective July 1, 2002

S T E P S

1c 1b 1a 1 2 3 4 5 6 7 8 Eff.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

												1/1/0 38
RC-028-03a	1784	1829	1875	1922	1974	2027	2078	2127	2184	2281	2304	2327
RC-028-03aa	1829	1875	1922	1971	2024	2079	2131	2182	2241	2340	2363	2387
RC-028-03am	1880	1926	1974	2022	2079	2130	2183	2233	2292	2392	2416	2440
RC-028-04	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2311	2334
RC-028-04a	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2371	2395
RC-028-04m	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2423	2447
RC-028-06	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2464	2489
RC-028-06a	1934	1983	2033	2085	2146	2206	2271	2332	2398	2504	2529	2554
RC-028-06m	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2582	2607
RC-028-06H	11.61	11.90	12.20	12.51	12.87	13.23	13.62	13.99	14.38	15.02	15.16	15.32
RC-028-06Ha	11.90	12.20	12.51	12.83	13.21	13.58	13.98	14.35	14.76	15.41	15.56	15.72
RC-028-06Hm	12.22	12.52	12.83	13.14	13.52	13.89	14.30	14.67	15.08	15.73	15.89	16.04
RC-028-07	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2555	2581
RC-028-07a	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2623	2649
RC-028-07m	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2674	2701
RC-028-08	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2652	2679
RC-028-08a	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2723	2750
RC-028-08m	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2774	2802
RC-028-09	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2754	2782
RC-028-09a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2829	2857
RC-028-09m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2883	2911
RC-028-09a	2113	2167	2223	2281	2354	2437	2516	2602	2676	2805	2833	2861
RC-028-09aa	2167	2223	2281	2340	2416	2501	2582	2671	2747	2883	2912	2941
RC-028-09am	2219	2275	2332	2392	2467	2553	2634	2723	2800	2939	2968	2998
RC-028-10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2871	2900
RC-028-10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2953	2982
RC-028-10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3010	3040
RC-028-10a	2201	2258	2317	2378	2469	2551	2638	2725	2813	2985	3015	3045
RC-028-10aa	2258	2317	2378	2440	2534	2619	2708	2799	2892	3071	3102	3132

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-028-10am	2310	2368	2429	2492	2586	2670	2760	2852	2948	3127	3158	3190
RC-028-11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	2996	3025
RC-028-11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3083	3113
RC-028-11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3138	3169
RC-028-12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3149	3180
RC-028-12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3241	3273
RC-028-12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3299	3331
RC-028-12a	2356	2418	2482	2547	2641	2734	2837	2935	3031	3196	3228	3260
RC-028-12aa	2418	2482	2547	2614	2711	2809	2917	3020	3118	3292	3325	3358
RC-028-12am	2469	2533	2599	2666	2763	2862	2973	3075	3174	3350	3384	3417
RC-028-13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3462	3497
RC-028-14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3485	3519
RC-028-14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3590	3625
RC-028-14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3647	3683
RC-028-16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3858	3896
RC-028-16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	3974	4014
RC-028-16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4031	4071
RC-028-21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5121	5171
RC-028-21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5275	5327

Effective July 1, 2003

S T E P S

												Eff. 1/1/0 4 8
	1c	1b	1a	1	2	3	4	5	6	7	8	
RC-028-03a	1884	1929	1975	2022	2074	2127	2178	2227	2284	2381	2429	2452
RC-028-03aa	1929	1975	2022	2071	2124	2179	2231	2282	2341	2440	2489	2513
RC-028-03am	1980	2026	2074	2122	2176	2230	2283	2333	2392	2492	2542	2567
RC-028-04	1884	1929	1975	2022	2077	2131	2180	2241	2290	2388	2436	2460
RC-028-04a	1929	1975	2022	2071	2127	2183	2233	2296	2347	2448	2497	2521
RC-028-04m	1980	2026	2074	2122	2179	2234	2285	2348	2398	2499	2549	2574

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-028-06	1986	2034	2083	2133	2192	2250	2314	2373	2437	2540	2591	2616
RC-028-06a	2034	2083	2133	2185	2246	2306	2371	2432	2498	2604	2656	2682
RC-028-06m	2085	2135	2185	2236	2297	2357	2423	2484	2550	2658	2711	2738
RC-028-06H	12.22	12.52	12.82	13.13	13.49	13.85	14.24	14.60	15.00	15.63	15.94	16.10
RC-028-06Ha	12.52	12.82	13.13	13.45	13.82	14.19	14.59	14.97	15.37	16.02	16.34	16.50
RC-028-06Hm	12.83	13.14	13.45	13.76	14.14	14.50	14.91	15.29	15.69	16.36	16.68	16.85
RC-028-07	2040	2089	2140	2192	2253	2319	2384	2449	2517	2631	2684	2710
RC-028-07a	2089	2140	2192	2246	2309	2377	2444	2510	2581	2701	2755	2782
RC-028-07m	2141	2191	2244	2297	2360	2428	2495	2562	2633	2754	2809	2837
RC-028-08	2096	2147	2199	2253	2324	2393	2469	2535	2608	2731	2786	2813
RC-028-08a	2147	2199	2253	2309	2382	2453	2531	2599	2677	2804	2860	2888
RC-028-08m	2198	2251	2304	2360	2433	2504	2583	2653	2731	2857	2914	2943
RC-028-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-028-09a	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-028-09m	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-028-09a	2213	2267	2323	2381	2454	2537	2617	2706	2783	2917	2975	3005
RC-028-09aa	2267	2323	2381	2440	2516	2601	2685	2778	2857	2998	3058	3088
RC-028-09am	2319	2375	2432	2492	2567	2655	2739	2832	2912	3057	3118	3149
RC-028-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-028-10a	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-028-10m	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-028-10a	2301	2358	2417	2478	2569	2653	2744	2834	2926	3104	3166	3197
RC-028-10aa	2358	2417	2478	2540	2635	2724	2816	2911	3008	3194	3258	3290
RC-028-10am	2410	2468	2529	2592	2689	2777	2870	2966	3066	3252	3317	3350
RC-028-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-028-11a	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-028-11m	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-028-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-028-12a	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-028-12m	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-028-12a	2456	2518	2582	2649	2747	2843	2950	3052	3152	3324	3390	3424
RC-028-12aa	2518	2582	2649	2719	2819	2921	3034	3141	3243	3424	3492	3527
RC-028-12am	2569	2634	2703	2773	2874	2976	3092	3198	3301	3484	3554	3589
RC-028-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-028-13a	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-028-13m	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-028-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-028-14a	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-028-14m	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-028-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-028-16a	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-028-16m	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-028-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-028-21a	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-028-21m	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656

(Source: Peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310. APPENDIX A Negotiated Rates of Pay**Section 310. TABLE W RC-062 (Technical Employees, AFSCME)**

Title	Salary Grade	Code
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-18	00955
Aircraft Pilot I (Eff. 07-01-01)	RC-062-19	00955
Aircraft Pilot II	RC-062-21	00956
Aircraft Pilot II (Eff. 07-01-01)	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Behavioral Analyst Associate	RC-062-15	04355
Business Administrative Specialist	RC-062-16	05810

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Buyer	RC-062-18	05900
Carnival and Amusement Safety Inspector	RC-062-16	06550
Carnival and Amusement Safety Inspector Trainee	RC-062-10	06555
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protective Associate Investigator	RC-062-15	07187
Child Protective Investigator	RC-062-17	07188
Child Protective Lead Investigator	RC-062-18	07189
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Child Welfare Specialist	RC-062-15	07211
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Computer Information Consultant Trainee	RC-062-14	08945
Computer Systems Software Specialist Trainee	RC-062-14	09005
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803
Corrections Leisure Activities Specialist I	RC-062-14	09811

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Corrections Leisure Activities Specialist I (Eff. 07-01-01)	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-16	09812
Corrections Leisure Activities Specialist II (Eff. 07-01-01)	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842
Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-15	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-14	12510
Dietitian (Eff. 07-01-01)	RC-062-15	12510
Disability Claims Adjudicator I	RC-062-15	12537
Disability Claims Adjudicator II	RC-062-17	12538
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-18	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator - Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713
Energy and Natural Resources Specialist Trainee	RC-062-12	13715

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770
Environmental Protection Associate	RC-062-12	13785
Environmental Protection Specialist I	RC-062-14	13821
Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial Institution Examiner I	RC-062-16	14971
Financial Institution Examiner II	RC-062-19	14972
Financial Institution Examiner III	RC-062-22	14973
Financial Institution Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health and Safety Officer I	RC-062-14	18001
Health and Safety Officer II	RC-062-16	18002
Health and Safety Officer Trainee	RC-062-10	18006
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-23	18187
Health Services Investigator II – Opt. D	RC-062-23	18188
Historic Site Assistant Manager I	RC-062-15	18951
Historic Site Assistant Manager II	RC-062-17	18952
Historical Documents Conservator I	RC-062-13	18981
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Services Caseworker	RC-062-16	19785

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793
Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner	RC-062-14	21671
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032
Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-14	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Natural Resources Advanced Specialist	RC-062-20	28833
Network Control Center Specialist	RC-062-21	28873
Network Control Center Technician I	RC-062-13	28875
Network Control Center Technician II	RC-062-16	28876
Network Control Center Technician Trainee	RC-062-10	28879
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841
Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200
Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283
Revenue Auditor I	RC-062-16	38371
Revenue Auditor II	RC-062-19	38372
Revenue Auditor III	RC-062-21	38373
Revenue Auditor III (Eff. 07-01-01)	RC-062-22	38373
Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Senior Special Agent	RC-062-23	38557

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
<u>Site Interpretive Coordinator</u>	<u>RC-062-13</u>	<u>41093</u>
<u>Site Services Specialist I</u>	<u>RC-062-15</u>	<u>41117</u>
<u>Site Services Specialist II</u>	<u>RC-062-17</u>	<u>41118</u>
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-15	41411
Social Worker I (Eff. 07-01-01)	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002
Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Substance Abuse Specialist I	RC-062-17	43251
Substance Abuse Specialist II	RC-062-19	43252
Substance Abuse Specialist III	RC-062-22	43253
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent I	RC-062-15	47091

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Unemployment Insurance Special Agent II	RC-062-17	47092
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Vocational Assessment Specialist	RC-062-18	48160
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

Effective July 1, 2001

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/02
RC-062-09	1961	2014	2068	2124	2196	2274	2349	2429	2505	2627	2653	
RC-062-09a	2014	2068	2124	2182	2256	2336	2413	2496	2574	2700	2727	
RC-062-09m	2065	2120	2176	2233	2307	2388	2465	2547	2626	2751	2779	
RC-062-10	2029	2084	2141	2199	2286	2361	2443	2523	2606	2740	2767	
RC-062-10a	2084	2141	2199	2259	2349	2426	2510	2593	2678	2818	2846	
RC-062-10m	2135	2192	2251	2310	2400	2477	2562	2644	2730	2872	2901	
RC-062-11	2110	2167	2226	2287	2373	2454	2545	2633	2715	2859	2888	
RC-062-11a	2167	2226	2287	2350	2438	2522	2615	2706	2791	2942	2971	
RC-062-11m	2219	2278	2338	2401	2490	2573	2667	2757	2845	2995	3025	
RC-062-12	2200	2260	2322	2386	2478	2564	2663	2751	2852	3005	3035	
RC-062-12a	2260	2322	2386	2452	2546	2635	2737	2830	2934	3093	3124	
RC-062-12m	2312	2373	2437	2503	2598	2686	2789	2883	2988	3148	3179	
RC-062-12H	13.54	13.91	14.29	14.68	15.25	15.78	16.39	16.93	17.55	18.49	18.68	
RC-062-12Ha	13.91	14.29	14.68	15.09	15.67	16.22	16.84	17.42	18.06	19.03	19.22	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-12Hm	14.23	14.60	15.00	15.40	15.99	16.53	17.16	17.74	18.39	19.37	19.56
RC-062-13	2287	2350	2415	2481	2576	2678	2779	2880	2987	3154	3186
RC-062-13a	2350	2415	2481	2549	2647	2752	2859	2963	3073	3248	3280
RC-062-13m	2401	2466	2533	2601	2699	2805	2913	3017	3129	3304	3337
RC-062-14	2388	2454	2522	2592	2694	2799	2921	3027	3143	3325	3358
RC-062-14a	2454	2522	2592	2664	2769	2880	3005	3118	3238	3426	3460
RC-062-14m	2505	2573	2643	2715	2822	2933	3059	3172	3292	3480	3515
RC-062-14H	14.70	15.10	15.52	15.95	16.58	17.22	17.98	18.63	19.34	20.46	20.66
RC-062-14Ha	15.10	15.52	15.95	16.39	17.04	17.72	18.49	19.19	19.93	21.08	21.29
RC-062-14Hm	15.42	15.83	16.26	16.71	17.37	18.05	18.82	19.52	20.26	21.42	21.63
RC-062-15	2485	2554	2625	2698	2815	2932	3048	3172	3290	3487	3522
RC-062-15a	2554	2625	2698	2773	2896	3017	3138	3268	3388	3591	3627
RC-062-15m	2605	2676	2749	2826	2950	3070	3194	3322	3443	3647	3683
RC-062-16	2600	2672	2746	2824	2951	3080	3210	3343	3477	3682	3719
RC-062-16a	2672	2746	2824	2906	3036	3173	3307	3442	3581	3793	3831
RC-062-16m	2724	2799	2878	2959	3091	3229	3362	3498	3637	3847	3885
RC-062-17	2717	2794	2875	2958	3096	3239	3375	3511	3654	3872	3911
RC-062-17a	2794	2875	2958	3044	3188	3336	3476	3617	3764	3988	4028
RC-062-17m	2847	2928	3012	3098	3244	3392	3532	3673	3819	4044	4084
RC-062-18	2856	2939	3024	3113	3265	3416	3571	3718	3867	4097	4138
RC-062-18a	2939	3024	3113	3207	3364	3519	3679	3830	3983	4220	4262
RC-062-18m	2992	3077	3169	3261	3419	3575	3734	3885	4039	4275	4318
RC-062-19	3006	3094	3186	3282	3450	3612	3780	3938	4103	4351	4395
RC-062-19a	3094	3186	3282	3380	3553	3719	3894	4057	4227	4482	4527
RC-062-19m	3149	3242	3338	3435	3609	3774	3949	4113	4282	4537	4582
RC-062-20	3174	3270	3368	3468	3643	3813	3993	4167	4338	4603	4649
RC-062-20a	3270	3368	3468	3572	3752	3928	4114	4291	4469	4742	4789
RC-062-20m	3324	3424	3524	3627	3807	3983	4169	4347	4524	4796	4844
RC-062-21	3351	3453	3556	3661	3849	4036	4225	4417	4600	4887	4936
RC-062-21a	3453	3556	3661	3771	3965	4156	4351	4548	4738	5034	5084

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-21m	3507	3612	3717	3827	4020	4211	4407	4604	4793	5089	5140
RC-062-22	3542	3649	3759	3871	4072	4272	4473	4680	4876	5178	5230
RC-062-22a	3649	3759	3871	3987	4195	4400	4607	4820	5023	5334	5387
RC-062-22m	3704	3813	3927	4043	4249	4456	4661	4875	5079	5389	5443
RC-062-23	3759	3871	3987	4106	4324	4545	4760	4980	5197	5523	5578
RC-062-23a	3871	3987	4106	4230	4454	4682	4903	5129	5352	5688	5745
RC-062-23m	3927	4043	4162	4285	4509	4736	4958	5185	5408	5744	5801
RC-062-24	3999	4119	4242	4370	4602	4842	5075	5310	5550	5897	5956
RC-062-24a	4119	4242	4370	4502	4741	4987	5228	5469	5716	6075	6136
RC-062-24m	4174	4298	4425	4558	4795	5042	5283	5525	5772	6130	6191
RC-062-25	4262	4390	4521	4657	4913	5171	5429	5688	5946	6328	6391
RC-062-25a	4390	4521	4657	4796	5060	5325	5592	5859	6124	6518	6583
RC-062-25m	4446	4576	4713	4852	5116	5380	5647	5914	6179	6573	6639

Effective July 1, 2002

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/03 8
RC-062-09	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2754	2782
RC-062-09a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2829	2857
RC-062-09m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2883	2911
RC-062-10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2871	2900
RC-062-10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2953	2982
RC-062-10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3010	3040
RC-062-11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	2996	3025
RC-062-11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3083	3113
RC-062-11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3138	3169
RC-062-12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3149	3180
RC-062-12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3241	3273
RC-062-12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3299	3331

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-12H	14.15	14.52	14.90	15.30	15.86	16.39	17.00	17.56	18.21	19.19	19.38	19.57
RC-062-12Ha	14.52	14.90	15.30	15.70	16.28	16.83	17.48	18.07	18.73	19.75	19.94	20.14
RC-062-12Hm	14.84	15.22	15.61	16.02	16.60	17.15	17.81	18.41	19.08	20.10	20.30	20.50
RC-062-13	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3305	3337
RC-062-13a	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3404	3437
RC-062-13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3462	3497
RC-062-14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3485	3519
RC-062-14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3590	3625
RC-062-14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3647	3683
RC-062-14H	15.31	15.72	16.14	16.57	17.20	17.87	18.65	19.33	20.07	21.23	21.45	21.66
RC-062-14Ha	15.72	16.14	16.57	17.01	17.68	18.39	19.19	19.91	20.67	21.87	22.09	22.31
RC-062-14Hm	16.03	16.45	16.88	17.34	18.02	18.73	19.53	20.25	21.02	22.22	22.44	22.66
RC-062-15	2585	2654	2725	2799	2921	3042	3162	3291	3413	3618	3654	3690
RC-062-15a	2654	2725	2799	2877	3005	3130	3256	3391	3515	3726	3763	3801
RC-062-15m	2705	2776	2852	2932	3061	3185	3314	3447	3572	3784	3822	3860
RC-062-16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3858	3896
RC-062-16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	3974	4014
RC-062-16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4031	4071
RC-062-17	2819	2899	2983	3069	3212	3360	3502	3643	3791	4017	4057	4097
RC-062-17a	2899	2983	3069	3158	3308	3461	3606	3753	3905	4138	4179	4221
RC-062-17m	2954	3038	3125	3214	3366	3519	3664	3811	3962	4196	4238	4280
RC-062-18	2963	3049	3137	3230	3387	3544	3705	3857	4012	4251	4294	4336
RC-062-18a	3049	3137	3230	3327	3490	3651	3817	3974	4132	4378	4422	4466
RC-062-18m	3104	3192	3288	3383	3547	3709	3874	4031	4190	4435	4479	4524
RC-062-19	3119	3210	3305	3405	3579	3747	3922	4086	4257	4514	4559	4604
RC-062-19a	3210	3305	3405	3507	3686	3858	4040	4209	4386	4650	4697	4743
RC-062-19m	3267	3364	3463	3564	3744	3916	4097	4267	4443	4707	4754	4801
RC-062-20	3293	3393	3494	3598	3780	3956	4143	4323	4501	4776	4824	4872
RC-062-20a	3393	3494	3598	3706	3893	4075	4268	4452	4637	4920	4969	5018
RC-062-20m	3449	3552	3656	3763	3950	4132	4325	4510	4694	4976	5026	5076

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5121	5171
RC-062-21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5275	5327
RC-062-21m	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5333	5386
RC-062-22	3675	3786	3900	4016	4225	4432	4641	4856	5059	5372	5426	5479
RC-062-22a	3786	3900	4016	4137	4352	4565	4780	5001	5211	5534	5589	5645
RC-062-22m	3843	3956	4074	4195	4408	4623	4836	5058	5269	5591	5647	5703
RC-062-23	3900	4016	4137	4260	4486	4715	4939	5167	5392	5730	5787	5845
RC-062-23a	4016	4137	4260	4389	4621	4858	5087	5321	5553	5901	5960	6019
RC-062-23m	4074	4195	4318	4446	4678	4914	5144	5379	5611	5959	6019	6078
RC-062-24	4149	4273	4401	4534	4775	5024	5265	5509	5758	6118	6179	6240
RC-062-24a	4273	4401	4534	4671	4919	5174	5424	5674	5930	6303	6366	6429
RC-062-24m	4331	4459	4591	4729	4975	5231	5481	5732	5988	6360	6424	6487
RC-062-25	4422	4555	4691	4832	5097	5365	5633	5901	6169	6565	6631	6696
RC-062-25a	4555	4691	4832	4976	5250	5525	5802	6079	6354	6762	6830	6897
RC-062-25m	4613	4748	4890	5034	5308	5582	5859	6136	6411	6819	6887	6955

Effective July 1, 2003

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09a	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09m	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10a	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-062-10m	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11a	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11m	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-062-12a	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-12m	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12Ha	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12Hm	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13a	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13m	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14a	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14m	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14Ha	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14Hm	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15a	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15m	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-062-16a	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-062-16m	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17a	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17m	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18a	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690
RC-062-18m	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19a	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19m	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-062-20a	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

RC-062-20m	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21a	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21m	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22a	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22m	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23a	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23m	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24a	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24m	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25a	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25m	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

(Source: Peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002)

DEAF AND HARD OF HEARING COMMISSION

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) The Heading of the Part: Rulemaking, Public Information and Organization
- 2) Code Citation: 2 Ill. Adm. 3300
- 3) The Notice of Proposed Rules being corrected appeared at 26 Ill. Reg. 16390, dated November 8, 2002.
- 4) The information being corrected is as follows: Item #11 on the Notice Page should have included the information below.

"Time, place and manner in which interested persons may comment on this proposed rulemaking:

Gerald L. Covell, Director
Deaf and Hard of Hearing Commission
1630 South Sixth Street
Springfield, Illinois 62703

(217) 557-4495 (Voice/TTY)"

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

No second notices were received by the Joint Committee on Administrative Rules during the period of November 12, 2002 through November 18, 2002. Second notices received earlier are scheduled for review by the Committee at its December 17, 2002 meeting in Chicago. 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.

PROCLAMATIONS**2002-581****November 14, 2002, as Diabetes Awareness Day**

WHEREAS, diabetes has reached epidemic proportions in the United States. In Illinois alone, more than 513,735 adults (age 18 and older) have diabetes, and another 3 million people are at increased risk for developing diabetes due to age, obesity and sedentary lifestyle; and

WHEREAS, more than 397,000 people in Illinois have been unable to achieve adequate blood sugar control and therefore remain at increased risk for the serious consequences associated with uncontrolled diabetes such as blindness, amputation, kidney failure, heart disease and stroke; and

WHEREAS, a commitment to helping the diabetes community at large requires a strong effort to raise awareness about A1c, a standard for measuring blood sugar control over a three-month period, and to educate people about the need for and the benefits of reaching an A1c of less than seven percent; and

WHEREAS, an A1c level of less than seven percent is a standard set by the American Diabetes Association and is important to reduce the risk of serious complications. However, more than half of Americans with diabetes undergoing treatment have unacceptably high blood sugar levels; and

WHEREAS, in Illinois, diabetes-both type 2 and type 1C account for nearly \$7.3 billion in total healthcare costs every year. It is estimated that the direct medical care costs per person per year with diabetes is 4.3 times higher than the person without diabetes; and

WHEREAS, getting patients to an A1c of less than seven percent could produce significant savings to the Illinois' healthcare budget. Studies estimate that a one percent reduction in A1c can reduce total healthcare costs for a patient with type 2 diabetes by up to \$950 per year; and

WHEREAS, there is a great need for the community at large to commit to ensuring that diabetes is properly monitored and treated in the United States, and especially in the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14, 2002, as DIABETES AWARENESS DAY in Illinois.

Issued by the Governor November 07, 2002

Filed by the Secretary of State November 18, 2002

2002-582**Commendation to the Men and Women of Commonwealth Edison for their Sacrifice and Courage as we recognize their efforts on Veteran's Day, November 11, 2002**

WHEREAS, the history of our nation reflects the memories of the men and women who have endeavored to preserve our freedom, an indescribable task in terms of sacrifice and commitment; and

WHEREAS, these heroes selflessly relinquished a part of their lives in defense of the United States, and it is our responsibility as a nation to ensure that their struggles will never be forgotten, overlooked or underestimated; and

PROCLAMATIONS

WHEREAS, these veterans gave dedicated and patriotic service to our country, and the gratitude owed to those men and women could never be fully expressed through words; and

WHEREAS, the men and women of Commonwealth Edison who are veterans of the United States Armed Forces have represented the State of Illinois in heroic fashion; and

WHEREAS, Veterans' Day is dedicated to recognizing the efforts of the men and women of Commonwealth Edison, along with all other United States veterans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to the men and women of Commonwealth Edison for their sacrifice and courage as we recognize their efforts on Veterans' Day, November 11, 2002.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-583**October 2002 as Ultrasound Awareness Month**

WHEREAS, much of the public is familiar with the use of ultrasonography during pregnancy, however, many people are unaware of ultrasound's safety in relation to other imaging modalities; and

WHEREAS, the safety of ultrasound has allowed this noninvasive imaging modality to become increasingly popular as a screening tool in medicine diagnoses; and

WHEREAS, educating the public about the credentialing of those who perform diagnostic ultrasound examinations will help them to make more informed health care decisions; and

WHEREAS, familiarizing the public about the significance of ultrasound practice accreditation will help ensure that nationally accepted standards in patient care are met; and

WHEREAS, technological advancements in diagnostic ultrasound have had a tremendous impact on the quality of health care over the past 50 years; and

WHEREAS, ultrasound professionals will have the opportunity to educate their patients about diagnostic ultrasound through specially planned activities and educational materials;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as **ULTRASOUND AWARENESS MONTH** in Illinois.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-584**November 21-30, 2002, as Family Week**

WHEREAS, the State of Illinois is blessed with a multitude of families -- an essential part of the cultural, social, and spiritual fabric that is Illinois; and

WHEREAS, Illinois recognizes strong families are at the center of strong communities; and

WHEREAS, everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofit agencies, policymakers and, of course, families themselves; and

PROCLAMATIONS

WHEREAS, during Thanksgiving week we all should take time to honor the importance of families, and recognize the special connections that support and strengthen families year-round; and

WHEREAS, we all should recommit to enhancing and extending all of the connections that strengthen and enrich families; and

WHEREAS, with the assistance and resources of agencies and organizations such as the Alliance for Children and Families and its local member agencies, we can help families of all shapes and sizes create a better future for all of Illinois and America;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 24-30, 2002, as FAMILY WEEK in Illinois.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-585**October 4-7, 2002, as Annunciation Greek Orthodox Church Days**

WHEREAS, the Annunciation Greek Orthodox Church will celebrate its 75th anniversary the weekend of October 4-7, 2002; and

WHEREAS, the Greek community began planning the establishment of a brotherhood, with the intent to build a church. The State of Illinois granted a charter on April 14, 1919, to the organization of the Hellenic Society of Decatur, which became the first step in the building of the church; and

WHEREAS, in 1800s and early 1900s, Greek immigrants migrated to Decatur to work on the Wabash Railroad; and

WHEREAS, over the years, the Greek business community has thrived in the Decatur area. Many early businesses showed their love for their new country by using the words "American" or "Lincoln" in their names; and

WHEREAS, Christine Kareotes, Dino Balamos, Penny Frank, and Bess Greanias, Co-Chairmen of the celebration, have worked tirelessly for over a year to insure success of the Diamond Anniversary of the Annunciation Greek Orthodox Church;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4-7, 2002, as ANNUNCIATION GREEK ORTHODOX CHURCH DAYS in Illinois

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-586**November 2002 as Chronic Obstructive Pulmonary Disease Awareness Month**

WHEREAS, the State of Illinois has long been concerned with the health of its citizens; and

WHEREAS, chronic lung diseases, known collectively as chronic obstructive pulmonary diseases (COPD), are the fourth leading cause of death in the United States; and

PROCLAMATIONS

WHEREAS, chronic obstructive pulmonary diseases cost the United States an estimated \$31.9 billion each year; and

WHEREAS, 16 million people in the United States have been diagnosed with some form of COPD with a similar number undiagnosed; and

WHEREAS, awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease in this country; and

WHEREAS, the citizens of Illinois deserve the opportunity to grow, thrive, be healthy and be informed and aware of their respiratory health and of the factors that affect that health;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-587**December 7, 2002, as Dr. Robert Gaylen Good Day**

WHEREAS, Robert Gaylen Good graduated from the University of Northern Iowa with a Bachelor of Arts degree in Biology in 1974, and from the University of Osteopathic Medicine and Health Sciences in 1977; and

WHEREAS, Dr. Robert Gaylen Good, DO, continued his medical education with a rotating internship at Sun Coast Hospital in Largo, Florida, from 1993-1995; and

WHEREAS, Dr. Good has served as Chairman of Adult Medicine, Mattoon/Charleston Branch of the Carle Clinic Association in Urbana from 1996 until the present; and

WHEREAS, Dr. Good has held staff appointments at numerous hospitals and health centers, and has been licensed to practice medicine in the States of Illinois, Florida and Iowa; and

WHEREAS, Dr. Good has received numerous honors and awards throughout his career, including: 2001 Physician of the Year, Illinois Osteopathic Medical Society; 2000 Distinguished Service Award, Illinois Osteopathic Medical Society; 1993 Trailblazer Award for Service and Dedication, Camp Courageous of Iowa; 1988-89 Physician of the Year, Iowa Osteopathic Medical Association; Who's Who in the Midwest, 1988-1993; Who's Who in America, 1990-1998; Who's Who in Medicine and Healthcare, 1997-98; and Outstanding Young Man of America, 1984; and

WHEREAS, the Illinois Osteopathic Medical Society will be hosting their Presidential Banquet to honor outgoing President Robert Good, DO, on December 7, 2002, at the Oak Brook Hills Resort in Oak Brook, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 2002, as DR. ROBERT GAYLEN GOOD DAY in Illinois.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-588

PROCLAMATIONS**October 31, 2002, as "Trick-Or-Treat for UNICEF" Day**

WHEREAS, "Trick-or-Treat for UNICEF" began in Philadelphia in 1950 when a youth group collected \$17 in decorated milk cartons on Halloween to help children overseas; and

WHEREAS, since that time, the children of the United States have collected more than \$115 million by going door-to-door with the U.S. Fund for UNICEF's trademark orange collection boxes on October 31; and

WHEREAS, today, "Trick-or-Treat for UNICEF" provides the opportunity for school children and young adults to learn about their peers in the developing world, while also raising funds to help improve their lives; and

WHEREAS, fund-raising efforts like "Trick-or-Treat for UNICEF" have helped 80 percent of the world's children become immunized against the top six deadliest diseases, saving three million lives each year, making way for the two-thirds of the world's children that now have completed primary school; and

WHEREAS, in 2001, \$4 million was collected in the nearly five million "Trick-or-Treat for UNICEF" collection boxes that were distributed across the United States in every state; and

WHEREAS, the "Trick-or-Treat for UNICEF" program provides children in the United States the chance to perform a selfless deed and gain a valuable educational experience, giving them a better sense of the world in which they live and the lives of other children around the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 31, 2002, as "TRICK-OR-TREAT FOR UNICEF" DAY in Illinois.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

2002-589**November 13, 2002, as Postpartum Depression Awareness Day**

WHEREAS, postpartum depression is a debilitating disease that occurs in one in every eight women after delivery; and

WHEREAS, four out of five women will experience significant change in their mental health within one year after delivery, and of those, 10-20 percent will experience a severe postpartum depression episode; and

WHEREAS, of those women, one or two out of every thousand will experience postpartum psychosis, a rare but life-threatening illness that needs to be treated as a medical emergency; and

WHEREAS, according to Postpartum Support International, over 400,000 women nationally will struggle with postpartum depression. With over 180,000 births in the State of Illinois annually, every year over 22,000 women will suffer from postpartum depression in Illinois alone; and

WHEREAS, Joan and Charlie Mudd, in conjunction with Evanston Northwestern Healthcare, have formed the Jennifer Mudd Houghtaling Program for Postpartum Depression in memory of their daughter, whose battle with postpartum depression took her life; and

PROCLAMATIONS

WHEREAS, the Jennifer Mudd Houghtaling Program for Postpartum Depression aims to increase awareness of postpartum depression, educate families and healthcare providers, develop methods to enhance early detection and improve treatment options for those suffering from the disease; and

WHEREAS, increased awareness, along with advancements in diagnosis and treatment, will significantly aid the fight against postpartum depression;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 13, 2002, as POSTPARTUM DEPRESSION AWARENESS DAY in Illinois.

Issued by the Governor November 08, 2002

Filed by the Secretary of State November 18, 2002

PROCLAMATIONS

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 26, Issue 48 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.

PROPOSED RULES

83 - 740 Repealer.....	16995
80 - 302	17007
50 - 925	17016
32 - 340	17032
35 - 101	17034
35 - 102	17070
35 - 103	17087
35 - 104	17097
35 - 105	17109
35 - 106	17117
35 - 125	17129
35 - 130	17134
89 - 148	17143

ADOPTED RULES

8 - 258	17155
89 - 112	17182
89 - 114	17198
2 - 926	17212
56 - 2520	17217
68 - 1300	17225
86 - 100	17250

EMERGENCY RULES

32 - 340	17273
----------------	-------

PEREMPTORY RULES

80 - 310	17280
----------------	-------

NOTICE OF CORRECTIONS TO NOTICE ONLY

2 - 3300	17313
----------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

02 - 581	17315
02 - 582	17315
02 - 583	17316
02 - 584	17316
02 - 585	17317
02 - 586	17317
02 - 587	17318
02 - 588	17318
02 - 589	17319

Order Form

<input type="checkbox"/> Subscription to the Illinois Register (52 issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Subscription to the Administrative Code on CD-ROM (2 updates) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Microfiche sets of Illinois Register 1977 through 2000 Specify Year(s) _____	\$200.00 (per set)
<input type="checkbox"/> Back issue of the Illinois Register (Current Year Only) Volume # _____ Issue # _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990-2000 Specify Year(s) _____	\$ 5.00 (each)
<input type="checkbox"/> Cumulative Indices to Illinois Register 1981-2000 Specify Year(s) _____	\$ 1.00 (each)
<input type="checkbox"/> Sections Affected Indices to Illinois Register 1984-2000 Specify Year(s) _____	\$ 1.00 (each)

Prepayment is Required

(processing fee for credit card purchases, if applicable.) \$ 1.50

TOTAL AMOUNT OF ORDER \$ _____

Check Make Checks payable to: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$1.50 processing fee for credit card purchases.)
Card #: _____
Expiration Date: _____
Signature: _____

Send Payment to: Index Department
 111 E. Monroe
 Springfield, IL 62756

Fax order to: (217) 524-0308

Name: _____		
Address: _____		
City: _____	State: _____	ZIP Code: _____
Phone: _____	FAX: _____	E-mail: _____

Filename: 2048Keg.aoc
Directory: E:\IL SOS Web\Index Codification\Originals
Template: \\LISP2DB03\JCAR\Templates\Register.dot
Title:
Subject:
Author: LambTR
Keywords:
Comments:
Creation Date: 11/22/2002 7:57 AM
Change Number: 3
Last Saved On: 11/22/2002 9:33 AM
Last Saved By: Terry Long
Total Editing Time: 94 Minutes
Last Printed On: 11/22/2002 10:31 AM
As of Last Complete Printing
Number of Pages: 333
Number of Words: 90,331 (approx.)
Number of Characters: 514,889 (approx.)